



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

January 23, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. George Walker
Falkner Flats Apartments
116 One Madison Plaza Suite 2100
Madison, MS 39110

**Re: Falkner Flats Apartments
Agreed Order No. 6384 14**

Dear Mr. Walker:

Enclosed you will find a copy of Agreed Order No. 6384 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 Kyle Corbin at (601) 961-5386.

Sincerely,

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

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

Enclosure
cc: Kyle Corbin

Agency Interest No. 63720
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6384 14

FAULKNER FLATS APARTMENTS
116 ONE MADISON PLAZA
SUITE 2100
MADISON, MISSISSIPPI 39110

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 Faulkner Flats Apartments, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated October 16, 2013, Respondent was contacted by Complainant and notified of the following violation(s) of Large Construction Storm Water General Permit MSR106370 for its facility located at 120 Old Taylor Road, Oxford, Mississippi in Lafayette County:

- A. Violation of ACT 6 Section S-2 (9) - Failure to maintain controls – Erosion and sediment controls shall be maintained at all times. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach one-third to one-half the height of the control. *There appeared to be a significant lack of timely maintenance on storm water controls in the southwest portion of the project site.*
- B. Violation of ACT 12 Section T-17 (2) – Failure to report unanticipated noncompliance – The coverage recipient shall notify the MDEQ orally within twenty-four (24) hours from the time he or she becomes aware of unanticipated noncompliance, which may

endanger health or the environment. *Significant rain events caused existing storm water controls to fail which led to unanticipated noncompliance.*

- C. Violation of ACT 6 Section S-1 (1) - Failure to implement the SWPPP – *The sedimentation basin located in the Southwest corner of the project site was removed prior to final stabilization leaving an area with more than ten (10) disturbed acres without the necessary sedimentation basin as required by ACT 5 Section T-5 (2-A).*

During the administrative conference on November 14, 2013, Respondent agreed to reconstruct the required sedimentation basin and to perform additional work on the project site relating to storm water compliance. Respondent has since submitted photographic evidence that 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 \$12,000. 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: 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 23 day of January, 2014.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 10th day of July, 2014.

FAULKNER FLATS APARTMENTS

BY: [Signature]

TITLE: Manager

STATE OF MS.

COUNTY OF Hinds

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named George Walker who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Managing Member of Faulkner Flats Apartments and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 13th day of January 2014.



My Commission expires: _____

[Signature]
NOTARY PUBLIC