



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, INTERIM EXECUTIVE DIRECTOR

February 14, 2020

CERTIFIED MAIL #7012 2920 0000 4177 1627

Mr. Doug Warren
Warren Excavation, LLC
108 Lexington Drive
Madison, MS 39110

**Re: Rankin County School District, Northwest Rankin High School
Agreed Order No. 7023 20**

Dear Mr. Warren:

Enclosed you will find a copy of Agreed Order No. 7023 20, which has been executed by the Interim Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, 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 Charity Rockingham at (601) 961-5722.

Sincerely,

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

Chris Sanders, P.E., BCEE
Director, Office of Pollution Control

Enclosure
cc: Charity Rockingham

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **7023 20**

WARREN EXCAVATION, LLC
108 LEXINGTON DRIVE
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 Warren Excavation, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated August 7, 2019, Respondent was contacted by Complainant and notified of the following violations of Large Construction Storm Water General Permit Coverage No. MSR107704 at its development of Rankin County School District, Northwest Rankin High School located on Lakeland Drive, Flowood, Mississippi in Rankin County:

A. Violation of ACT5 T-15: Failure to Maintain Weekly Inspections: There were no dates for deficiencies noted and no corrective actions were documented.

B. Violation of ACT6 S-1 (1): Failure to implement SWPPP: SWPPP stated that all silt fencing must be wire-back but none of the fencing on site was wire-back.

C. Violations of ACT6 S-3 (11): Failure to maintain erosion and sediment controls: Sediment

basin orifices were opened and were not functioning as sediment basins. Silt fencing in some areas was failing and sediment had reached 1/3 and 1/2 height in some areas.

During the administrative conference, Respondent asserted that the facility is back in compliance with the Large Construction Storm Water General Permit requirements.

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 \$31,500.00. 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 13th day of February, 2020.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
INTERIM EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 5th day of February, 2020.

WARREN EXCAVATION, LLC

BY: Doug Warren

TITLE: LLC MEMBER

STATE OF MS

COUNTY OF YAZOO

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named DOUG WARREN who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the LLC MEMBER of Warren Excavation, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 5th day of FEB, 2020.

[Signature]
NOTARY PUBLIC

My Commission expires:

