

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **7216 22**

JWM DEVELOPMENT, LLC
31 HIGHWAY 328
OXFORD, MISSISSIPPI 38655

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 JWM Development, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated April 11, 2022, Respondent was contacted by Complainant and notified of the following alleged violations at its project site, Highlands Subdivision Phase 12, located at Highlands Circle Road, Oxford, Mississippi in Lafayette County:

- A. Violation of ACT 6 Condition S-1 (1): Failure to implement the SWPPP.
- B. Violation of ACT 6 Condition S-3 (11): Failure to maintain erosion controls.
- C. Violation of ACT 7 Condition L-1 (1): Failure to meet non-numeric limitation requirements.
- D. Violation of ACT 6 Condition S-5 (1): Failure to maintain weekly inspection reports.

By correspondences dated April 25, 2022, May 6, 2022, and August 19, 2022, Respondent documented the corrective actions taken to address the above-mentioned alleged violations to return

to compliance with its Large Construction Storm Water General Permit, Coverage No. MSR108539.

2.

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 of \$14,000.00. 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

- B. Respondent agrees to the relief set forth herein as a compromise settlement and without any admission of liability.

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 27th day of September, 2022.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]
CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 20th day of September, 2022.

JWM DEVELOPMENT, LLC

BY: [Signature]

TITLE: John W McCurdy II member, manager

STATE OF Lafayette

COUNTY OF Mississippi

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named John W McCurdy II who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the member manager of JWM Development, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 20th day of September, 2022.

[Signature]
NOTARY PUBLIC

My Commission expires: Sept 5 2023

