



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

December 16, 2015

CERTIFIED MAIL 7010 1870 0003 4946 9838

Mr. Tripp Hammett  
Hammett Gravel Company Inc, Yazoo Pit  
PO Box 209  
Lexington, MS 39095

**Re: Hammett Gravel Company Inc., Yazoo Pit  
Agreed Order No. 6603 15**

Dear Mr. Hammett:

Enclosed you will find a copy of Agreed Order No. 6603 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) 961-5185.

Sincerely,

*Renee Odom*  
*for*

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

Enclosure  
cc: Liene Britt

Agency Interest No. 4564  
ENF20150001

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

6603 15

VS.

ORDER NO. \_\_\_\_\_

HAMMETT GRAVEL COMPANY INC, YAZOO PIT  
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., Yazoo Pit, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated November 13, 2014, Respondent was contacted by Complainant and notified of the following alleged violations at its facility located at Fletchers Chapel Road, Benton, Mississippi in Yazoo County:

**Subject Item Group GRPT2:** Fuel burning equipment subject to 40 CFR Part 63, Subpart ZZZZ. [Greater than 300 HP, but less than or equal to 500 HP; existing; non-emergency; compression ignition.]:

- A. Condition S-3 of Air-Synthetic Minor Operating Permit No. 3020-00061 ("Permit") for failure to report deviations from permit conditions;
- B. Conditions L-1 of the Permit for failure to comply with MACT emission limit by compliance date of May 3, 2013;

- C. Condition L-2 of the Permit for failure to install catalytic converter;
- D. Condition L-3 of the Permit for failure to comply with non-road diesel fuel requirements;
- 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-8 of the Permit for operating with open crankcase ventilation after compliance date;
- G. Condition R-1 of the Permit for failure to keep records;
- H. Condition S-1, S-2, and S-3 of the permit for failure to submit various MACT notifications.

**Subject Item Group GRPT3:** Fuel burning equipment subject to 40 CFR Part 63, Subpart ZZZZ. [Greater than 500 HP; existing; non-emergency; compression ignition.]:

- A. Condition S-3 of Air-Synthetic Minor Operating Permit No. 3020-00061 ("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.

2.

Based on documentation submitted in response to the November 13, 2014 Notice of Violation from MDEQ, the Respondent alleges to be in compliance with the permit conditions listed above.

3.

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 the first of three equal installments of \$15,000 to MDEQ no later than **December 31, 2015**. The second installment of \$15,000 shall be paid to MDEQ no later than **January 29, 2016**. The final installment of \$15,000 shall be paid to MDEQ no later than **February 29, 2016**. The 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.

The parties agree that by entering into this Agreed Order, Respondent does not admit <sup>to the</sup> truth of any allegations in this Agreed Order, and that without any admission of liability, Respondent consents to the entry of this Agreed Order.

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 14<sup>th</sup> day of DECEMBER, 2015.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 7<sup>TH</sup> day of DECEMBER, 2015. PE

HAMMETT GRAVEL COMPANY, INC.

BY: [Signature]

TITLE: President

STATE OF Mississippi

COUNTY OF Attala

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

SWORN AND SUBSCRIBED BEFORE ME, this the 7 day of December, 2015.

[Signature]  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_



