



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

September 14, 2016

CERTIFIED MAIL #7010 0780 0001 9992 6834

Mr. Kelli Foster
Audubon Woods
PO Box 321473
Flowood, MS 39232

**Re: Audubon Woods
Agreed Order No. 6684 16**

Dear Ms. Foster:

Enclosed you will find a copy of **Agreed Order No. 6684 16**, 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.

If you have any questions regarding your obligations under the enclosed order, please contact Danny Beasley at (601) 961-5356.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Aultman".

Tim Aultman, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Danny Beasley

Agency Interest No. 63650
ENF20160002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6684-16

OLIVE PROPERTIES
PO BOX 321473
FLOWOOD, MISSISSIPPI 39232

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 Olive Properties, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated March 1, 2016, Respondent was contacted by Complainant and notified of the following violations of Mississippi Large Construction Storm Water General Permit Certificate of Coverage MSR106359. The violations were discovered during a Compliance Evaluation Inspection (CEI) conducted at Respondent's Audubon Woods Subdivision construction project located off of Wirtz Road, Flowood, Mississippi in Rankin County:

- A. Violation of ACT6 S-2 (9): Failure to perform maintenance of erosion and sediment controls.
- B. Violation of ACT6 S-4 (1) & (2): Failure to perform weekly inspections.

At an Administrative Conference held May 3, 2016, Respondent provided information demonstrating that corrective actions to address the violations had been implemented at the project site. A review of the information provided determined that the corrective actions taken appeared to be sufficient to return the project site to compliance with Mississippi's Large Construction Storm Water General Permit conditions.

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 \$6,650. 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 8th day of SEPTEMBER, 2016.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 29th day of August, 2016.

OLIVE PROPERTIES, LLC

BY: [Signature]

TITLE: member

STATE OF Mississippi

COUNTY OF Rankin

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

SWORN AND SUBSCRIBED BEFORE ME, this the 29 day of August, 2016.



[Signature]
NOTARY PUBLIC

My Commission expires: _____