



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

January 23, 2019

**CERTIFIED MAIL #7012 2920 0000 4177 0729**

Mr. Terry Lovelace, President  
Prime Contractor  
Utility Constructors, Inc.  
P. O. Box 13627  
Jackson, Mississippi 39236

**Re: Flowood, City of, Hotel and Conference Center Site Improvements  
Agreed Order No. 6923 19**

Dear Mr. Lovelace:

Enclosed you will find a copy of Agreed Order No. 6923 19, 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, appearing to read "Tim Aultman".

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

Enclosure  
cc: Felisa Keyes

Agency Interest No. 72000  
ENF20180002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6923 19

UTILITY CONSTRUCTORS, INC.  
P.O. BOX 13627  
JACKSON, MISSISSIPPI 39236

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 Utility Constructors, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 28, 2018, Respondent was contacted by Complainant and notified of the following violations of Mississippi's Large Construction Storm Water General Permit No. MSR107469 discovered during the Compliance Evaluation Inspection conducted at the City of Flowood, Hotel and Conference Center Site Improvements project site, located at 2100 Refuge Boulevard, Flowood, Mississippi in Rankin County:

- A. Violation of ACT 6, Condition S-1 (1): Failure to implement the site-specific Storm Water Pollution Prevention Plan (SWPPP). The Respondent failed to perform adequate maintenance of storm water sediment controls at various locations throughout the site. In addition, the discharge from the lake was placed in a different location according to the SWPPP.
- B. Violation of ACT 6, Condition S-1 (4) (A): Failure to mark off areas of disturbance

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D. C. 20535

91 8299

MEMORANDUM FOR THE DIRECTOR  
FROM THE SAC, [illegible]

DATE: [illegible]

SUBJECT: [illegible]

[illegible text]

[illegible text]

[illegible text]

[illegible text]

and sensitive areas. The wetland areas were not clearly marked.

Respondent provided responses dated March 16, 2018 and September 11, 2018, which assert that all the violations of the permit conditions listed above have been satisfactorily addressed.

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 \$6,500.00. 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 18 day of JANUARY, 2019.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 18<sup>th</sup> day of JANUARY, 2019.

UTILITY CONSTRUCTORS, INC.

BY: [Signature]  
TITLE: President

STATE OF MS  
COUNTY OF Copiah

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

SWORN AND SUBSCRIBED BEFORE ME, this the 18<sup>th</sup> day of JANUARY, 2019.

[Signature]  
NOTARY PUBLIC



My Commission expires: 8-12-2020