



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

May 10, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Brandon Brown  
Treetops Boulevard Project  
PO Drawer 879  
Florence, MS 39073

**Re: Treetops Boulevard Project  
Agreed Order No. 6251 13**

Dear Mr. Brown:

Enclosed you will find a copy of Agreed Order No. 6251 13, 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 Danny Beasley at (601) 961-5356.

Sincerely,

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

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

Enclosure  
cc: Danny Beasley

Agency Interest No. 63548  
ENF20130002

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 251 13

HEMPHILL CONSTRUCTION COMPANY, INC.  
P.O. DRAWER 879  
FLORENCE, MISSISSIPPI 39073

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 Hemphill Construction Company, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated March 22, 2013, Respondent was contacted by Complainant and notified of the following violation discovered during a Compliance Evaluation Inspection conducted by MDEQ staff on March 21, 2013 at the Respondent's Treetops Boulevard Project located at Flowood Drive and Treetops Boulevard, Flowood, Mississippi in Rankin County:

- A. Violation of MS Code Ann. 49-17-29 (2.b): Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit before commencement of land disturbing activities.

At an Administrative Conference held in the MDEQ office on April 4, 2013, Respondent agreed to suspend land disturbing activity and initiate temporary stabilization measures at the

Treetops Boulevard Project property until coverage under Mississippi's Large Construction Storm Water General Permit is issued to Respondent to discharge storm water associated with the construction of the project.

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 settlement payment shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Mona Varner  
P.O. Box 2339  
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.

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 15 day of May, 2013.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the 7<sup>TH</sup> day of May, 2013.

HEMPHILL CONSTRUCTION COMPANY, INC.

BY: [Signature]

TITLE: PROJECT MANAGER

STATE OF Mississippi  
COUNTY OF Rankin

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Brandon H. Brown who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Project Manager of Hemphill Construction Company, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 7<sup>th</sup> day of May, 2013.

[Signature]  
NOTARY PUBLIC

My Commission expires: March 16, 2016

