



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

June 3, 2020

CERTIFIED MAIL #7012 2920 0000 4177 1702

Mr. Trey Sowell
Vandelay Development Company, LLC
7435 Byhalia Road
Olive Branch, MS 38654

**Re: Cherry Tree Park
Agreed Order No. 7036 20**

Dear Mr. Sowell,

Enclosed you will find a copy of Agreed Order No. 7036 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 "Michelle Clark".

Michelle Clark, P.E., BCEE, Chief
Environmental Compliance and Enforcement Division

Enclosure
cc: Charity Rockingham

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7036 20

VANDELAY DEVELOPMENT COMPANY, LLC
7435 BYHALIA ROAD
OLIVE BRANCH, MISSISSIPPI 38654

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 Vandelay Development Company, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated October 28, 2019, Respondent was contacted by Complainant and notified of the following violation at its residential development, Cherry Tree Park, located on Cherry Blossom Parkway, Southaven, Mississippi in Desoto County:

Violation of MS Code Ann. 49-17-29(2b): 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 modify coverage number MSR107473 under Mississippi's Large

Construction Storm Water General Permit before the commencement of construction activities in Phases E1 and E2.

On August 16, 2019, Respondent submitted a Major Modification Form. Coverage number MSR107473 was modified on November 21, 2019 to include Phases E1 and E2.

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 \$5,775.00. 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 8th day of May, 2020.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
INTERIM EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 28th day of April, 2020.

VANDELAY DEVELOPMENT COMPANY, LLC

BY: Jan Madden III

TITLE: Member

STATE OF Tennessee

COUNTY OF Shelby

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Joseph Madden III who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Member of Vandelay Development Company, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 28th day of April, 2020.

Janice W. McCoy
NOTARY PUBLIC

My Commission expires: March 13, 2022

