



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

January 18, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Doug Warren
Warren Excavation, LLC
108 Lexington Drive
Madison, MS 39110

**Re: Hinds Community College, Rankin Campus Expansion
Agreed Order No. 5886 11**

Dear Mr. Warren:

Enclosed you will find a copy of Agreed Order No. 5886 11, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, 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 Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Danny Beasley at (601) 961-5356.

Sincerely,

A handwritten signature in blue ink that reads "Jerry W. Cain".

Jerry W. Cain, P.E., DEE
Director, Office of Pollution Control

Enclosure
cc: Danny Beasley

Agency Interest No. 40374
ENF20100002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 5886 11

WARREN EXCAVATION, LLC
108 LEXINGTON DRIVE
MADISON, MISSISSIPPI 39110

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 Warren Excavation, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 23, 2010, Respondent was contacted by Complainant and notified of the following violations of Large Construction Storm Water Certificate of Coverage MSR105400 at the Hinds Community College, Rankin Campus Expansion Project located at Highway 80 East, Pearl, Mississippi in Rankin County:

- A. Violation of ACT 7 Section S-1, Condition (1): Implement the SWPPP and retain a copy of the SWPPP at the permitted site or locally available. Failure to implement the SWPPP is a violation of permit requirements.
- B. Violation of ACT 7 Section S-2, Condition (9): Maintain all erosion controls. Except for sediment basins, all accumulated sediment shall be removed from structural

controls when sediment deposits reach 1/3 to 1/2 the height of the control. For sediment basins, accumulated sediment shall be removed when the capacity has been reduced by fifty percent (50%). All removed sediment deposits shall be properly disposed. Non-functioning controls shall be repaired, replaced, or supplemented with functional controls within 24 hours of discovery or as soon as field conditions allow.

- C. Violation of ACT 7 Section S-1, Condition (5): Install needed erosion controls even if they may be located in the way of subsequent activities, such as utility installation, grading or construction. It shall not be an acceptable defense that controls were not installed because subsequent activities would require their replacement or cause their destruction.

Follow up site visits to the Hinds Community College, Rankin Campus Expansion Project by MDEQ staff on December 2, 2010 and December 9, 2010 revealed that the structural control measures in the SWPPP were in place and were functional.

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 \$15,000. Respondent shall pay this penalty to MDEQ within thirty (30) days after this Agreed Order has been executed by the MDEQ Executive Director or her designee.

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. Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 18 day of January, 2011.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 7th day of January, 2011.

WARREN EXCAVATION, LLC

BY: Doug Warren

TITLE: Member

STATE OF Mississippi

COUNTY OF Madison

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

SWORN AND SUBSCRIBED BEFORE ME, this the 7th day of January, 2011.

Angelia M. Page
NOTARY PUBLIC

My Commission expires:

June 21, 2013

