

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7156 21

J AND J CARS, LLC
3934 HIGHWAY 72
LAMAR, MISSISSIPPI 38642

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 J and J Cars, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 1, 2021, Respondent was contacted by Complainant and notified of the following violations discovered during a complaint investigation conducted on December 17, 2020, at Respondent's salvage yard located at 3934 Highway 72, Lamar, Mississippi in Benton County:

- A. Violation of MS Code Admin 49-17-29 (2b): "It is unlawful for any person to carry on any of the following activities, unless that person holds a current permit for that activity from the Permit Board as may be required for the disposal of all wastes which are or may be discharged into the waters of the state, or unless that person is exempted from holding a permit by a regulation promulgated by the commission: (i) the construction, installation, modification or operation of any disposal system or part thereof or any extension or addition thereto, including, but not limited to, systems serving agricultural operations; (ii)

the increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit; (iii) the construction, installation or operation of any industrial, commercial or other establishment, including irrigation projects or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of wastes into the waters of the state or would otherwise alter the physical, chemical or biological properties of any waters of the state in any manner not already lawfully authorized; (iv) the construction or use of any new outlet for the discharge of any wastes into the waters of the state. However, no new or existing applications relating to swine concentrated animal feeding operations within a county shall be exempted from regulations and ordinances which have been duly passed by the county's board of supervisors and which are in force on June 1, 1998.”

- B. Violation of 11 Miss. Admin, Code Pt. 6, R. 1.1.1B (2)(b)(1) and 40 CFR 122.26(a)(ii): “Any person discharging wastes into surface waters of the State shall apply to the Permit Board for an NPDES permit, or for coverage under an NPDES general permit.” Respondent failed to obtain coverage under Mississippi’s Industrial Storm Water General NPDES Permit.

On August 27, 2021, Respondent received coverage under Mississippi’s Industrial Storm Water General NPDES Permit, Coverage No. MSR002291.

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 \$15,750.00. Respondent shall pay this penalty to MDEQ within sixty (60) 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 14th day of October, 2021.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 7th day of October, 2021.

BY: [Signature]
TITLE: owner

STATE OF Mississippi
COUNTY OF Benton

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Joseph J. Medeiros who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the owner of J and J Cars, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 7th day of October, 2021.

[Signature]
NOTARY PUBLIC

My Commission expires: 6-20-22

