



STATE OF MISSISSIPPI  
TATE REEVES  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHRIS WELLS, EXECUTIVE DIRECTOR

October 22, 2024

CERTIFIED MAIL # 7019 1120 0000 4785 6513

Mr. John Porter  
Porter Construction MS LLC  
9695 Poplar Avenue  
Germantown, Tennessee 38139

**Re: Porter Construction MS LLC, Farley Road Subdivision Phase Two  
Agreed Order No. 7370 24**

Dear Mr. Porter:

Enclosed you will find a copy of Agreed Order No. 7370 24, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, 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 Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Geoffrey Martin at (601) 961-5024.

Sincerely,

A handwritten signature in blue ink that reads "Michelle Clark".

Michelle Clark, P.E., BCEE, Chief  
Environmental Compliance and Enforcement Division

Enclosure  
cc: Geoffrey Martin

Agency Interest No. 79966  
ENF20240002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7370 24

PORTER CONSTRUCTION MS LLC  
9695 POPLAR AVENUE  
GERMANTOWN, TENNESSEE 38139

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 Porter Construction MS LLC, Respondent, in the above captioned cause and agree as follows:

I.

Respondent operates a construction project, Farley Road Subdivision Phase Two, located on Farley Road in Marshall County. Respondent was granted Coverage No. MSR108505 for coverage under Mississippi's Large Construction General Permit for Land Disturbing Activity of Five (5) or More Acres (the Permit) at the construction project.

By letter dated April 26, 2024, Respondent was contacted by Complainant and notified of the following violations of the Permit at the Farley Road Subdivision Phase Two construction project:

- A. Respondent failed to maintain erosion and sediment controls in violation of ACT 6 Condition S-3 (11) of the Permit which states, "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 has been reduced by 50%. All removed sediment deposits shall be properly disposed of in accordance with the approved SWPPP. 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.”

- B. Respondent failed to meet non-numeric limitations in violation of ACT 7 Condition L-1 which states, “Storm water discharge shall be free from: (1) Debris, oil, scum, and other floating materials other than in trace amounts, (2) Eroded soils and other materials that will settle to form objectionable deposits in receiving waters, (3) Suspended solids, turbidity and color at levels inconsistent with the receiving waters, (4) Chemicals in concentrations that would cause violation of State Water Quality Criteria in the receiving waters.”
- C. Respondent failed to implement Best Management Practices in violation of ACT 6 Condition S-1 (5) which states, “The coverage recipient shall: (5) Ensure that appropriate Best Management Practices (BMPs) are in place upon commencement of construction activities.”
- D. Respondent failed to meet weekly inspection requirements in violation of ACT 6 Condition S-5 which states, “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 (or equivalent form), and inspections shall be performed by qualified personnel (see Definitions): (1) At least weekly for a minimum of four inspections per month.”
- E. Respondent failed to document training in violation of ACT 5 Condition T-21 which states, “Staff Training conducted to meet the requirements of this ACT shall be documented. Training records shall include employee’s name, date of training, brief content/nature of training, and the employee’s signature acknowledging training was received.”

By letter dated May 1, 2024, Respondent asserted that the violations listed above were being corrected. Additionally, Respondent submitted color photographs of the construction project on July

14, 2024. The photographs confirmed that the violations had been corrected.

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 \$18,750.00. 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 22nd day of October, 2024.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY:   
CHRIS WELLS  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 17<sup>th</sup> day of October, 2024.

PORTER CONSTRUCTION MS LLC

BY:   
JOHN PORTER  
OWNER

STATE OF Tennessee

COUNTY OF Shelby

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

SWORN AND SUBSCRIBED BEFORE ME, this the 17<sup>th</sup> day of October, 2024.

  
NOTARY PUBLIC

My Commission expires: 6-3-2026

