



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

July 25, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Farris Gibbs
Utility Constructors, Inc.
P. O. Box 13627
Jackson, MS 39236

**Re: Flowood, City of, North Flowood Drive Extension
Agreed Order No. 5997 11**

Dear Mr. Gibbs:

Enclosed you will find a copy of Agreed Order No. 5997 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 Steve Bailey at (601) 961-5056.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders".

Chris Sanders, P. E.
Environmental Compliance and Enforcement Division

Enclosure
cc: Steve Bailey

Agency Interest No. 49861
ENF20110002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

5997 11

UTILITY CONSTRUCTORS, INC
P.O. BOX 13627
JACKSON, MS 39236

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 Utility Constructors, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated April 28, 2011, Respondent was contacted by Complainant and notified of the following violations of the Large Construction General Storm Water Permit Certificate of Coverage Number MSK105564 at its facility located on Flowood Drive, Flowood, Mississippi in Rankin County (the "Site"):

- A. *Violation of Section S-1 Part (1) Failure to implement the Storm Water Pollution Prevention Plan (SWPPP).* At the time of a MDEQ inspection on April 8, 2011, all controls outlined in the Storm Water Pollution Prevention Plan (SWPPP) had not been implemented.

- B. *Violation of Section S-2 Part (1) Failure to maintain all controls.* At the time of the referenced inspection, controls outlined in the (SWPPP) were not being

maintained.

An inspection of the site will be conducted by MDEQ staff within 30 days of issuance of this order to ensure Respondent has maintained controls and implemented the SWPPP.

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 \$7,000.00 for the matters addressed herein. 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 payment shall be submitted to the following address:

Mississippi Department of Environmental Quality
Attention: Mona Varner
P.O. Box 2261
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 19 day of July, 2011.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 18th day of July, 2011.

UTILITY CONSTRUCTORS, INC.

BY: [Signature]
TITLE: President

STATE OF Ms.

COUNTY OF Hinds

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Terey D. Lovelace who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Utility Constructors, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 18th day of July, 2011.

[Signature]
NOTARY PUBLIC



My Commission expires: _____



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

July 7, 2011

CERTIFIED MAIL: 7009 2820 0001 5593 6698

Farris Gibbs
Utility Constructors, Inc.
P.O. Box 13627
Jackson, MS 39236

Re: Flowood, City of, North Flowood Drive Extension
Flowood, Rankin County
MSR105564

Dear Mr. Gibbs:

Enclosed please find an Agreed Order that reflects our understanding of agreements reached to resolve certain environmental issues with your company.

If you concur with this Agreed Order, please sign the order before a Notary Public in the appropriate space and return the original water-marked order in the enclosed, self-addressed envelope to MDEQ Attn: Kim Smith, PO Box 2261 Jackson, MS 39225. Do not submit any penalty payment at this time. You will receive specific penalty payment instructions at a later date after the MDEQ Executive Director has executed the order.

If you have any questions, please contact me at (601) 961-5056.

Sincerely,

A handwritten signature in blue ink that reads "Steven R. Bailey".

Steven R. Bailey, P.E.
Construction and Building Materials Branch
Environmental Compliance and Enforcement Division

Enclosure