



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, EXECUTIVE DIRECTOR

September 22, 2023

CERTIFIED MAIL #7019 1120 0000 4785 9378

Mr. Comer L. Carter, Jr.
DR Horton Inc, Mississippi Mobile Division DR Horton Magnolia Farms
1641- B Popp's Ferry Road
Biloxi, Mississippi 39532

**Re: DR Horton Inc, Mississippi Mobile Division DR Horton Magnolia Farms
Agreed Order No. 7276 23**

Dear Mr. Carter:

Enclosed you will find a copy of Agreed Order No. 7276 23, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, 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 Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Geoffrey Martin at (601) 961-5024.

Sincerely,

A handwritten signature in black ink that reads "Michelle Clark".

Michelle Clark, P.E., BCEE, Chief
Environmental Compliance and Enforcement Division

Enclosure
cc: Geoffrey Martin

Agency Interest No. 81694
ENF20230002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

7276 23

D.R. HORTON, INC.
1641 POPP'S FERRY ROAD, SUITE B
BILOXI, MISSISSIPPI 39532

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 D.R. Horton, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated April 14, 2023, Respondent was contacted by Complainant and notified of the following violation that was discovered during a Compliance Evaluation Inspection conducted on February 14, 2023 at Respondent's Magnolia Farms Subdivision construction site located on Magnolia Farms Drive in Lucedale, Mississippi in George County:

- A. Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General NPDES Permit prior to the commencement of construction activities in violation of Miss. Code Ann. § 49-17-29(2)(b), which states the following: "It is unlawful for any person to carry on any of the following activities, unless that person holds a current permit for that activity from the Permit Board as may be required for the disposal of all wastes which are or may be discharged into the waters of the state, or unless that person is exempted from holding a permit by a regulation promulgated by the commission: (i) the construction, installation, modification or operation of any

disposal system or part thereof or any extension or addition thereto, including, but not limited to, systems serving agricultural operations; (ii) the increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit; (iii) the construction, installation or operation of any industrial, commercial or other establishment, including irrigation projects or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of wastes into the waters of the state or would otherwise alter the physical, chemical or biological properties of any waters of the state in any manner not already lawfully authorized; (iv) the construction or use of any new outlet for the discharge of any wastes into the waters of the state[...]"

2.

On June 6, 2023, MDEQ issued Certificate of Permit Coverage No. MSR108724 under Mississippi's Large Construction Storm Water General NPDES Permit to the Respondent.

3.

In lieu of a formal enforcement hearing concerning the violation 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 \$5,250.00. 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 his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Accounts Receivable
P.O. Box 2339
Jackson, MS 39225

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. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 20th day of September, 2023.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: 
CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 18 day of September, 2023.

D.R. HORTON, INC.

BY: Comer L. Carter Jr

TITLE: Region Stormwater Compliance Specialist

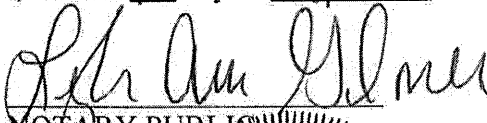
STATE OF Mississippi

COUNTY OF Harrison

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Comer L. Carter Jr who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Authorized representative of D.R. Horton, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 18 day of September, 2023.


NOTARY PUBLIC

My Commission expires: June 25th 2027

