



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

February 2, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Chris Burnett  
Itawamba Community College, Health Sciences Building  
PO Box 149  
Batesville, MS 38606

**Re: Itawamba Community College, Health Sciences Building  
Agreed Order No. 6078 12**

Dear Mr. Burnett:

Enclosed you will find a copy of Agreed Order No. 6078 12, 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 John Henderson at (601) 961-5642.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Sanders".

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

Enclosure  
cc: John Henderson

Agency Interest No. 55852  
ENF20110002

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • [www.deq.state.ms.us](http://www.deq.state.ms.us)

AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **6078 12**

PANOLA CONSTRUCTION COMPANY, INC.  
P.O. BOX 149  
BATESVILLE, MISSISSIPPI 38606

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 Itawamba Community College, Health Sciences Building, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated November 7, 2011, Respondent was contacted by Complainant and notified of the following violation at its facility located at College View Drive, Tupelo, Mississippi in Lee County on the Itawamba Community College campus:

**A. Act 6, Section 1, Number 1 - Failure to implement the site-specific Storm  
Water Pollution Prevention Plan (SWPPP)**

During the Compliance Evaluation Inspection, MDEQ was made aware that the permit holder did not retain a copy of the site-specific SWPPP prior to beginning construction. A visual inspection of the construction site revealed controls had not been installed correctly so

as to prevent any sediment from potentially leaving the site.

During the administrative conference on November 30, 2011, Respondent informed MDEQ that controls had been installed satisfactorily and a copy of the SWPPP was being kept on site. On December 9, 2011, MDEQ received documentation from the Respondent indicating that all controls had been installed correctly and were functioning properly.

2.

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 \$5,000. Respondent shall pay this penalty to MDEQ within forty-five (45) 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, Mississippi 39225

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 31 day of January, 2011.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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



AGREED, this the 27<sup>th</sup> day of JANUARY, ~~2011~~  
2012

PANOLA CONSTRUCTION COMPANY, INC.

BY: [Signature]

TITLE: VICE PRESIDENT

STATE OF MS

COUNTY OF PANOLA

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Chris Buennett who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Project Manager of Itawamba Community College, Health Sciences Building and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 27<sup>th</sup> day of January, ~~2011~~  
2012

[Signature]  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_





GENERAL CONSTRUCTION  
P.O. BOX 149  
BATESVILLE, MS 38606

PHONE: 662/563-5621  
FAX: 662/563-0715  
E-MAIL: [cburnett@panolaconstruction.com](mailto:cburnett@panolaconstruction.com)

### LETTER OF TRANSMITTAL

**PROJECT:** ICC Health Sciences  
Tupelo, MS

**DATE:** 1.27.12

**TO:** MDEQ  
P.O. Box 2261  
Jackson, MS 39225

**ATTN:** Kim Smith

**VIA:** US Mail

WE ARE SENDING:					
ITEM NO.	COPIES	DATE	NUMBER		STATUS
1	1	1.27.12		Agreed Order GP - Construction Coverage MSR105978	CLO

REMARKS:

CC: File

Signed: 