



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

September 20, 2024

CERTIFIED MAIL # 7019 1120 0000 4785 6308

Mr. Brandon Elliott  
Elliott Land Developments, LLC  
1502 Pass Road  
Gulfport, Mississippi 39501

**Re: Sanctuary Trails  
Diamond Head Subdivision  
Agreed Order No. 7359 24**

Dear Mr. Elliott:

Enclosed you will find a copy of Agreed Order No. 7359 24, 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 Geoffrey Martin at (601) 961-5024.

Sincerely,

A handwritten signature in blue ink that reads "Michelle Clark".

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

Enclosure  
cc: Geoffrey Martin

Agency Interest No. 76271, 76274  
ENF20240001

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7359 24

ELLIOTT LAND DEVELOPMENTS, LLC  
1402 PASS ROAD  
GULFPORT, MISSISSIPPI 39501

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 Elliott Land Developments, LLC, Respondent, in the above captioned cause and agree as follows:

1.

Respondent operates construction projects at Sanctuary Trails, located near Lampkin Road in Harrison County, and the Diamondhead Subdivision, located near Cherryhill Drive in Hancock County. Respondent was granted Coverage Nos. MSR108074 and MSR108075 for coverage under Mississippi's Large Construction Storm Water General NPDES Permit at each of the construction projects.

By letter dated October 3, 2023, Respondent was contacted by Complainant and notified of the following violations of Mississippi's Large Construction General Permit for Land Disturbing Activities of Five (5) or More Acres:

- A. Respondent failed to implement the site-specific Storm Water Pollution Prevention Plan (SWPPP) at the Diamondhead Subdivision in violation of Act 6, Condition No. S-1(1) which states, "The coverage recipient shall: (1) Implement the site-specific

- SWPPP. Failure to implement the SWPPP is a violation of permit requirements.”
- B. Respondent failed to implement appropriate Best Management Practices (BMPs) at the Diamondhead Subdivision in violation of Act 6, Condition No. S-1 (5) which states, “The coverage recipient shall: (5) Ensure that appropriate Best Management Practices (BMPs) are in place upon commencement of construction activities (see Definitions).”
- C. Respondent failed to amend the SWPPP at the Diamondhead Subdivision in violation of Act 6, Condition No. S-2 (7) which states, “The coverage recipient shall: (7) Amend the SWPPP whenever there is a change in design, construction, operation, or maintenance that may potentially affect the discharge of pollutants to waters of the State; or the SWPPP proves to be ineffective in controlling storm water pollutants. The amended SWPPP shall be submitted within thirty (30) days of amendment. Coverage recipients shall submit to MDEQ the Major Modification Form (see Large Construction Forms Package) for subsequent phases, expansions and modifications of subdivision development that are proposed but were not included in the original SWPPP.”
- D. Respondent failed to maintain erosion controls at the Diamondhead Subdivision in violation of Act 6, Condition No. S-3 (11) which states, “Erosion and sediment controls shall be maintained at all times. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach one-third to one-half the height of the control. For sediment basins, accumulated sediment shall be removed when the capacity has been reduced by 50%. All removed sediment deposits shall be properly disposed of in accordance with the approved SWPPP. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within twenty-four (24) hours of discovery or as soon as field conditions allow.”
- E. Respondent failed to meet non-numeric limitations at the Diamondhead Subdivision in violation of Act 7, Condition No. L-1 which states, “Storm water discharge shall be free from: (1) Debris, oil, scum, and other floating materials other than in trace amounts, (2) Eroded soils and other materials that will settle to form objectionable deposits in receiving waters, (3) Suspended solids, turbidity and color at levels

inconsistent with the receiving waters, (4) Chemicals in concentrations that would cause violation of State Water Quality Criteria in the receiving waters.”

- F. Respondent failed to retain records at the Diamondhead Subdivision in violation of Act 9, Condition No. R-1 which states, “All records, reports, forms and information resulting from activities required by this permit shall be retained for a period of at least three (3) years from the date that the document(s) was generated. Any documents required by this permit may be kept electronically but must be readily available during site inspection or upon request.”
- G. Respondent conducted land disturbing activities at Sanctuary Trails without active coverage under Mississippi’s Large Construction General Permit for Land Disturbing Activities of Five (5) or More Acres in violation of Miss. Code Ann. § 49-17-29(2)(b) which states, “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: [ . . . ] (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 [ . . . ]”

Respondent did not submit a Re-Coverage Form to MDEQ following the reissuance of the Large Construction General Permit for Land Disturbing Activities of Five (5) or More Acres on February 4, 2022. On October 2, 2023, Respondent submitted a Re-Coverage Form to MDEQ. On October 9, 2023, Respondent was granted coverage under the Large Construction General Permit for Land Disturbing Activities of Five (5) or More Acres issued on February 4, 2022.

By letter dated October 16, 2023, Respondent asserted it was in compliance with the Large Construction General Permit for Land Disturbing Activities of Five (5) or More Acres at the

construction projects. In the response letter, Respondent asserted that the site-specific SWPPP was implemented; demonstrated that concrete washout facilities had been properly installed and the concrete runoff had been remediated; submitted an amendment to the SWPPP showing the location of concrete washout area; asserted that all controls previously noted as deficient during the August 9, 2023 Compliance Evaluation Inspections had been repaired or replaced; and provided copies of weekly inspection reports.

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 \$22,500. 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.

Following payment of the civil penalty outlined herein, this agreement shall serve as a

full and final resolution of all violations addressed herein.

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 20th day of September, 2024.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]  
CHRIS WELLS  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 16th day of September, 2024.

ELLIOTT LAND DEVELOPMENTS, LLC

BY: [Signature]  
BRANDON ELLIOTT  
MEMBER

STATE OF Mississippi  
COUNTY OF HARRISON



PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named BRANDON ELLIOTT, who first being duly sworn, did state upon his oath and acknowledge to me that he is a MEMBER of ELLIOTT LAND DEVELOPMENTS, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 16th day of September, 2024.

My Commission expires: 30 MAY 2028  
[Signature]  
NOTARY PUBLIC

