

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7126 21

CITY OF RICHLAND
P.O. BOX 180609
RICHLAND, MISSISSIPPI 39218

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

1.

The City of Richland in Rankin County discharges storm water under Mississippi's Small Municipal Separate Storm Sewer System (MS4) Storm Water General NPDES Permit, subject to Coverage No. MSRMS4029. On July 31, 2019, an EPA-lead joint inspection with MDEQ staff was conducted. By letter dated January 2, 2020, Respondent was contacted by Complainant and notified of the following alleged violations discovered during the inspection:

- A. Violation of ACT5 Condition S-2: SWMP (Storm Water Management Plan) Developmental and Submittal
- B. Violation of ACT7 Condition S-2: Annual Reports
- C. Violation of ACT7 Condition S-3: Annual Reports
- D. Violation of ACT7 Condition S-4: Annual Reports
- E. Violation of ACT5 Condition S-4: Public Education and Outreach on Storm Water Impacts

- F. Violation of ACT5 Condition S-5: Public Education and Outreach on Storm Water Impacts
- G. Violation of ACT5 Condition S-9: Illicit Discharge Detection and Elimination
- H. Violation of ACT5 Condition S-10: Illicit Discharge Detection and Elimination
- I. Violation of ACT5 Condition S-11: Illicit Discharge Detection and Elimination
- J. Violation of ACT5 Condition S-12: Illicit Discharge Detection and Elimination
- K. Violation of ACT5 Condition S-14: Construction Site Storm Water Runoff Control
- L. Violation of ACT5 Condition S-15: Construction Site Storm Water Runoff Control
- M. Violation of ACT5 Condition S-16: Construction Site Storm Water Runoff Control
- N. Violation of ACT5 Condition S-17: Construction Site Storm Water Runoff Control
- O. Violation of ACT5 Condition S-20: Post-Construction Storm Water Management in New Development and Redevelopment
- P. Violation of ACT5 Condition S-21: Post-Construction Storm Water Management in New Development and Redevelopment

By letter dated March 19, 2021, the Respondent asserted a revised SWMP was submitted to the Complainant dated November 2020. The revised SWMP includes a rationale for each BMP and measurable goal selected. The revised plan is currently being implemented, with only a few exceptions, and is expected to be fully implemented by the end of 2021.

2.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth herein, Respondent does not admit any of the violations listed above and nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as full resolution of the violations above. The parties further agree that the Commission continues to assert that the matters set forth above were violations of the environmental laws, regulations and/or permits applicable to Respondent.

3.

In lieu of a formal enforcement hearing concerning the alleged 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 \$65,490.00 for the alleged violations herein. Respondent shall pay this penalty as follows:

1. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$1,500.00. 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

2. Complainant shall hold in abeyance, and Respondent shall not be required to pay a civil penalty, in the amount of \$63,990.00, pending Respondent's compliance with the requirements set forth in Paragraph 3.B. of this Agreed Order. Should the Respondent fail to comply with the requirement, the amount held in abeyance shall become immediately due and payable upon Respondent's receipt of written notification from Complainant. Respondent shall also pay \$100 per day after the compliance deadline until compliance with Paragraph 3.B. is achieved.

B. On or before January 28, 2022, Respondent shall submit documentation to MDEQ demonstrating the SWMP dated November 2020 has been fully implemented.

4.

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.

5.

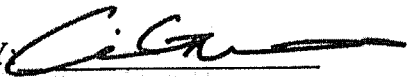
Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

6.

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 4th day of June, 2021.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 28 day of May, 2021.

CITY OF RICHLAND

BY: Pat Sullivan

TITLE: Mayor

STATE OF Mississippi

COUNTY OF Rankin

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

SWORN AND SUBSCRIBED BEFORE ME, this the 28 day of May, 2021.

Hanna Tucker
NOTARY PUBLIC

My Commission expires:

