



STATE OF MISSISSIPPI  
HALEY BARBOUR  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

April 29, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Dr. Bennett York  
Big Bay Utilities LLC, Big Bay Lake Subdivision  
112 Sheffield Loop, Suite D  
Hattiesburg, MS 39402

**Re: Big Bay Utilities LLC, Big Bay Lake Subdivision  
Agreed Order No. 5956 11**

Dear Dr. York:

Enclosed you will find a copy of Agreed Order No. 5956 11, 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 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 Danny Beasley at (601) 961-5356.

Sincerely,

A handwritten signature in blue ink that reads "Jerry W. Cain" with the number "18" written below it.

Jerry W. Cain, P.E., DEE  
Director, Office of Pollution Control

Enclosure  
cc: Danny Beasley

Agency Interest No. 14495  
ENF20110002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 5956 11

BIG BAY LAKE DEVELOPMENT, LLC  
112 SHEFFIELD LOOP-SUITE D  
HATTIESBURG, MISSISSIPPI 39402

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 Big Bay Lake Development, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated January 6, 2011, Respondent was contacted by Complainant and notified of the following violations of Large Construction Storm Water General Permit Certificate of Coverage No. MSR105106 at the Big Bay Lake Subdivision located off of Purvis Oloh Road, in Lumberton, Mississippi in Lamar County:

- A. Violation of ACT 7 Section S-1, Condition (1): Implement the SWPPP and retain a copy of the SWPPP at the permitted site or locally available. Failure to implement the SWPPP is a violation of permit requirements.
- B. Violation of ACT 7 Section S-2, Condition (9): Maintain all erosion controls. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach 1/3 to 1/2 the height of the control. For

sediment basins, accumulated sediment shall be removed when the capacity has been reduced by fifty percent (50%). All removed sediment deposits shall be properly disposed. Non-functioning controls shall be repaired, replaced, or supplemented with functional controls within 24 hours of discovery or as soon as field conditions allow.

At an Administrative Conference held at the MDEQ office on January 19, 2011, Respondent provided documentation that demonstrated that the Storm Water Pollution Prevention Plan (SWPPP) had been implemented and the erosion/sediment control measures were being maintained as of the date of the conference.

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 accordance with the following payment schedule:
1. \$6,666.67 paid to MDEQ on or before July 1, 2011.
  2. \$6,666.67 paid to MDEQ on or before August 1, 2011.
  3. \$6,666.66 paid to MDEQ on or before September 1, 2011.

Should the Respondent fail to make a payment by the agreed upon due date, the full balance of the penalty, at time of default, shall immediately become due and payable. All penalty payments 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 informed waiver of that right.

ORDERED, this the 28 day of April, 2011.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 20th day of April, 2011.

BIG BAY LAKE DEVELOPMENT, LLC

BY: [Signature]

TITLE: Manager

STATE OF Mississippi

COUNTY OF Lamar

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Bennett V. York who first being duly sworn, did state upon his/her oath and acknowledge to me that he/~~she~~ is the Manager of Big Bay Lake Development, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 20th day of April, 2011.

[Signature: Darlene Montgomery]  
NOTARY PUBLIC

My Commission expires: May 1, 2011

**BIG BAY LAKE DEVELOPMENT, LLC**

112 Sheffield Loop, Suite D  
Hattiesburg, MS 39402  
Telephone: 601.264.0403  
Facsimile: 601.264.0433

April 20, 2011

Mississippi Department of Environmental Quality  
Attn: Kim Smith  
515 East Amite Street  
Jackson, MS 39201

Re: Agreed Order re: Big Bay Lake Development, LLC; Big Bay Lake Subdivision;  
GP-Construction MSR105016

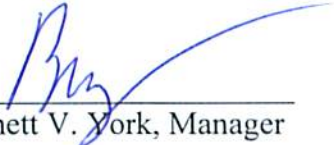
Ms. Smith:

Enclosed for execution on behalf of the Mississippi Commission on Environmental Quality, please find an Agreed Order which has been executed by Big Bay Lake Development, LLC as requested by Mr. Danny Beasley. After execution of the Agreed Order by the Mississippi Commission on Environmental Quality, please return a fully executed copy of the Agreed Order to Big Bay Lake Development, LLC

Thank you.

Sincerely,

**BIG BAY LAKE DEVELOPMENT, LLC**

By:   
Bennett V. York, Manager

**RECEIVED**

APR 21 2011

Dept of Environmental Quality



STATE OF MISSISSIPPI  
HALEY BARBOUR  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

April 13, 2011

**CERTIFIED MAIL: 7009 1410 0000 2467 9312**

Dr. Bennett York  
Big Bay Lake Development, LLC  
112 Sheffield Loop-Suite D  
Hattiesburg, Mississippi 39402

Re: Agreed Order  
Big Bay Lake Subdivision  
Lumberton, Lamar County  
GP-Construction Coverage No. MSR105016

Dear Dr. York:

Enclosed please find an Agreed Order that reflects our understanding of agreements reached to resolve certain environmental issues discovered at the referenced property. Please have the order signed 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.

Do not submit any penalty payment at this time. You will receive specific penalty payment instructions at a later date after the MDEQ Executive Director has executed the order. The signed Order should be submitted no later than April 21, 2011. If you have any questions, please contact me at (601) 961-5356.

Respectfully,

A handwritten signature in blue ink that reads "D. Beasley".

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

Enclosure