



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

August 20, 2015

CERTIFIED MAIL 7010 1870 0003 4948 1922

Mr. Mike Bailey  
Fairway, Inc.  
PO Box 867  
New Albany, Mississippi 38652

**Re: Wildwood Subdivision  
Agreed Order No. 6565 15**

Dear Mr. Bailey:

Enclosed you will find a copy of **Agreed Order No. 6565 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 Austin Byrd at (601) 961-5386.

Sincerely,

A handwritten signature in blue ink, reading "Chris Sanders".

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

Enclosure  
cc: Austin Byrd

Agency Interest No. 68051  
ENF20150002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6565 15

FAIRWAY, INC  
PO BOX 867  
NEW ALBANY, MISSISSIPPI 38652

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 Fairway, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated June 16, 2015, Respondent was contacted by Complainant and notified of the following violation at Respondent's construction project located at County Road 352, New Albany, Mississippi in Union County:

- A. Violation of MS Code Ann. 49-17-29 (2.b): Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit before commencement of land disturbing activities.

On May 22, 2015, a complaint inspection was conducted at Respondent's construction project and subsequent file review proved that a permit had not been issued.

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 or his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Jennifer Parish  
P.O. Box 2339  
Jackson, MS 39225

Respondent has submitted all required information and has obtained coverage under Mississippi's Large Construction Storm Water General Permit. Coverage Number MSR106938 was issued to Respondent on July 10, 2015.

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 20<sup>th</sup> day of AUGUST, 2015.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the 14<sup>th</sup> day of August, 2015.

FAIRWAY, INC.

BY: [Signature]

TITLE: V.P.

STATE OF Mississippi

COUNTY OF Union

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Robert M. Bailey who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Vice President of Fairway, Inc., and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 14<sup>th</sup> day of August, 2015.

My Commission expires: 8/22/16

