



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

October 18, 2017

**CERTIFIED MAIL #7010 0780 0001 9992 7473**

Mr. Albert "Ronnie" Garner  
R & S Developers  
PO Box 5629  
Brandon, MS 39042

**Re: Latter Rayne  
Agreed Order No. 6801 17**

Dear Mr. Garner:

Enclosed you will find a copy of Agreed Order No. 6801 17, 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.

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, appearing to read "Tim Aultman".

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

Enclosure  
cc: Danny Beasley

Agency Interest No. 20575  
ENF20170001

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

**6801 17**

VS.

ORDER NO. \_\_\_\_\_

R&S DEVELOPERS  
P.O. BOX 5629  
BRANDON, MISSISSIPPI 39047

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 R&S Developers, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated June 6, 2016, Respondent was contacted by Complainant and notified of the following alleged violations of Mississippi Large Construction Storm Water General Permit Certificate of Coverage No. MSR103584. The following alleged violations were discovered during a Compliance Evaluation Inspection conducted on May 4, 2016, at the Latter Rayne residential construction project located in Flowood, Rankin County, Mississippi:

- A. Violation of ACT6 S-1 (1): Failure to implement the Storm Water Pollution Prevention Plan (SWPPP).  
*"The coverage recipient shall: (1) Implement the site-specific SWPPP..."*
- B. Violation of ACT6 S-2 (9): Failure to maintain erosion and sediment controls.  
*"(9) Erosion and sediment controls shall be maintained at all times."*
- C. Violation of ACT6 S-4 (1): Failure to conduct weekly inspections.  
*"INSPECTION REQUIREMENT: Inspection of all receiving streams (if*

*feasible), outfalls, erosion and sediment controls and other SWPPP requirements shall be performed during permit coverage using a copy of the form provided in the Large Construction Forms Package, and inspections shall be performed by qualified personnel:*

*(1) At least weekly for a minimum of four inspections per month... ”*

2.

In lieu of a formal enforcement hearing concerning the alleged 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 \$40,000. Respondent shall pay this penalty to MDEQ after this Agreed Order has been executed by the MDEQ Executive Director or his designee. The penalty shall be paid in monthly installments of \$10,000 in accordance with the following schedule:

- (1) \$10,000 due on or before November 30, 2017.
- (2) \$10,000 due on or before December 31, 2017.
- (3) \$10,000 due on or before January 31, 2018.
- (4) \$10,000 due on or before February 28, 2018.

The settlement payments shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Jennifer Parish  
P.O. Box 2339  
Jackson, MS 39225

B. On or before November 17, 2017, Respondent shall fully implement the revised SWPPP submitted to MDEQ in April 2017, by Franklin Environmental Group for the Latter Rayne development. Implementation of the SWPPP shall include:

- (1) Installation of all structural controls in accordance with the plan specifications.
- (2) Construction of the redesigned sediment basin in Abundance Pointe in accordance with the specifications submitted via email to MDEQ on September 15, 2017, by Benchmark Engineering & Surveying, LLC.

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.

6.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth herein, Respondent does not admit any of the allegations listed above and nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as the full resolution of the violations alleged above. The parties further agree that the Commission continues to assert that the matters set forth above were violations of the environmental laws, regulations and/or permits applicable to Respondent.

ORDERED, this the 16<sup>th</sup> day of October, 2017.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 12 day of Oct., 2017.

R&S DEVELOPERS, LLC  
BY: [Signature]  
TITLE: Managing Member

STATE OF Mississippi  
COUNTY OF Rankin

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Albert R. Garner who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Managing Member of R&S Developers, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 12<sup>th</sup> day of October, 2017.

[Signature]  
NOTARY PUBLIC

My Commission expires:

