



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

November 19, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. David Harris
Harris Constructors, Inc.
PO Box 1022
Ridgeland, MS 39158

**Re: Woodson Bend
Agreed Order No. 6365 13**

Dear Mr. Harris:

Enclosed you will find a copy of Agreed Order No. 6365 13, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, 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. 34872
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6365 13

HARRIS CONSTRUCTORS, INC.
PO BOX 1022
RIDGELAND, MISSISSIPPI 39158

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 Harris Constructors, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated May 21, 2013, Respondent was contacted by Complainant and notified of the following violations of Mississippi's Large Construction Storm Water General Permit Certificate of Coverage Number MSR104379 discovered during a Compliance Evaluation Inspection (CEI) performed at Respondent's Woodson Bend Residential Construction Site located off of Henderson Road, Pearl, Mississippi in Rankin County:

- A. Violation of ACT 6 Section S-1, Condition (1): "*The coverage Recipient shall: (1) Implement the site-specific SWPPP.*"
- B. Violation of ACT 6 Section S-2, Condition (9): "*Erosion and sediment controls shall be maintained at all times.*"
- C. Violation of ACT 6 Section S-4: "*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 (see Definitions)."

- D. Violation of ACT 12 Section T-13: *"Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against an coverage recipient for a bypass, unless: a) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if the coverage recipient should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and c) The owner or operator submitted notices per T-17 of this ACT. [WPC-1]"*
- E. Violation of ACT 12 Section T-17, Condition (1): *"Anticipated Noncompliance. The coverage recipient shall give at least ten (10) days advance notice, if possible, before any planned noncompliance with permit requirements. Giving notice of planned or anticipated noncompliance does not immunize the coverage recipient from enforcement action for that noncompliance. [WPC-1]."*

Site inspections subsequent to the CEI of April 19, 2013 determined that the erosion and sediment control measures in the development's SWPPP had been fully implemented, that the control measures were being maintained, and that routine inspections of the SWPPP requirements were being performed.

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 her designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Jennifer Parish
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 18 day of November, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 5 day of Nov., 2013.

HARRIS CONSTRUCTORS, INC.

BY: David R. Harris

TITLE: President

STATE OF Mississippi

COUNTY OF Madison

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

SWORN AND SUBSCRIBED BEFORE ME, this the 5th day of November, 2013.

Jamie L. Morrow
NOTARY PUBLIC

My Commission expires: March 6, 2017

