



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

August 2, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Bruce Yancy
Yancy Brothers Construction
30 Milton Drive
Collierville, TN 38017

**Re: Whispering Woods Subdivision
Agreed Order No. 6294 13**

Dear Mr. Yancy:

Enclosed you will find a copy of Agreed Order No. 6294 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 Steve Bailey at (601) 961-5052.

Sincerely,

Chris Sanders
for

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

Enclosure
cc: Steve Bailey

Agency Interest No. 23425
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6 294 13

YANCY BROTHERS CONSTRUCTION
30 MILTON DRIVE
COLLIERVILLE, TN 38017

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 Yancy Brothers Construction, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated March 13, 2013, Respondent was contacted by Complainant and notified of the following violation(s) of Large Construction Storm Water General Permit MSR103978 for Whispering Woods Subdivision (Helen of Troy) located at Old Goodman Road, Olive Branch, Mississippi in DeSoto County:

A. *Violation of ACT 6 Section S-1 (1) - Failure to implement the SWPPP* - Prior to construction activities, the SWPPP was not implemented as submitted to MDEQ for approval. Specifically, the sediment basins had an incorrect discharge structure utilizing perforated pipe instead of a surface discharge.

B. *Violation of ACT 6 Section S-2 (9) - Failure to maintain controls* – Areas of silt fence

on the west side of the project required by the SWPPP were either in disrepair or non-existent thereby allowing storm water to discharge untreated.

C. Violation of ACT 12 T-17 (1) Anticipated Non-compliance. The coverage recipient shall give at least ten (10) days advance notice, if possible, before any planned noncompliance with permit requirements. Giving notice of planned or anticipated noncompliance does not immunize the coverage recipient from enforcement action for that noncompliance. Respondent cut a 4' X 100' trench to drain the site allowing sediment discharges offsite.

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 \$21,000.00. 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

Respondent has completed all repairs and appears to be in compliance with permit requirements.

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 2 day of August, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 16th day of July, 2013.

YANCY BROTHERS CONSTRUCTION

BY: [Signature]

TITLE: President

STATE OF Mississippi

COUNTY OF Marshall

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

SWORN AND SUBSCRIBED BEFORE ME, this the 16th day of July, 2013.

[Signature]
NOTARY PUBLIC

My Commission expires: October 16, 2016

