



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

July 9, 2020

CERTIFIED MAIL #7012 2920 0000 4177 1825

Mr. James A. Hodges  
James A. Hodges Construction, Inc.  
1281 CR 811  
Saltillo, MS 38866

**Re: Pinnacle Point  
Agreed Order No. 7056 20**

Dear Mr. Hodges:

Enclosed you will find a copy of Agreed Order No. 7056 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 that reads "Michelle Clark".

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

Enclosure  
cc: Charity Rockingham

Agency Interest No. 73341  
ENF20200003

OFFICE OF POLLUTION CONTROL  
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AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7056 20

JAMES A. HODGES CONSTRUCTION, INC.  
1281 CR 811  
SALTILLO, MISSISSIPPI 38866

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Interim Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and James A. Hodges Construction, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letters dated February 5, 2020 and March 6, 2020, Respondent was contacted by Complainant and notified of the following violations of Large Construction Storm Water Coverage MSR107691 at its development of Pinnacle Point located on North Gloster Street, Tupelo, Mississippi in Lee County:

- A. Violation of ACT6 Condition S-1 (1): Failure to implement the SWPPP.
- B. Violation of ACT6 Condition S-3 (11): Failure to maintain erosion and sediment controls.
- C. Violation of ACT6 Condition S-5 (1): Failure to conduct weekly inspections.
- D. Violation of ACT6 Condition S-2 (9): Failure to install additional and/or alternative erosion and sediment controls.

5028 30

E. Violation of ACT7 Condition L-1 (2): Failure to discharge storm water without eroded soils.

By letter dated March 11, 2020, Respondent has asserted that the development is in compliance with the Large Construction Storm Water General Permits 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 \$63,645.00. Respondent shall pay this penalty to MDEQ within sixty (60) 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 July, 2020.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

MISSISSIPPI DEPARTMENT OF  
ENVIRONMENTAL QUALITY

AGREED, this the 2<sup>nd</sup> day of July, 2020.

JAMES A. HODGES CONSTRUCTION, INC.

BY: James A. Hodges

TITLE: PRESIDENT

STATE OF MS

COUNTY OF Lee

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

SWORN AND SUBSCRIBED BEFORE ME, this the 2<sup>nd</sup> day of July, 2020.



Jan Rankin  
NOTARY PUBLIC

My commission expires: Nov. 15<sup>th</sup>, 2022

DEPARTMENT OF ENVIRONMENTAL QUALITY