



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

June 4, 2012

Jill Kallos
135 Waverly Road
Senatobia, MS 38668

Subject: Yesterday South Lake Dam

Dear Ms. Kallos:

As you know, our office recently became aware of the above referenced High hazard dam and have added it to our inventory as Yesterday South Lake Dam with an inventory number of MS00067. It is our understanding that this dam is divided into three parcels as follows:

- 1) The lake and upstream side of the dam which is up for tax sale at the MS Secretary of State's office (Parcel # 109-32-0000-750).
- 2) Approximately 4/5 of the downstream slope of the dam owned by your LLC, Friend of the Lake, LLC.
- 3) The remaining 1/5 of the downstream slope is owned by the owner of Lot 42 Yesterday South Lake Subdivision.

As we discussed over the phone, a high hazard dam is a dam whose failure could cause major property damage or potential loss of life. In accordance with MDEQ Land and Water Regulation LW-4, High Hazard dams are required to be inspected annually by a registered professional engineer or the dam owner and are also required to have an Emergency Action Plan (EAP). As you are aware, this dam has never been inspected by a registered professional engineer nor does it have an EAP. Generally, upon discovery of a new dam these items would be required immediately. However, since the ownership of more than half of the dam is in question I am willing to delay these requirements for the time being, provided the following items are addressed:

- 1) The vegetation is removed from the dam and it is mowed periodically. Please note this should be addressed by the end of the summer.
- 2) An owner's inspection is submitted to our office following removal of the vegetation.

Copies of the inspection form and the inspection guidance can be downloaded from our website – www.deq.state.ms.us – then click on “Dam Safety” and then click on “Guidelines for Inspection of Existing Dams”. The owner's inspection checklist begins on page 24.

OFFICE OF LAND AND WATER RESOURCES

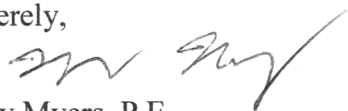
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Please be aware that the dam safety regulations, which were established to carry out the requirements of State law, require that owners of High Hazard dams and of Significant Hazard dams must have a formal inspection of their dam done by a registered professional engineer at such recurring intervals as specified by the Dam Safety Division. The regulations also require owners to perform frequent regular inspections and to submit an annual inspection report to assure proper operation and maintenance of the dam. The regulations also state that owners who allow their dam to deteriorate to an unsafe condition may be ordered to make the necessary repairs and if the necessary repairs are not made, then the Commission on Environmental Quality is empowered by State Law to order the draining of the lake and removal of the dam, or other action deemed appropriate, such as restricting the lake level. Owners of High Hazard or Significant Hazard dams who do not comply with the Department's inspection requirements will be considered to be allowing their dam to deteriorate to an unsafe condition.

If you have any questions or require any assistance, please contact me at 601-961-5207, or email me at DMyers@deq.state.ms.us.

Sincerely,



Dusty Myers, P.E.
Dam Safety Engineer
Drillers Licensing and Dam Safety Division