



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

December 29, 2015

CERTIFIED MAIL 7010 1870 0003 4946 9852

Mr. Ronald Parker  
Land Shapers Asphalt Plant, Inc.  
PO Box 955  
Gulfport, Mississippi 39502

**Re: Land Shapers Asphalt Plant Inc  
Agreed Order No. 6606 15**

Dear Mr. Parker:

Enclosed you will find a copy of Agreed Order No. 6606 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) 961-5056.

Sincerely,

*Renee Adam  
for*

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

Enclosure  
cc: Danny Beasley

Agency Interest No. 12878  
ENF20150002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6606 154

LAND SHAPER INCORPORATED  
PO BOX 995  
GULFPORT, MISSISSIPPI 39503

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 Land Shaper Incorporated, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated April 29, 2015, Respondent was contacted by Complainant and notified of the following violation of Mississippi's Multimedia Hot Mix Asphalt Facility General Permit Certificate of Coverage Number MSR700005. The violation was discovered during a review of a stack test report dated April 20, 2015. The stack test report was submitted to MDEQ for a scheduled stack test conducted on March 17, 2015, at Respondent's facility located at 14292-B Creosote Road, Gulfport, Mississippi in Harrison County:

- A. ACT10 L-2 Numeric Limitations: "*(1) Particulate matter emission limitation of 0.04 grains/dscf from the hot mix asphalt plant.*" The March 17, 2015, stack test

report listed the particulate emissions as 0.076 grains/dscf.

Respondent submitted to MDEQ documentation asserting that repairs were made to the asphalt plant's baghouse on March 26, 2015. On May 22, 2015, Respondent submitted a test report with particulate matter emission rates from a stack test conducted at the plant on May 7, 2015. A review of this test report determined that the test results submitted demonstrated compliance with the 0.04 grain/dscf particulate matter limitation.

2.

In lieu of a formal enforcement hearing concerning the violation 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 \$17,500. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. 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 8 day of December, 2015.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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



AGREED, this the 8 day of December, 2015.

LAND SHAPER INCORPORATED

BY: Ronald T. Parker, Ronald T. Parker

TITLE: Vice President

STATE OF Mississippi

COUNTY OF Harrison

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Ronald T. Parker who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Vice President of Land Shaper Incorporated and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 8 day of December, 2015.

[Signature]  
NOTARY PUBLIC

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

