



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

August 27, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Tripp Hammett
Hammett Gravel Company Inc, Plunkett Pit Number One
PO Box 209
Lexington, MS 39095

**Re: Hammett Gravel Company Inc, Plunkett Pit Number One
Agreed Order No. 6448 14**

Dear Mr. Hammett:

Enclosed you will find a copy of Agreed Order No. 6448 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 Liene Britt at (601) 961-5185.

Sincerely,

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

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

Enclosure
cc: Liene Britt

Agency Interest No. 23292
ENF20140002

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6448 14

HAMMETT GRAVEL COMPANY, INC.
PO BOX 209
LEXINGTON, MISSISSIPPI 39095

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 Hammett Gravel Company, Inc., Respondent, in the above captioned cause and agree as follows:

1.

Respondent operates an approximately 49.5 acre surface mine (Plunkett Pit Number One) located off Fletchers Chapel Road, Yazoo County, Mississippi ("the Site") under two permits from the Office of Geology (P06-003AA and P06-003A) and a Certificate of Coverage (MSR321546) under the Mining Storm Water, Dewatering, and No Discharge General Permit ("Permit").

2.

By letter dated May 9, 2014, Respondent was contacted by Complainant and notified of the following violations at the Site:

- A. Failure to amend the Storm Water Pollution Prevention Plan (SWPPP) whenever there is a change in design, construction, operation, or maintenance which may potentially

affect the discharge of pollutants to waters of the State or if the SWPPP proves to be ineffective in controlling storm water pollutants in violation of ACT 6, Condition S-1(4) of the Permit;

- B. Failure to mark permit boundaries as required by ACT 6, Condition S-3 of the Permit;
- C. Failure to implement additional sediment and erosion control methods if the existing methods in the SWPPP prove to be ineffective for the sediment and erosion control at the mining site in violation of ACT 6, Condition S-2 (7) of the Permit; and
- D. Failure to submit a "Major Modification" Form for the mining site expansion required by ACT 6, Condition S-1 of the Permit.

3.

As confirmed during a site inspection on June 16, 2014 by MDEQ, Respondent has taken the following corrective actions at the Site:

- 1. Ceased the placement and storage of overburden material outside of the permitted mining area;
- 2. Installed sediment and erosion controls within the unpermitted mining area;
- 3. Seeded and reclaimed the unpermitted mining area; and
- 4. Submitted a modified SWPPP and the required applications to amend the surface mining and storm water permits to include the unpermitted mining area.

4.

In lieu of a formal enforcement hearing concerning the violations listed above, Complainant and Respondent agree to settle this matter as follows:

- 1. Install boundary markers to mark the total coverage/permitted area within thirty (30) days after this Agreed Order has been executed by the MDEQ Executive Director or their designee;
- 2. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$8,100. 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 their designee. The settlement payment shall be submitted to:

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

5.

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.

6.

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.

7.

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 27 day of August, 2014.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY 

TRUDY FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the _____ day of _____, 2014.

HAMMETT GRAVEL COMPANY, INC.

BY: [Signature]

TITLE: CEO

STATE OF Mississippi

COUNTY OF Attala

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Harold B. Hammett who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the CEO of Hammett Gravel Company, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 22 day of August, 2014.

[Signature]
NOTARY PUBLIC



My Commission expires: TIMOTHY L. DEASON