

## Construction/Stormwater: Mississippi Commission on Environmental Quality and Marshall County Subdivision Developer Enter into Agreed Order



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The Mississippi Commission on Environmental Quality (“MCEQ”) and Porter Construction MS, LLC (“Porter”) entered into an October 28th Agreed Order (“AO”) addressing an alleged violation of the Mississippi Administrative Code addressing discharges into waters of the State. See Order No. 7158 21.

The AO provides that Porter is developing a subdivision (Farley Road Subdivision Phase Two) in Marshall County, Mississippi.

MCEQ is stated to have conducted a Compliance Evaluation Inspection (“CEI”) at the Porter development.

An alleged violation was identified.

The AO alleges a violation of Miss. Code Ann. 49-17-29 (2b) prohibiting the discharge of a waste into waters of the State without a permit. It is further provided that Porter failed to obtain coverage under Mississippi’s Large Construction Stormwater General NPDES Permit prior to engaging in construction activities.

Porter is stated to have subsequently submitted a Large Construction Notice of Intent for coverage under Mississippi’s Large Construction Stormwater General NPDES Permit on October 8, 2021. This submission is stated to be under review.

The AO assesses a civil penalty of \$15,000.

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