



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

November 5, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Andy Cooper
Woods Subdivision, The
1111 Memorial Boulevard
Picayune, MS 39466

**Re: Woods Subdivision, The
Agreed Order No. 6190 12**

Dear Mr. Cooper:

Enclosed you will find a copy of Agreed Order No. 6190 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 Mark Henderson at (601) 961-5642.

Sincerely,

Kim Smeltz
for

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

Enclosure
cc: John Mark Henderson

Agency Interest No. 20036
ENF20120002

OFFICE OF POLLUTION CONTROL

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AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6190 12

COOPER COMPANY
P.O. BOX 816
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 Cooper Company, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated August 21, 2012, Respondent was contacted by Complainant and notified of the following violation discovered during a Compliance Evaluation Inspection (CEI) (reference CEI INS20120001) conducted by MDEQ staff on August 14, 2012 at its facility, Highland Commons, located on US Highway 11, Picayune, Mississippi in Pearl River County:

- A. Failure to Obtain Permit Coverage – Mississippi Code of 1972 Sec. 49-17-29: Respondent was engaging in construction related activities without having coverage under Mississippi's Large Construction General Permit.

Respondent's construction project is a mixed commercial and residential development in Picayune, Pearl River County. At the time the CEI was conducted, approximately 10 acres of land had been disturbed for construction related activity. During an administrative conference held on

September 4, 2012, Respondent informed MDEQ that a consultant had been retained to formulate a new site-specific Storm Water Pollution Prevention Plan (SWPPP) and stabilize the site until construction was complete. Respondent also provided MDEQ with photographic documentation that temporary controls had been installed on site.

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 \$7,500. Respondent shall pay this penalty to MDEQ within sixty (60) days after this Agreed Order has been executed by the MDEQ Executive Director or her designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Mona Varner
P.O. Box 2339
Jackson, MS 39225

- B. Respondent agrees to submit both the Large Construction General Permit, Re-coverage Form and revised site-specific SWPPP to MDEQ within thirty (30) days after this Agreed Order has been executed by the MDEQ Executive Director or her designee. The Re-coverage Form and SWPPP shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Environmental Permits Division
P.O. Box 2261
Jackson, MS 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.

AGREED, this the 23 day of October, 2012.

COOPER COMPANY

BY: Andy Cooper

TITLE: President

STATE OF Mississippi

COUNTY OF Pearl River

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

SWORN AND SUBSCRIBED BEFORE ME, this the 23 day of October, 2012.

Jace Venetia Cacioppo
NOTARY PUBLIC

My Commission expires: _____



4.

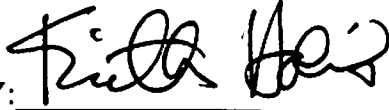

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

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 2nd day of November, 2012.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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