



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

January 16, 2015

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Scottie Walters
Walters Development LLC, Walters Dirt Pit
2051 Highway 84 East
Laurel, MS 39443

**Re: Walters Development LLC, Walters Dirt Pit
Agreed Order No. 6492 15**

Dear Mr. Walters:

Enclosed you will find a copy of Agreed Order No. 6492 15, 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 Danny Beasley at (601) 961-5356.

Sincerely,

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

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

Enclosure
cc: Danny Beasley

Agency Interest No. 23906
ENF20140002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6492 15

WALTERS DEVELOPMENT, LLC
2051 HIGHWAY 84 EAST
LAUREL, MISSISSIPPI 39443

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 Walters Development, LLC Respondent, in the above captioned cause and agree as follows:

1.

By letter dated October 16, 2014, Respondent was contacted by Complainant and notified of the following violations of GP-Mining Stormwater Certificate of Coverage No. MSR321699 discovered during a Compliance Evaluation Inspection (CEI) at its surface mine project located off of Kehavy Gore Road, Laurel, Mississippi in Jones County:

A. Violation of ACT 6 Section S-1 Condition (1):

"The coverage recipient shall: (1) Implement the site-specific SWPPP...Failure to implement the SWPPP is a violation of permit requirements."

B. Violation of ACT 6 Section S-2 Condition (10):

"(10) Maintain all erosion controls. 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. For sediment basins, accumulated sediment shall be removed when the capacity has been reduced by 50%. All removed sediment deposits shall be properly disposed. Non-functioning controls shall be repaired,

replaced or supplemented with functional controls within 24 hours of discovery or as soon as field conditions allow."

At an Administrative Conference held on December 2, 2014, Respondent presented documentation that demonstrated the Best Management Practices (BMPs) in the project's SWPPP have been implemented and that timely maintenance of the BMPs is being performed.

2.

In lieu of a formal enforcement hearing concerning the violations 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 \$5,000. 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 15th day of JANUARY, 2014.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: [Signature]
GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 13th day of January, 2014

WALTERS DEVELOPMENT, LLC

BY: [Signature]

TITLE: Scottie Walters, Managing Member

STATE OF Mississippi

COUNTY OF Jones

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

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

[Signature]
NOTARY PUBLIC

My Commission expires: 8-31-16

