



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

December 29, 2015

CERTIFIED MAIL 7010 1870 0003 4946 9869

Mr. Michael Bollero  
Aries TMS Lodge  
1919 Mueller Lane  
Troy, MS 76579

**Re: Aries TMS Lodge  
Agreed Order No. 6605 15**

Dear Mr. Bollero:

Enclosed you will find a copy of Agreed Order No. 6605 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,

*Renee Odom  
for*

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

Enclosure  
cc: Austin Byrd

Agency Interest No. 66492  
ENF20150002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

6605 15

VS.

ORDER NO. \_\_\_\_\_

MICHAEL BOLLERO  
ARIES BUILDING SYSTEMS, LLC  
1919 MUELLER LANE  
TROY, TEXAS 76579

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 Michael Bollero/Aries Building Systems, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated August 20, 2015, Respondent was contacted by Complainant and notified of the following violations of Mississippi's Large Construction Storm Water General Permit Certificate of Coverage Number MSR106735 at its facility located at 2082 Wardlaw Road, McComb, Mississippi in Pike County:

- A. Violation of ACT 6 Section S-1, Condition (1) Failure to implement Storm Water Pollution Prevention Plan (SWPPP) as submitted: *(1) Implement the site-specific SWPPP...*
- B. 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...*
- C. Violation of ACT 6 Section S-4: Failure to perform weekly inspections: *Inspection of all receiving streams (if feasible), outfalls, erosion and sediment controls*

*and other SWPPP requirements shall be performed during permit coverage using a copy of the form provided in the Large Construction Forms Package...*

After receipt of the Notice of Violation letter, Respondent allegedly performed routine maintenance on the installed stormwater Best Management Practices (BMPs), and began performing the required weekly inspections. Respondent documented repairs by submitting photographic evidence.

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 \$9,999. 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

- B. Weather permitting, Respondent shall implement the site specific SWPPP within ninety (90) days of the execution of this Agreed Order.

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 23<sup>rd</sup> day of December, 2015.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]

GARY C. RIKARD  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 11 day of December, 2015.

MICHAEL BOLLERO  
ARIES BUILDING SYSTEMS, LLC

BY: [Signature]

TITLE: PRESIDENT

STATE OF TEXAS

COUNTY OF HARRIS

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Michael Bollero who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Michael Bollero/Aries Building Systems, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 11 day of December, 2015.



[Signature]  
NOTARY PUBLIC

My Commission expires: 5-15-2019

