



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

December 16, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Clinton Herring
Kerioth Construction Inc, The Township at Colony Park
PO Box 16436
Jackson, MS 392366436

**Re: Kerioth Construction Inc, The Township at Colony Park
Agreed Order No. 6372 13**

Dear Mr. Herring:

Enclosed you will find a copy of Agreed Order No. 6372 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 black ink, appearing to read "Chris Sanders".

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

Enclosure
cc: Danny Beasley

Agency Interest No. 15959
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6372 13

KERIOTH CONSTRUCTION, INC.
PO BOX 16436
JACKSON, MISSISSIPPI 39236-6436

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

1.

By letter dated March 14, 2013, Respondent was contacted by Complainant and notified of the following violations of Mississippi Large Construction Storm Water General Permit Certificate of Coverage Number MSR101887 discovered during a Compliance Evaluation Inspection (CEI) at the Respondent's "The Township at Colony Park" commercial construction project located off of Highland Colony Parkway, Ridgeland, Mississippi in Madison County:

- A. Violation of ACT 6 Section S-2, Condition (9): "*Erosion and sediment controls shall be maintained at all times.*"
- B. Violation of ACT 6 Section S-4: "*Inspection of all receiving streams (if feasible), outfalls, erosion and sediment controls and other SWPPP requirements shall be performed during permit coverage using a copy of the form provided in the Large*

Construction Forms Package, and inspections shall be performed by qualified personnel."

Site inspections subsequent to the CEI of February 20, 2013 determined that the erosion and sediment control measures were being maintained and routine inspections of the SWPPP requirements were 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 \$11,150. 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. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 13 day of December, 2013.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 26th day of November, 2013.

KERIOTH CONSTRUCTION, INC.

BY: 
TITLE: Mr

STATE OF Mississippi
COUNTY OF Madison

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

SWORN AND SUBSCRIBED BEFORE ME, this the 26th day of November, 2013.




NOTARY PUBLIC

My Commission expires: