

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

7302 24

VS.

ORDER NO. _____

STRONG RIVER CONSTRUCTION, LLC
PO BOX 152
PUCKETT, MISSISSIPPI 39151

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and Strong River Construction, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated March 27, 2023, Respondent was contacted by Complainant and notified of the following violation discovered during a Compliance Evaluation Inspection (CEI) on January 27, 2023, at Respondent's construction site located on Airport Road, Magee, Mississippi in Simpson County:

- A. Respondent failed to obtain coverage under Mississippi's Large Construction General Permit for Land Disturbing Activities of Five (5) or More Acres prior to commencement of construction activities in violation of Miss. Code Ann. § 49-17-29 (2)(b), which states: "It is unlawful for any person to carry on any of the following activities, unless that person holds a current permit for that activity from the Permit Board as may be required for the disposal of all wastes which are or may be discharged into the waters of the state, or unless that person is exempted from holding a permit by a regulation promulgated by the commission: (i) the

construction, installation, modification or operation of any disposal system or part thereof or any extension or addition thereto, including, but not limited to, systems serving agricultural operations; (ii) the increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit; (iii) the construction, installation or operation of any industrial, commercial or other establishment, including irrigation projects or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of wastes into the waters of the state or would otherwise alter the physical, chemical or biological properties of any waters of the state in any manner not already lawfully authorized; (iv) the construction or use of any new outlet for the discharge of any wastes into the waters of the state...”

On September 20, 2023, Respondent submitted a Large Construction Notice of Intent (LCNOI) and Storm Water Pollution Prevention Plan (SWPPP) to MDEQ.

2.

In lieu of a formal enforcement hearing concerning the violation listed above, Complainant and Respondent agree to settle this matter as follows:

- A. Respondent agrees to pay, and Complainant agrees to accept a civil penalty in the amount of \$6,000.00. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Accounts Receivable
P.O. Box 2339
Jackson, MS 39225

3.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

4.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

5.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 10th day of January, 2024.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]
CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 8th day of January, 2024.

STRONG RIVER CONSTRUCTION, LLC

BY: [Signature]
MARK SMITH
OWNER

STATE OF MS

COUNTY OF Hankin

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named MARK SMITH, who first being duly sworn, did state upon his oath and acknowledge to me that he is the OWNER of STRONG RIVER CONSTRUCTION, LLC, and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 8th day of January, 2024.

[Signature]
NOTARY PUBLIC

My Commission expires: 8/9/26

