



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

March 29, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Mark Gibson  
Liberty Road Trailer Park  
PO Box 60  
Picayune, MS 39466

**Re: Liberty Road Trailer Park  
Agreed Order No. 5934 11**

Dear Mr. Gibson:

Enclosed you will find a copy of Agreed Order No. 5934 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 Jim Harvey at (601) 961-5591.

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: Jim Harvey

Agency Interest No. 13984  
ENF20100002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 5934 11

MARK GIBSON  
LIBERTY ROAD TRAILER PARK  
P.O. BOX 60  
PICAYUNE, MISSISSIPPI 39466

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 Mark Gibson, Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates a wastewater collection and treatment system at the Liberty Road Trailer Park located off Liberty Road in Pearl River County, subject to NPDES Permit No. MS0041912. MDEQ staff performed a site inspection on December 4, 2009. Respondent was contacted by Complainant by letter dated June 9, 2010, and notified of the following violations of the permit:

- A. Permit Condition: "EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS" Subject Item: Outfall 001 (Domestic Wastewater)

RPNT0000000001: MS0041912-001 Such discharges shall be limited and monitored by the permittee as specified below: (see chart in permit)

*Sampling of effluent limitations was not being conducted as required by the permit. Dissolved Oxygen, pH, and Biological Oxygen Demand and Total Suspended Solids sampling is required annually. Documentation of monitoring was not available for 2009.*

- B. Permit Condition L-1: The effluent shall not cause an accumulation of solids or sewage sludges in the receiving stream. [WPC-2 Section II.2]

*During the December 4, 2009, inspection, an accumulation of sludge was observed in the receiving stream.*

- C. Permit Condition T-13: In accordance with the Municipal and Domestic Water and Wastewater System Operator's Certification Act of 1986, this treatment facility must be operated by persons who are certified as qualified to operate the facility.

*The Mississippi Commission on Environmental Quality Regulation WPC-3, Section 3 requires a Class II Operator for an Activated Sludge facility, less than 100,000 GPD. The facility was being operated by a Class I Operator.*

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 \$8,735.00. 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

- B. On or before May 1, 2011, Respondent shall submit written Standard Operating Procedures for properly operating and maintaining the Liberty Road Trailer Park treatment facility. The procedures shall include, at a minimum, operator checklists and a preventative maintenance plan.
  
- C. If Respondent fails to abide by the requirement established in 2.B. above, Respondent shall pay a stipulated penalty of \$100 per day of violation of the relevant deadline. The stipulated penalty will be due within thirty (30) days of notification by MDEQ that a stipulated penalty is owed.

Respondent submitted a letter dated June 30, 2010, documenting a certified Class II operator had been acquired. By letter dated July 13, 2010, Respondent provided documentation of field data collected during July and August 2010 at the monitoring frequency of twice per week for the parameters of dissolved oxygen, pH, BOD, and sludge settleability.

3.

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.

4.

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.

5.

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.

6.

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 29 day of March, 2011.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

PLEASE SEE EXHIBIT  
"A" ATTACHED



AGREED, this the 23<sup>rd</sup> day of March, 2011.

MARK GIBSON

BY: Mark Gibson

TITLE: Dir

STATE OF MS

COUNTY OF PEARL RIVER

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Mark Gibson, who first being duly sworn, did state upon his oath and acknowledge to me that he is the DIR. of Liberty Road Trailer Park and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 23<sup>rd</sup> day of MARCH, 2011.

[Signature]  
NOTARY PUBLIC

My Commission expires: ~~6-16-14~~ 6-16-14





## **Exhibit " A "**

**March 24, 2011**

**I sign this AGREED ORDER under PROTEST of line item # A & # C. MDEQ was fully aware that we were using Mr. Richard McClendon, in fact he was the one present at the meetings we had with MDEQ, then 1 ½ years later we are informed he is not acceptable.**

**While we are fully committed to following the rules established for us, which have changed numerous times over the years we have operated the park, we do need help and direction from time to time.**

**We do not charge for sewerage and haven't any way on passing the cost on to the consumer, even if we agreed on it.**

**We are not a governmental agency or large corporation with deep pockets.**

**We humbly ask for you to take a closer look at this excessive fine that has been placed on us.**

**Thanking you in advance for your consideration.**

  
**Mark Gibson**