



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

June 30, 2015

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. James L. Pettis, III
4450 Old Canton Road, Suite 210
Jackson, Mississippi 39211

**Re: Windsor Plantation
Agreed Order No. 6539 15**

Dear Mr. Pettis:

Enclosed you will find a copy of Agreed Order No. 6539 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 first 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. All future installment payments should be mailed 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 Austin Byrd at (601) 961-5386.

Sincerely,

A handwritten signature in black ink that reads "Chris Sanders".

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

Enclosure
cc: Austin Byrd

Agency Interest No. 23797
ENF20140002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6539 15

WINDSOR PLANTATION OF CLINTON, LLC
605 STEED ROAD
RIDGELAND, MISSISSIPPI 39157

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 Windsor Plantation of Clinton, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated December 8, 2014, Respondent was contacted by Complainant and notified of the following violations of Mississippi's Large Construction Storm Water General Permit Certificate of Coverage No. MSR106527 at Respondent's Windsor Plantation development located on Pinehaven Drive, Clinton, Mississippi in Hinds County:

A. Violation of MSR106527 ACT 6 Section S-2, Condition (7):

“(7) Install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site.”

B. Violation of MSR106527 ACT 6 Section S-2, Condition (9):

“(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.”

C. Violation of MSR106527 Act 6 Section S-1, Condition (1):

“(1) Implement the site-specific SWPPP and retain a copy of the SWPPP at the permitted site. In cases where there is no office or shelter to maintain documents onsite, the SWPPP can be kept locally available (i.e., able to be produced within an hour of being requested by a state or local inspector). Failure to implement the SWPPP is a violation of permit requirements. A copy of the SWPPP must be made available to state or local inspectors for review at the time of an on-site inspection.”

On April 17, 2015, MDEQ staff conducted a site visit at the Respondent’s Windsor Plantation development. At the time of the site visit, it appeared the Respondent was in compliance with Mississippi’s Large Construction Storm Water General Permit Number MSR106527.

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 \$20,000. Respondent shall pay this penalty to MDEQ in four (4) monthly payments of \$5,000 each, as scheduled below:

1. July 1, 2015 - \$5,000
2. August 1, 2015 - \$5,000
3. September 1, 2015 - \$5,000
4. October 1, 2015 - \$5,000

The settlement payments 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 23rd day of JUNE, 2015.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 11th day of JUNE, 2015.

WINDSOR PLANTATION OF CLINTON, LLC

BY: 

TITLE: MANAGER

STATE OF MISSISSIPPI

COUNTY OF HINDS

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

SWORN AND SUBSCRIBED BEFORE ME, this the 17th day of June, 2015.

Casey Conn
NOTARY PUBLIC

My Commission expires:

