



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

January 26, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Ms. Rosie Wilson
Mount Olive Water Association, West View Subdivision
PO Box 389
Bolton, MS 39041

**Re: Mount Olive Water Association, West View Subdivision
Agreed Order No. 5892 11**

Dear Ms. Wilson:

Enclosed you will find a copy of Agreed Order No. 5892 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 Mandy Case at (601) 961-5149.

Sincerely,

A handwritten signature in blue ink that reads "Jerry W. Cain, P.E." with a date "1/26" written at the end.

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

Enclosure
cc: Mandy Case

Agency Interest No. 13756
ENF20100003

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 5892 11

MOUNT OLIVE WATER ASSOCIATION
PO BOX 389
BOLTON, MISSISSIPPI 39041

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 Mount Olive Water Association, Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates a wastewater collection and treatment system subject to NPDES Permit No. MS0031453. On March 25, 2010, MDEQ staff performed a compliance evaluation inspection. By letter dated July 7, 2010, Respondent was contacted by Complainant and notified of the following violation(s) at West View Subdivision, Bolton, Mississippi in Hinds County:

- A. Condition T-24: Proper Operation, Maintenance and Replacement: The permittee shall at all times properly operate, maintain, and when necessary, promptly replace all facilities and systems of collection, treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. [WPC-1 Chapter One Section IV.A(18)].
Trees and other overgrown vegetation were growing in the lagoon. An adequate chlorinator and contact chamber were not provided for disinfection. On

December 20, 2010, Respondent notified MDEQ that a disinfection system had been completed in accordance with the plans and specifications approved by MDEQ.

- B. Mississippi Code 21-27-211: Beginning on July 1, 1987, all municipal and domestic wastewater treatment plants must be operated by persons who are certified as qualified to operate such facilities.

The West View Subdivision POTW did not have a Certified Wastewater Operator. (On August 3, 2010, Respondent obtained the services of a Certified Wastewater Operator.)

- C. Condition T-21: Records Retention: All records and results of monitoring activities required by this permit, including calibration and maintenance records, shall be retained by the permittee for a minimum of three (3) years, unless otherwise required or extended by the Permit Board, copies of which shall be furnished to the Department upon request. [WPC-1 Chapter One Section IV.A(29)a].

Respondent did not maintain all records of monitoring activities for the three previous years.

- D. Condition S-1: Submittal Action Requirements: The Permittee shall submit analytical results on an annual Discharge Monitoring Report (DMR): Due annually by the 28th of January. [WPC-1 Chapter One IV.A(15)c].

Respondent did not submit discharge monitoring reports to MDEQ for the years 2007 and 2008.

- E. Condition S-5: Expiration of Permit: At least 180 days prior to the expiration date of this permit pursuant to the State law and regulation, the permittee who wishes to continue to operate under this permit shall submit an application to the Permit Board for reissuance. The Permit Board may grant permission to submit an application later than this, but no later than the expiration date of the permit. [WPC-1 Chapter One Section V.B(1)]. The permit renewal application is due 180 days before the expiration date on the current NPDES permit.

The West View Subdivision permit expired December 31, 2008. The permit

renewal application was received March 25, 2010.

- F. Effluent Limitations and Monitoring Requirements: Effluent monitoring should be performed as required by the permit.

Respondent was not performing monitoring at the frequency required by the permit.

2.

In lieu of a formal enforcement hearing concerning the violation(s) 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 \$8,750.00. 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. The penalty amount shall be submitted to the following address:

Mississippi Department of Environmental Quality
P.O. Box 2339
Jackson, MS 39255

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 26 day of January, 2011.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 20th day of January, 2011.

MOUNT OLIVE WATER ASSOCIATION

BY: Rosie Wilson

TITLE: Secretary

STATE OF MS.

COUNTY OF Hinds

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Rosie Wilson who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Secretary of Mount Olive Water Association and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 20th day of January, 2011.



[Signature]
NOTARY PUBLIC

My Commission expires: March 2, 2012