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 1733

Mr. Stephen Fairley
Fairley Construction
828 Highway 11
Petal, MS 39465

Re: Castlewoods
Agreed Order No. 7040 20

Dear Mr. Fairley:

Enclosed you will find a copy of Agreed Order No. 7040 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,

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

Enclosure
cc: Charity Rockingham

Agency Interest No. 73176
ENF20200001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS. ORDER NO. 7040 20

FAIRLEY CONSTRUCTION CO., INC.
828 HIGHWAY 11
PETAL, MISSISSIPPI 39465

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 Fairley Construction Co., Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 25, 2019, Respondent was contacted by Complainant and notified of the following violations of Large Construction Storm Water General Permit Coverage No. MSR107629 at its development of Castlewoods located at Twin Lakes Road, Petal, Mississippi in Forrest County:

A. Violation of ACT6 Condition S-1 (1) Failure to implement SWPPP: Silt fencing was not installed as required by the SWPPP.

B. Violation of ACT6 Condition S-3 (11) – Failure to maintain erosion and sediment controls: Controls were failing or lacking maintenance.

C. Violation of ACT6 Condition S-5 (1) – Failure to conduct storm water inspections: The minimum of four inspections per month, or weekly, were not conducted.

7040 20

By letter dated November 8, 2019, Respondent has asserted that the development is in compliance with the Large Construction Storm Water General Permit requirements.

2.

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 violations 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 full resolution of the violations 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.

3.

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 $15,520.00. Respondent shall pay this penalty to MDEQ within ninety (90) 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

4.

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.

5.

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.

6.

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 22nd day of May, 2020.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: _____
CHRIS WELLS
INTERIM EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 17th day of March, 2020.

FAIRLEY CONSTRUCTION CO., INC.

BY: _____

TITLE: President

STATE OF Mississippi

COUNTY OF Forrest

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

SWORN AND SUBSCRIBED BEFORE ME, this the 17th day of March, 2020.

Cynthia F. Brown
NOTARY PUBLIC

My Commission expires: Jan. 15, 2024

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 88205 CYNTHIA F. BROWN Commission Expires Jan. 15, 2024 FORREST COUNTY