



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

February 8, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Michael Long
Hegwood Road Subdivision
26 Bent Brook Drive
Purvis, MS 39475

**Re: Hegwood Road Subdivision
Agreed Order No. 5899 11**

Dear Mr. Long:

Enclosed you will find a copy of Agreed Order No. 5899 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" with a small "14" written below it.

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

Enclosure
cc: Danny Beasley

Agency Interest No. 53298
ENF20100002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 5899 11

MICHAEL LONG
HOME CONSTRUCTION PLUS, LLC
26 BENT BROOK DRIVE
PURVIS, MISSISSIPPI 39475

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 Michael Long and Home Construction Plus, LLC, collectively "Respondent," in the above captioned cause and agree as follows:

1.

On May 12, 2010 MDEQ received a Large Construction Notice of Intent submitted by Michael Long and Home Construction Plus, LLC seeking coverage under Mississippi's Large Construction Storm Water General Permit for a 6± acre development off of Hegwood Road in Hattiesburg, Lamar County, MS (the "Site").

On May 25, 2010 MDEQ staff performed a Compliance Evaluation Inspection ("CEI") at the Site in response to a complaint filed with MDEQ. The CEI discovered that land disturbing activities associated with construction of a residential subdivision development had commenced at the Site prior to MDEQ providing written notification of issuance of a Large Construction Storm Water General Permit Certificate of Coverage for the Site.

2.

By letter dated June 7, 2010, Respondent was contacted by Complainant and notified of the following violation discovered during the CEI at the Site:

- A. Violation of MS Code Ann. 49-17-29 (2.b): Respondent failed to obtain a Large Construction Storm Water General Permit before commencement of land disturbing activities associated with a residential subdivision development.

On June 16, 2010 Large Construction Storm Water General Permit Certificate of Coverage Number MSR105739 was issued to Michael Long dba Home Construction Plus for the Site.

3.

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 \$15,000. Respondent shall pay this penalty to MDEQ within one hundred eighty (180) days after this Agreed Order has been executed by the MDEQ Executive Director or her designee.
- B. If Respondent fails to make timely payment of the penalty as required by subparagraph 3.A. above, the Respondent shall pay a stipulated penalty of \$100 per day of violation of the payment deadline. The stipulated penalty will be due within thirty (30) days of written notification by MDEQ that a stipulated penalty is owed.

4.

Notwithstanding the provision by this Agreed Order for stipulated penalties to accrue in certain circumstances, the Commission reserves the right to conduct a separate enforcement action concerning any violation by Respondent of this Agreed Order or of the laws or regulations within the jurisdiction of the Commission. If the Commission conducts a separate enforcement action concerning a violation for which stipulated penalties are provided in this Agreed Order, the Commission will be deemed to have waived the right to collect stipulated penalties in lieu of the right to conduct the separate enforcement action. In that separate enforcement action, the

Commission may seek penalties, injunctive relief, or other appropriate relief different from or in the excess of the amount of stipulated penalties included in this Agreed Order, up to and including the statutory maximum penalty.

5.

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.

6.


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.

7.

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 7 day of February, 2010.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the _____ day of _____, 2010.

MICHAEL LONG HOME CONSTRUCTION PLUS, LLC

By: Michael Long
Michael Long, Managing Member

STATE OF MS

COUNTY OF Lamar

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this the 18th day of ~~December, 2010~~, January 2011 RC within my jurisdiction, the within named Michael Long, who acknowledged that he is the managing member of Michael Long Home Construction Plus, LLC a Mississippi limited liability company, and as its act and deed, he executed the above and foregoing Agreed Order after having been duly authorized by said company to do so.

SWORN AND SUBSCRIBED BEFORE ME, this the 18th day of January, ~~2010~~. 2011 RC

Rebecca Casada
NOTARY PUBLIC

My Commission expires: July 15, 2011

