



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

April 20, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Kelli Foster
Bella Ridge
5352 Highway 25 Suite 1500
Flowood, MS 39232

**Re: Bella Ridge
Agreed Order No. 6102 12**

Dear Foster:

Enclosed you will find a copy of Agreed Order No. 6102 12, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, 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 Danny Beasley at (601) 961-5356.

Sincerely,

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

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

Enclosure
cc: Danny Beasley

Agency Interest No. 56290
ENF20120002

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **6102 12**

MAGNOLIA SUBDIVISION, LLC
P.O. BOX
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 Magnolia Subdivision, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 17, 2012, Respondent was contacted by Complainant and notified of the following violation of Mississippi's Large Construction Storm Water General Permit Certificate of Coverage Number MSR106030. The violation was discovered during a Compliance Evaluation Inspection conducted on February 1, 2012 at the Respondent's Bella Ridge Subdivision development located off of Wirtz Road, Brandon, Mississippi in Rankin County:

- A. Violation of ACT 6 Section S-1, Condition (1): The coverage Recipient shall: (1) Implement the site-specific SWPPP.

At an Administrative Conference held at the MDEQ office on March 1, 2012, Respondent

1. The first part of the report deals with the general situation of the country and the position of the various groups of the population. It is a very interesting and informative study of the social and economic conditions of the country.

2. The second part of the report deals with the political situation of the country. It is a very interesting and informative study of the political conditions of the country.

3. The third part of the report deals with the economic situation of the country. It is a very interesting and informative study of the economic conditions of the country.

4. The fourth part of the report deals with the cultural situation of the country. It is a very interesting and informative study of the cultural conditions of the country.

5. The fifth part of the report deals with the social situation of the country. It is a very interesting and informative study of the social conditions of the country.

6. The sixth part of the report deals with the legal situation of the country. It is a very interesting and informative study of the legal conditions of the country.

7. The seventh part of the report deals with the administrative situation of the country. It is a very interesting and informative study of the administrative conditions of the country.

8. The eighth part of the report deals with the military situation of the country. It is a very interesting and informative study of the military conditions of the country.

provided documentation demonstrating that the Storm Water Pollution Prevention Plan (SWPPP) had been fully implemented. Site inspections by MDEQ staff on February 14, 2012 and February 27, 2012 have confirmed that the SWPPP has been implemented.

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 her designee. The penalty payment shall be submitted to the following address:

Mississippi Department of Environmental Quality
Attention: Mona Varner
P.O. Box 2261
Jackson, MS 39255

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. Section 49-17-31 (Rev. 2003), and that it has made an

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informed waiver of that right.

ORDERED, this the 19 day of April, 2012.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: [Signature]
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the _____ day of _____, 2012.

MAGNOLIA SUBDIVISION, LLC

BY: [Signature] member

TITLE: member

STATE OF _____

COUNTY OF _____

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 Magnolia Subdivision, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 19th day of April, 2012.

[Signature]
NOTARY PUBLIC

My Commission expires: June 2, 2012





STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

March 7, 2012

CERTIFIED MAIL: 7009 2820 0001 5594 6635

Mr. Kelly Foster
Magnolia Subdivision, LLC
P.O. Box 321473
Flowood, Mississippi 39232

Re: Agreed Order
Bella Ridge
Flowood, Rankin County
GP-Construction Coverage No. MSR106030

Dear Mr. Foster:

Enclosed please find an Agreed Order that reflects our understanding of agreements reached to resolve certain environmental issues with your company.

If you concur with this Agreed Order, please sign the order before a Notary Public in the appropriate space and return the original water-marked order in the enclosed, self-addressed envelope to MDEQ Attn: Kim Smith, PO Box 2261 Jackson, MS 39225. If you have any questions, please contact me at (601) 961-5588.

Respectfully,

A handwritten signature in blue ink, appearing to read "D. Beasley".

Danny Beasley.
Construction & Building Materials Branch
Environmental Compliance and Enforcement Division

Enclosure