



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

November 4, 2015

CERTIFIED MAIL 7010 1870 0003 4948 2097

Mr. W. Darrell Smith
Magnolia Electric Power Association
PO Box 747
McComb, MS 39684

**Re: Magnolia Electric Power Association
Agreed Order No. 6587 15**

Dear Mr. Smith:

Enclosed you will find a copy of Agreed Order No. 6587 15, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Sara Fast at (601) 961-5283.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Sanders".

Chris Sanders, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Sara Fast

Agency Interest No. 66741
ENF20150002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6587 15

MAGNOLIA ELECTRIC POWER ASSOCIATION
PO BOX 747
MCCOMB, MISSISSIPPI 39649

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 Magnolia Electric Power Association, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 31, 2015, Respondent was contacted by Complainant and notified of the following violations of Mississippi's Large Construction Storm Water General Permit Certificate of Coverage Number MSR106765 discovered during a Compliance Evaluation Inspection (CEI) at its construction project located at 3027 Highway 98 West, Summit, Mississippi in Pike County:

A. Violation of Act 6 Section S-1, Condition (1):

"The coverage recipient shall: (1) Implement the site-specific SWPPP and retain a copy of the SWPPP at the permitted site. In cases where there is no office or shelter to maintain documents onsite, the SWPPP can be kept locally available (i.e., able to be produced within an hour of being requested by a state or local inspector). Failure to implement the SWPPP is a violation of permit requirements. A copy of the SWPPP

must be made available to state or local inspectors for review at the time of an on-site inspection."

B. Violation of Act 6 Section S-2, Condition (9):

"Erosion and sediment controls shall be maintained at all times. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach one-third to one-half the height of the control. For sediment basins, accumulated sediment shall be removed when the capacity had been reduced by 50%. All removed sediment deposits shall be properly disposed. Non-functioning controls shall be repaired, replaced, or supplemented with functional controls within twenty-four (24) hours of discovery or as soon as field conditions allow."

At an Administrative Conference held on September 9, 2015, Respondent provided information to demonstrate compliance with Mississippi's Large Construction Storm Water General Permit Certificate of Coverage Number MSR106765. Photographic evidence of the implementation and repair of the Best Management Practices (BMPs) in the project's SWPPP was delivered. In addition to the immediate corrective actions taken, modifications to the existing northern detention basin and the removal of a point source storm water discharge were proposed.

2.

In lieu of a formal enforcement hearing concerning the violations 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 \$5,000. 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: Jennifer Parish
P.O. Box 2339
Jackson, MS 39225

3.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth in Paragraph 2 above, Respondent does not admit any of the allegations listed in Paragraph 1 of this Agreed Order and nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as the full resolution of the alleged violations above. The parties further agree that the Commission continues to assert that the matters set forth in Paragraph 1 of this Agreed Order were violations of the environmental laws, regulations, and/or permits applicable to the Respondent.

4.

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.

5.

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.

6.

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 3rd day of November, 2015.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
GARY C. RIKARD

EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 26 day of October, 2015.

MAGNOLIA ELECTRIC POWER ASSOCIATION

BY: W. Darrell Smith

TITLE: General Manager/CEO

STATE OF Mississippi

COUNTY OF Amite

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named W. Darrell Smith who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the General Manager/CEO of Magnolia Electric Power Association and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 26th day of October, 2015.

Ronald T. Temple, Sr.
NOTARY PUBLIC

My Commission expires: Jan 8, 2017

