



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

December 3, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Chris Albritton
Bureau of Building Grounds and Real Property Management, Crime Lab Site Development
501 North West Street
Suite 1301
Jackson, Mississippi 39201

**Re: Bureau of Building Grounds and Real Property Management, Crime Lab
Site Development
Agreed Order No. 6196 12**

Dear Mr. Albritton:

Enclosed you will find a copy of Agreed Order No. 6196 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 John Mark Henderson at (601) 961-5642.

Sincerely,

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

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

Enclosure
cc: John Mark Henderson

Agency Interest No. 56381
ENF20120002

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **6 196 12**

CHRIS ALBRITTON CONSTRUCTION COMPANY INC
2100 BUSH DAIRY ROAD
LAUREL, MISSISSIPPI 39443

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 Chris Albritton Construction Company, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated August 15, 2012, Respondent was contacted by Complainant and notified of the violations to Mississippi's Large Construction General Permit, Certificate of Coverage MSR10605. The following violations were discovered during a Compliance Evaluation Inspection (CEI) conducted on July 27, 2012 at its facility located at Old Whitfield Road and Highway 475, Pearl, Mississippi in Rankin County:

- A. **Failure to Implement the Storm Water Pollution Prevention Plan (SWPPP) (ACT 6, S-1, No. 1)** - According to the implementation sequence in the approved SWPPP, a sediment basin should have been constructed prior to proceeding with vertical construction of the facility. At the time of the inspection, a large amount of sediment was observed off site, downstream of where the site plan showed the sediment basin to have been constructed.

- B. **Failure to Maintain Controls (ACT 6, S-2, No. 9)** – During the CEI, temporary erosion and sediment controls had been compromised and were determined to be non-functioning. Field conditions at the time of the inspection appeared to be conducive for maintenance work on all non-functioning controls.
- C. **Failure to Inspect (ACT 6, S-4)** – During the records review portion of the CEI, MDEQ verified that weekly inspections were not being conducted in accordance with the permit.

At the time of the inspection, approximately 15 acres had been disturbed for construction activity. During the administrative conference on August 23, 2012, Respondent informed MDEQ that, following the CEI, weekly inspections are being conducted in accordance with the permit. Respondent also provided MDEQ with photographic evidence that non-functioning controls had been repaired or replaced. On October 1, 2012, Respondent submitted further photographic evidence that the required sediment basin had been completed.

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 \$14,000. 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 settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Mona Varner
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. Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 30 day of November, 2012.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 16th day of November, 2012.

CHRIS ALBRITTON CONSTRUCTION COMPANY, INC.

BY: [Signature]

TITLE: V.P.

STATE OF MS

COUNTY OF Jones

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

SWORN AND SUBSCRIBED BEFORE ME, this the 16th day of November, 2012.

[Signature: Deborah English]
NOTARY PUBLIC

My Commission expires: Sept. 28, 2013





STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

November 9, 2012

CERTIFIED MAIL: 7011 1150 0001 1255 9829

Chris Albritton Construction Company, Inc.
Attn: Chris Albritton
2100 Bush Dairy Road
Laurel, Mississippi 39443

Re: Bureau of Building Grounds and Real Property Management, Crime Lab Site
Pearl, Rankin County
GP-Construction Coverage No. MSR106051

Dear Mr. Albritton:

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 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.

If you have any questions, please contact me at (601) 961-5642.

Sincerely,

John Mark Henderson
Construction and Building Materials Branch
Environmental Compliance and Enforcement Division

Enclosure

