



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

December 15, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Scott Kirk
Marietta American Inc
11170 Green Valley Drive
Olive Branch, MS 38654

**Re: Marietta American Inc
Agreed Order No. 6485 14**

Dear Mr. Kirk:

Enclosed you will find a copy of Agreed Order No. 6485 14, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, 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 Rick Sumrall at (601) 961-5791.

Sincerely,

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

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

Enclosure
cc: Rick Sumrall

Agency Interest No. 1112
ENF20140002

OFFICE OF POLLUTION CONTROL

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AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6485 14

MARIETTA AMERICAN INC
11170 GREEN VALLEY DRIVE
OLIVE BRANCH, MISSISSIPPI 38654

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 Marietta American Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 3, 2014, Respondent was contacted by Complainant and notified of the following violations of their NPDES Pretreatment Permit No. MSP090333 (the "Permit") at its facility located at 11170 Green Valley Drive, Olive Branch, Mississippi in Desoto County:

- A. Respondent's Permit renewal application was due 180 days prior to expiration. The Permit expired on June 30, 2014, but the renewal application was not submitted until June 30, 2014 approximately six months late in violation of Condition S-6 of the Permit.
- B. Respondent increased its waste water discharge greater than 20% without notifying the Permit Board as required in Condition T-24 of the Permit.
- C. Respondent changed the duly authorized representative without notice to MDEQ as required in Condition T-44 of the Permit.

2.

In lieu of a formal enforcement hearing concerning the violations listed above,

Complainant and Respondent agree to settle this matter as follows:

Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$50,000. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. 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 9th day of December, 2014.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: Gary C. Rikard
GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 2nd day of December, 2014.

MARIETTA AMERICAN INC

BY: Jeffrey Hicks
TITLE: Plant Manager

STATE OF Mississippi
COUNTY OF DeSoto

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Jeffrey Hicks who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Manager of Marietta American Inc and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 2nd day of Dec., 2014.

Tabitha L. Harris
NOTARY PUBLIC

My Commission expires: May 28, 2017

