



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

September 23, 2021

CERTIFIED MAIL #7019 1120 0000 4785 6094

Mr. Brian Hill
Lifestyle Communities, LLC
1074 Thousand Oaks Drive, Ste 1
Hernando, MS 38632

**Re: Silo Square
Agreed Order No. 7151 21**

Enclosed you will find a copy of Agreed Order No. 7151 21, which has been executed by the 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

Agency Interest No. 73207
ENF20210002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **7151 21**

LIFESTYLE COMMUNITIES, LLC
1074 THOUSAND OAKS DRIVE
SUITE 1
HERNANDO, MISSISSIPPI 38632

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 Lifestyle Communities, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated June 18, 2021, Respondent was contacted by Complainant and notified of the following violation, discovered during the Compliance Evaluation Inspection on May 19, 2021, at Respondent's project site, Silo Square, located on Getwell Road, Southaven, Mississippi in Desoto County:

- A. 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, or unless that person is exempted from holding a permit by a regulation promulgated by the commission: (i) the construction, installation, modification or operation of any disposal system or part thereof

or any extension or addition thereto, including, but not limited to, systems serving agricultural operations; (ii) the increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit; (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 or would otherwise alter the physical, chemical or biological properties of any waters of the state in any manner not already lawfully authorized; (iv) the construction or use of any new outlet for the discharge of any wastes into the waters of the state. However, no new or existing applications relating to swine concentrated animal feeding operations within a county shall be exempted from regulations and ordinances which have been duly passed by the county's board of supervisors and which are in force on June 1, 1998.” Respondent failed to modify coverage under Mississippi’s Large Construction Storm Water General NPDES Permit before the commencement of construction activities on additional acreage at the project site.

On March 18, 2021, April 9, 2021, and July 22, 2021, MDEQ’s Environmental Permits Division received Major Modification Forms for Large Construction Storm Water General Permit Coverage No. MSR107639. The Major Modification Forms are under review.

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 \$12,750.00. 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 22nd day of September, 2021.

MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 20th day of September, 2021.

LIFESTYLE COMMUNITIES, LLC

BY: 

TITLE: Member

STATE OF Mississippi

COUNTY OF DESOTO

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

SWORN AND SUBSCRIBED BEFORE ME, this the 20th day of September, 2021.


NOTARY PUBLIC

My Commission expires:

