



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

September 28, 2018

**CERTIFIED MAIL #7012 2920 0000 4177 0491**

Mr. Andy Kelly  
Maiden Estates North  
1018 Bragg Avenue  
Meridian, MS 39301

**Re: Maiden Estates North  
Agreed Order No. 6892 18**

Dear Mr. Kelly:

Enclosed you will find a copy of Agreed Order No. 6892 18, 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 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 Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Felisa Keyes at (601) 961-5319.

Sincerely,

A handwritten signature in blue ink that reads "Tim Aultman".

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

Enclosure  
cc: Felisa Keyes

Agency Interest No. 72088  
ENF20180001

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6892 18

KELLY BUILDERS, INC.  
1018 BRAGG STREET  
MERIDIAN, MISSISSIPPI 39301

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 Kelly Builders, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 14, 2017, Respondent was contacted by Complainant and notified of the following violation discovered during a Compliance Evaluation Inspection (CEI) conducted on June 27, 2017 at the Maiden Estates North construction project located on Maiden Road, Collinsville, Mississippi in Lauderdale County:

- A. Violation of Miss. Code Ann. § 49-17-29 (2)(b), which states in part that "...it is unlawful for any person to carry on any of the following activities, unless that person holds a current permit for that activity from the Permit Board as may be required for the disposal of all wastes which are or may be discharged into the waters of the state...(iii) the construction, installation or operation of any industrial, commercial or other establishment, including irrigation projects or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of wastes into the waters of the state..." Respondent failed to obtain

coverage under Mississippi's Large Construction Storm Water General Permit before commencement of land disturbing activities.

Respondent subsequently applied for and received coverage under Mississippi's Large Construction Storm Water General Permit to discharge storm water associated with the construction of Maiden Estates North. Coverage No. MSR107482 was issued on August 8, 2017.

By letter dated February 21, 2018, Respondent was contacted by Complainant and notified of the following additional violations discovered during a CEI conducted on February 6, 2018, at the Maiden Estates North construction project located on Maiden Road, Collinsville, Mississippi in Lauderdale County:

- B. Violation of ACT3 Condition S-6: Failure to submit a Major Modification Form. Three (3) additional residential units were being constructed outside of the coverage area with no major modification form submitted.
- C. Violation of ACT6 Condition S-2 (9): Failure to install additional erosion and sediment controls when existing controls prove to be ineffective. The sediment basin was not of adequate size for the site.
- D. Violation of ACT6 Condition S-3 (11): Failure to maintain erosion and sediment controls. Silt fence was either failing, lacking maintenance or not installed at all.

By correspondence dated March 26, 2018, August 2, 2018, and August 13, 2018, Respondent asserted corrective actions have been taken and the site has returned to compliance with Mississippi's Large Construction Storm Water General Permit.

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 \$14,500.00. 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 his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Accounts Receivable  
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. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 27<sup>th</sup> day of SEPTEMBER, 2018.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the 25<sup>th</sup> day of September, 2018.

Kelly Builders, Inc.

BY: Andy D Kelly

TITLE: President

STATE OF MS

COUNTY OF Lauderdale

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

SWORN AND SUBSCRIBED BEFORE ME, this the 25<sup>th</sup> day of September, 2018.

[Signature]  
NOTARY PUBLIC

My Commission expires: 01-10-2020

