



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

February 5, 2015

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Joe Christman
Oxford Commons
PO Box 1041
Oxford, MS 38655

**Re: Oxford Commons
Agreed Order No. 6495 15**

Dear Mr. Christman:

Enclosed you will find a copy of Agreed Order No. 6495 15, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Steve Bailey at (601) 961-5056.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders".

Chris Sanders, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Steve Bailey

Agency Interest No. 19374
ENF20140002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6495 15

HERITAGE BUILDERS, LLC
PO BOX 1041
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 Heritage Builders, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated October 6, 2014, Respondent was contacted by Complainant and notified of a violation of Mississippi's Large Construction Storm Water General Permit Certificate of Coverage Number MSR104127. The following violation was discovered during a Compliance Evaluation Inspection at Respondent's Oxford Commons Development located in Oxford, Mississippi in Lafayette County.

- A. Violation of ACT 6 Section S-2, Condition (9); Failure to maintain all controls:
- (9) Erosion and sediment controls shall be maintained at all times. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach one-third to one-half the height of the*

control. For sediment basins, accumulated sediment shall be removed when the capacity has been reduced by 50%. All removed sediment deposits shall be properly disposed. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within twenty-four (24) hours of discovery or as soon as field conditions allow.

2.

In lieu of a formal enforcement hearing concerning the violation 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 \$5,000. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. 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 February, 2015.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 26th day of January, 2015.

HERITAGE BUILDERS, LLC

BY: Leah M. Christman

TITLE: Managing Member

STATE OF Mississippi

COUNTY OF Leflore

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Leah Christman who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Managing Member of Heritage Builders, LLC, and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 26th day of January, 2015.



My Commission expires: August 2, 2016