



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

January 21, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Ambarish Keshani  
Tinseltown Plaza  
PO Box 11091  
Memphis, TN 38111

**Re: Tinseltown Plaza  
Agreed Order No. 6379 14**

Dear Mr. Keshani:

Enclosed you will find a copy of Agreed Order No. 6379 14, 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 Chris Wells at (601) 961-5545.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders".

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

Enclosure  
cc: Chris Wells

Agency Interest No. 63184  
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6379 14

CINEMA GROUP, INC.  
PO BOX 2659  
RIDGELAND, MS 39158

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 Cinema Group, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated August 30, 2013, Respondent was contacted by Complainant and notified of the following violation(s) of Large Construction Storm Water General Permit MSR106317 for the Tinseltown Plaza located at 660 West Southbranch Parkway, 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, construction of the sedimentation basin was not completed prior to site clearance and grading.
- B. *Violation of ACT 6 Section S-2 (9) - Failure to maintain controls* - Areas of silt fence in the southeast corner of the permitted area required by the SWPPP were non-functional thereby allowing storm water to enter streams untreated.

- C. *Violation of ACT 6 Section S-4; Failure to perform weekly inspections* – Respondent failed to perform weekly inspections for construction activities that occurred from March 1, 2013, through October 2, 2013.

During the administrative conference on October 2, 2013, Respondent asserted that a contractor previously hired to maintain the site and perform work related to storm water compliance abandoned the job without notice, which led directly to the conditions noted in the Notice of Violation. Notwithstanding this, Respondent submitted photographic evidence that showed all repairs have been made and that the project site is in compliance with all permit conditions.

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 \$10,500. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Jennifer Parish  
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 January, 2014

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the 6<sup>th</sup> day of January, ~~2013~~ 2014

CINEMA GROUP, INC.

BY: A.A. Kushan

TITLE: President

STATE OF Tenn

COUNTY OF Shelby

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

SWORN AND SUBSCRIBED BEFORE ME, this the 6 day of Jan, ~~2013~~ 2014

Sherry Davenport  
NOTARY PUBLIC

My Commission expires: October 2015

