



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

March 18, 2016

CERTIFIED MAIL 7010 1870 0003 4948 4503

Joe McGee
Joe McGee Construction Company, Inc.
P. O. Box 340
Lake, Mississippi 39092

**Re: Pearl, City of, MS Highway 477, West Rankin Parkway
Agreed Order No. 6632 16**

Dear Mr. McGee

Enclosed you will find a copy of Agreed Order No. 6632 16, 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 Danny Beasley at (601) 961-5356.

Sincerely,

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

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

Enclosure
cc: Danny Beasley

Agency Interest No. 23387
ENF20160001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **6632 16**

JOE MCGEE CONSTRUCTION CO., INC.
6609 STEVE LEE DRIVE
LAKE, MS 39092

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 Joe McGee Construction Co., Inc. Respondent, in the above captioned cause and agree as follows:

1.

Respondent is the Prime Contractor for the City of Pearl, MS Highway 477 West Rankin Parkway construction project (STP-7334-00(007)).

2.

By letter dated September 17, 2015, Respondent was contacted by Complainant and notified of the following alleged violations of Mississippi Large Construction Storm Water General Permit Certificate of Coverage MSR106284 at the City of Pearl, MS Highway 477 West Rankin Parkway construction project located in, Pearl, Mississippi in Rankin County:

- A. Violation of ACT6 S-1 (1): Failure to implement the Storm Water Pollution Prevention Plan (SWPPP).

"The coverage recipient shall: (1) Implement the site-specific SWPPP..."

- B. Violation of ACT6 S-2 (9): Failure to maintain erosion and sediment controls.

"(9) Erosion and sediment controls shall be maintained at all times."

- C. Violation of ACT6 S-4 (1): Failure to conduct weekly inspections.

“INSPECTION REQUIREMENT: Inspection of all receiving streams (if feasible), outfalls, erosion and sediment controls and other SWPPP requirements shall be performed during permit coverage using a copy of the form provided in the Large Construction Forms Package, and inspections shall be performed by qualified personnel:

(1) At least weekly for a minimum of four inspections per month... ”

On February 19, 2016, MDEQ staff performed a follow up site visit to the City of Pearl, MS Highway 477 West Rankin Parkway construction project. This site visit determined that the project was in compliance on the day of the visit with the terms and conditions of Mississippi Large Construction Storm Water General Permit Certificate of Coverage MSR106284.

3.

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 \$15,150. 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

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.


The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth herein, Respondent does not admit any of the allegations listed above 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 violations alleged above. The parties further agree that the Commission continues to assert that the matters set forth above were violations of the environmental laws, regulations and/or permits applicable to Respondent.

7.

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 16th day of MARCH, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 9th day of March, 2016.

JOE MCGEE CONSTRUCTION CO., INC.

BY: [Signature]

TITLE: Vice President

STATE OF Mississippi

COUNTY OF Rankin

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Jason McGee who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Vice President of Joe McGee Construction Co., Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 9th day of March, 2016.

[Signature: Sherri Etheredge]
NOTARY PUBLIC

My Commission expires: May 15, 2019

