



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

May 16, 2016

CERTIFIED MAIL 7010 1870 0003 4948 4589

Betty Ruth Fox
Watkins & Eager, PLLC
P. O. Box 650
Jackson, MS 39205

**Re: OFP Match Worx LLC
Agreed Order No. 6644 16**

Dear Ms Fox:

Enclosed you will find a copy of Agreed Order No. 6644 16, 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 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. 68695
ENF20160001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **6644 16**

OFP MATCH WORX, LLC
1024 HIGHWAY 471
SUITE B
BRANDON, MISSISSIPPI 39042

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 OFP Match Worx, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated October 15, 2015, Respondent was contacted by Complainant and notified of the following alleged violation at its facility located at 895 Greenwood Chapel Road, Carthage, Mississippi in Leake County:

- A. Violation of MS Code Ann. 49-17-29 (2.b): Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit before commencement of land disturbing activities.

Before the October 15, 2015, letter was forwarded, Respondent had filed on October 14, 2015, its Large Construction Notice of Intent (LCNOI) for Coverage under the Large Construction Storm Water General NPDES Permit.

On January 12, 2016, Large Construction Storm Water General Permit Certificate of Coverage Number MSRI07027 was issued to Respondent to discharge storm water associated with the construction of the OFP Match Worx Facility.

2.

In lieu of a formal enforcement hearing concerning the alleged 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 \$7,500.00. Respondent shall pay this penalty as follows:
- B. Respondent shall pay to MDEQ the sum of \$7,500.00 in ten (10) installments, with the first installment of \$750.00 to be paid 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 thereafter pay to MDEQ \$750.00 each month for nine (9) consecutive months, with the installment payment being due by the last business day of each month. The second payment shall be due on the last business day of the month following the month in which the first payment is made. All such payments shall be submitted to:

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

- C. If Respondent fails to make a payment as described above in 2.B., any balance remaining of the civil penalty shall be immediately due and payable to MDEQ upon Respondent's receipt of written demand from Complainant.

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.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth herein, Respondent does not admit any of the allegations listed above and nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as the full resolution of the violations alleged above. The parties further agree that the Commission continues to assert that the matters set forth above were violations of the environmental laws, regulations and/or permits applicable to Respondent.

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 13th day of MAY, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 30th day of APRIL, 2016.

OFP MATCH WORX, LLC

BY: [Signature]

TITLE: OWNER

STATE OF MISSISSIPPI

COUNTY OF RANKIN

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

SWORN AND SUBSCRIBED BEFORE ME, this the 4th day of MAY, 2016.

[Signature]

Notary Public

My Commission Expires: June 12, 2017

