



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

November 19, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Jason Voyles
Bloomfield Development
781 Larson Street
Jackson, MS 39202

**Re: Bloomfield Development
Agreed Order No. 6366 13**

Dear Mr. Voyles:

Enclosed you will find a copy of Agreed Order No. 6366 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. 35782
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6366 13¹³

BLOOMFIELD EQUITIES, LLC
781 LARSON STREET
JACKSON, MISSISSIPPI 39202

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 Bloomfield Equities, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated June 26, 2013, Respondent was contacted by Complainant and notified of the following violations of Mississippi's Large Construction Storm Water General Permit Certificate of Coverage Number MSR104683. The violations were discovered during a Compliance Evaluation Inspection at the Respondent's Bloomfield Development commercial construction project located off of Highway 80 and Bass Pro Drive in Pearl, Mississippi in Rankin County:

- A. Violation of ACT 6 Section S-1, Condition (1): *"The coverage Recipient shall: (1) Implement the site-specific SWPPP."*
- B. Violation of ACT 6 Section S-2, Condition (9): *"Erosion and sediment controls shall be maintained at all times."*

At an Administrative Conference held at the MDEQ office on July 9, 2013, Respondent

provided documentation demonstrating that the Storm Water Pollution Prevention Plan (SWPPP) had been fully implemented. Site inspections conducted by MDEQ staff subsequent to the Administrative Conference, confirmed that the SWPPP had been implemented and timely maintenance of the erosion and sediment controls was being performed.

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 \$10,000. 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.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth in Paragraph 2 above, Respondent does not admit any of the allegations listed in Paragraph 1 of this Agreed Order and nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as the full resolution of the alleged violations above. The parties further agree that the Commission continues to assert that the matters set forth in Paragraph 1 of this Agreed Order were violations of the environmental laws, regulations and/or permits applicable to Respondent.

4.

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.

5.

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.

6.

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 18 day of November, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 9th day of November, 2013.

BLOOMFIELD EQUITIES, LLC

BY: Matthew A. Summers

TITLE: Authorized Rep.

STATE OF MS

COUNTY OF Hinds

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Matthew A. Summers who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Authorized Representative of Bloomfield Equities, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 8 day of November, 2013.

Laura Kestenaum
NOTARY PUBLIC

My Commission expires: 6/08/14

