



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

June 10, 2015

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Norman Ford
Green Brothers Gravel Company Inc, Harmony Pit, Plant 65
5179 Harmony Road
Crystal Springs, MS 39059

**Re: Green Brothers Gravel Company Inc, Harmony Pit, Plant 65
Agreed Order No. 6530 15**

Dear Mr. Ford:

Enclosed you will find a copy of Agreed Order No. 6530 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 first 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. All future installment payments should be mailed 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 Ethan Mayeu at (601) 961-5613.

Sincerely,

Kim Smith
for

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

Enclosure
cc: Ethan Mayeu

Agency Interest No. 23396
ENF20150001

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.

6530 15

GREEN BROTHERS GRAVEL COMPANY, INC.
5179 HARMONY ROAD
CRYSTAL SPRINGS, MISSISSIPPI 39059

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

1.

By letter dated August 7, 2014, Respondent was contacted by Complainant and notified of the following alleged violations at its facility located at 4008 South Harmony Road, Crystal Springs, Mississippi in Copiah County:

- A. Condition S-4 of Air-Synthetic Minor Operating Permit No. 0600-00071 ("Permit") for failure to report deviations from permit conditions;
- B. Conditions L-1 and L-2 of the Permit for failure to comply with MACT emission limits by the compliance date of May 3, 2013;
- C. Condition L-3 of the Permit for failure to install catalytic converter and monitoring system;
- D. Condition L-5(a) of the Permit for failure to demonstrate continuous compliance and/or report each deviation;
- E. Condition M-1 of the Permit for failure to conduct initial performance test by stack

testing no later than October 30, 2013;

- F. Condition M-6 of the Permit for failure to operate with an open crankcase ventilation;
- G. Condition M-8 (b) of the Permit for failure to establish an operating limitation;
- H. Condition R-1 of the Permit for failure to keep records;
- I. Conditions S-1, S-2 and S-3 of the Permit for failure to submit various MACT notifications;
- J. Condition S-4 of the Permit for failure to report all deviations; and
- K. Condition T-17 of the Permit for failure to modify permit.

Based on documentation submitted in response to the August 7, 2014 letter from MDEQ, the Respondent alleges to be in compliance with the permit conditions listed above.

2.

In lieu of a formal enforcement hearing concerning the alleged 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 \$45,000. Respondent shall pay \$22,500 to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director ("Effective Date"). The remaining balance of \$22,500 shall be paid to MDEQ within ninety (90) days after the Effective Date. The settlement payments 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.

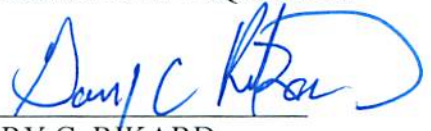
The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth in Paragraph 2 above, Respondent does not admit any of the allegations listed in Paragraph 1 of this Agreed Order and nothing contained herein shall be in any way construed as an admission of liability of Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order in order to settle the disputed violations listed above. The parties *further agree* that the Commission continues to assert that the violations alleged in Paragraph 1 above of this Agreed Order did occur and the acts or omissions of Respondent constitute violations of the environmental laws, regulations, and/or permits applicable to Respondent. 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 22nd day of MAY, 2015.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 15 day of May, 2015.

GREEN BROTHERS GRAVEL COMPANY, INC.

BY: Andrew T. Dornhoe

TITLE: President

STATE OF Mississippi

COUNTY OF Copiah

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

SWORN AND SUBSCRIBED BEFORE ME, this the 15th day of May, 2015.

Clara Ann Moore
NOTARY PUBLIC

My Commission expires:

