



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

November 18, 2015

CERTIFIED MAIL 7010 1870 0003 4946 9579

Mr. Phillip Mosley
H E Mosley, Inc., Class I Rubbish Landfill
P. O. Box 337
Marion, MS 39342

**Re: H E Mosley Inc., Class I Rubbish Landfill
Agreed Order No. 6594 15**

Dear Mr. Mosley:

Enclosed you will find a copy of Agreed Order No. 6594 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 Liene Britt at (601) 961-5613.

Sincerely,

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

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

Enclosure
cc: Liene Britt

Agency Interest No. 18353
ENF20150003

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6594 15

H E MOSLEY, INC.
PO BOX 337
MARION, MISSISSIPPI 39342

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 H E Mosley, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated April 6, 2015, Respondent was contacted by Complainant and notified of its failure to timely submit the calendar year 2014 annual report for its Class I rubbish site located at 1400 Willow Lake Road, Meridian, Mississippi in Lauderdale County. Failure to submit this report by February 28, 2015 is a violation of 11 Miss. Admin. Code Pt. 4, R. 1.6.E (17) of the Mississippi Nonhazardous Solid Waste Management Regulations ("Regulation") and ACT 7, S-1 of Permit No. SWMGP R1-092 ("Permit").

2.

Respondent subsequently submitted the 2014 annual report to MDEQ on March 20, 2015.

3.

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 \$8,000. Respondent shall pay the first of two installments in the amount of \$3,000 to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director, or his designee (the "Effective Date"). Respondent shall pay the second installment in the amount of \$3,000 within ninety (90) days after the Effective Date.
- B. Complainant shall hold in abeyance, and Respondent shall not be required to pay, the remaining penalty balance of \$2,000 (the "Abeyance Amount") pending Respondent's compliance with 11 Miss. Admin. Code Pt. 4, R. 1.6.E (17) of the Regulation and ACT 7, S-1 of the Permit for one (1) calendar year, set to commence upon the Effective Date. Should Respondent fail to comply with the terms of this section, the Abeyance Amount shall become due and payable within forty-five (45) days of the Respondent receiving written notification from MDEQ.
- C. Settlement payments shall be submitted to:

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

4.

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.

5.

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.

6.

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 17TH day of NOVEMBER, 2015.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 13th day of November, 2015.

H E MOSLEY, INC.

BY: Phillip L. Mosley

TITLE: Pres.

STATE OF Mississippi

COUNTY OF Lauderdale

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Phillip L. Mosley who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of H E Mosley Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 13th day of November, 2015.

Lisa Brogan
NOTARY PUBLIC

My Commission expires: Sept. 2, 2018

