

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

6764 17

VS.

ORDER NO. _____

CITY OF GULFPORT
4050 HEWES AVENUE
GULFPORT, MISSISSIPPI 39507

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 the City of Gulfport, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated December 5, 2016, Respondent was contacted by Complainant and notified of the following violations of the Mississippi Small Municipal Separate Storm Sewer System (MS4) Storm Water General NPDES Permit Certificate of Coverage MSRMS4002. The violations were discovered during a Compliance Evaluation Inspection (CEI) of the City of Gulfport, in Harrison County:

A. Violation of ACT5 (S-1): Failure to implement the Storm Water Management Program (SWMP):

"The regulated entity must develop, implement and enforce a Storm Water Management Program (SWMP)....."

The CEI determined that Respondent failed to implement the following components of the SWMP:

(1) Public Education and Outreach on Storm Water Impacts (SWMP Section 2.2)

- (2) Illicit Discharge Detection and Elimination (SWMP Section 4.4)
- (3) Construction Site Storm Water Runoff Control (SWMP Section 5.2)
- (4) Post-Construction Storm Water Management in New Development and Redevelopment (SWMP Section 6.2 and 6.4)

At an Administrative Conference held on January 26, 2017, Respondent provided information demonstrating that corrective actions to address the violations have been implemented. A review of the information provided determined that the corrective actions taken appeared to be sufficient to return the City of Gulfport to compliance with the Mississippi Small Municipal Separate Storm Sewer System (MS4) Storm Water General Permit.

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 \$18,315.09. 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.

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 5th day of JUNE, 2017.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 23 day of MAY, 2017.

CITY OF GULFPORT

BY: [Signature]

TITLE: Mayor

STATE OF MS

COUNTY OF HARRISON

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named BILLY HEWES who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Mayor of the City of Gulfport and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 23 day of MAY, 2017.

Wayne E Miller
NOTARY PUBLIC

My Commission expires: 07-09-2019

