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Citizen Suit Stormwater Enforcement/Clean Water Act: Sound Rivers, Inc. and North Carolina Project Developer Enter into Consent Decree Addressing Alleged Violations

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Sound Rivers, Inc. ("SRI") and Clayton Properties Group, Inc. d/b/a Mungo Homes ("Clayton") entered into a September 18th Consent Decree ("CD") in the United States District Court for the Middle District of North Carolina addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System General Stormwater Permit ("Permit"). See Civil Action No. 1:23-cv-776-TDS-LPA.

The CD provides that Clayton has been engaged in the development of a phased 216- acre, 616-lot residential subdivision known as Sweetbrier ("Sweetbrier") in Durham, North Carolina.

The Southern Environmental Law Center on behalf of SRI had provided a 60-day Notice of Intent to File Suit pursuant to the Clean Water Act to Clayton, the United States Environmental Protection Agency, and North Carolina Department of Environmental Quality in 2023.

The Notice alleged that Clayton violated the Permit and the Clean Water Act by discharging sediment and sediment-laden stormwater from Sweetbrier causing or contributing to violations of water quality standards, including turbidity and biological integrity, in Martin Branch and Lick Creek.

The Notice further alleged that Clayton's violations included failure to:

1. Failure to properly achieve ground stabilization within the requisite timeframes.
2. Install and maintain all erosion and sedimentation control measures.
3. Prevent offsite sedimentation damage.
4. Comply with permitting self-reporting requirements.

A Complaint was subsequently filed in federal court alleging the violations as set forth in the previously referenced Notice.

Clayton denies in the CD all of SRI's allegations and alleged violations and admits no liability, fault, or wrongdoing arising out of the allegations in the litigation.

The CD provides that Clayton will remit \$270,000.00 to the Triangle Land Conservancy to purchase and protect a 62-acre tract of property in the Lick Creek Watershed which is stated to constitute a significant tributary to Lick Creek. The company will also remit \$50,000.00 in attorney fees. Injunctive relief includes:

- Accelerated Stabilization Measures.
- Additional Erosion and Sedimentation Control Measures.
- Independent Engineer Compliance Evaluation.
- Interim Progress Reports.
- Mitigation

A civil penalty of \$30,000.00 will be remitted to the United States Treasury.

A copy of the CD can be downloaded [here](#).