



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

December 12, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Clifton Bates
Fairfield Park Estates Subdivision
124 One Madison Plaza Suite 1500
Madison, MS 39110

**Re: Fairfield Park Estates Subdivision
Agreed Order No. 6062 11**

Dear Mr. Bates:

Enclosed you will find a copy of Agreed Order No. 6062 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 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. 53730
ENF20110004

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6062 11

LAUDERDALE COUNTY PARTNERS III, LP
124 ONE MADISON PLAZA
SUITE 1500
MADISON, MISSISSIPPI 39110

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 Lauderdale County Partners III, LP, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated October 5, 2011, Respondent was contacted by Complainant and notified of the following violation of Mississippi's Large Construction Storm Water General Permit, Certificate of Coverage Number MSR105777. The violation was discovered during a Compliance Evaluation Inspection at the Fairfield Park Estates Subdivision development located at North Hills Street, Meridian, Mississippi in Lauderdale County:

- A. Violation of ACT 6 Section S-2, Condition (9): Erosion and Sediment controls shall be maintained at all times. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach one-third to one-half the height of the control. For sediment basins, accumulated sediment shall be

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

At an Administrative Conference held at the MDEQ office on October 17, 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 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 informed waiver of that right.

ORDERED, this the 12 day of December, 2011.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 7th day of December, 2011.

LAUDERDALE COUNTY PARTNERS III, LP

BY: [Signature]

TITLE: Manager

STATE OF MS

COUNTY OF Madison

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Clifton E. Bates who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the manager of the general partner of Lauderdale County Partners III, LP and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 8 day of December, 2011.

[Signature]
NOTARY PUBLIC

My Commission expires: 7/22/2015

