

STATE OF MISSISSIPPI

PHIL BRYANT GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

GARY C. RIKARD, EXECUTIVE DIRECTOR

November 22, 2016

CERTIFIED MAIL #7010 0780 0001 9992 6995

Mr. Elmer Todd Mississippi Gravel Sales LLC, Hodo Mine 30344 Bigbee Road Amory, MS 38821

Re: Mississippi Gravel Sales LLC, Hodo Mine

Agreed Order No. 6706 16

Dear Mr. Todd:

Enclosed you will find a copy of **Agreed Order No. 6706 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 Ethan Mayeu at (601) 961-5613.

Sincerely,

Tim Aultman, P.E.

Chief, Environmental Compliance and Enforcement Division

Enclosure

cc: Ethan Mayeu

Agency Interest No. 66461 ENF20160001

BEFORE THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

COMPLAINANT

ORDER NO.

6706 16

VS.

MISSISSIPPI GRAVEL SALES LLC 30344 BIGBEE ROAD AMORY, MISSISSIPPI 38821

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 Mississippi Gravel Sales LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated November 3, 2015, Respondent was contacted by Complainant and notified of the following violations at its facility located on Highway 25, Smithville, Mississippi in Monroe County:

- A. Failure to implement the approved SWPPP in violation of ACT 6, Condition S-1 of Mining Storm Water, Dewatering, and No Discharge General Permit No. MSR322425 (the "Permit"); and
- B. Failure to install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site in violation of ACT 6, Condition S-2 (7) of the Permit.

Based on an inspection by MDEQ personnel on February 1, 2016 and on information provided by Respondent dated December 17, 2015 and May 3, 2016, Respondent has corrected the above violations and returned to compliance.

2.

In lieu of a formal enforcement hearing concerning the 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 \$5,000. Respondent shall pay the first of two installments in the amount of \$2,500 to MDEQ within forty-five (45) days after this Agreed Order has been executed by the Executive Director, or his designee (the Effective Date"). Respondent shall pay the second installment in the amount of \$2,500 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.

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.

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 14th day of November, 2016.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

GARY C. RIKARD

EXECUTIVE DIRECTOR

MISSISSIPPI DEPARTMENT

OF ENVIRONMENTAL QUALITY

AGREED, this the 14th day of November, 2016.
MISSISSIPPI GRAVEL SALES LLC
BY: Chris Todd
TITLE: OWNER
STATE OF
COUNTY OF _ MONTOR
PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Chris Tock who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the DWNEC of Mississippi Gravel Sales LLC and is authorized to sign and enter this Agreement. SWORN AND SUBSCRIBED BEFORE ME, this the 14 day of November 2016. Circle Lola NOTARY PUBLIC
My Commission expires: 4-13-19 **NOTARY PUBLIC ID No. 31911 My Commission Expires April 13, 2019



STATE OF MISSISSIPPI

PHIL BRYANT GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

GARY C. RIKARD, EXECUTIVE DIRECTOR

October 4, 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

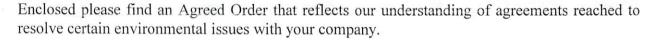
Mr. Elmer Todd Mississippi Gravel Sales LLC 30344 Bigbee Road Amory, MS 38821

Re: Mississippi Gravel Sales LLC, Hodo Mine

Smithville, Monroe County

GP-Mining Coverage No. MSR322425

Dear Mr. Todd:



If you concur with this Agreed Order, please sign the order before a Notary Public in the appropriate space and return the original water-marked order to MDEQ Attn: Renee Odom, P.O. Box 2261 Jackson, MS 39225. Do not submit any penalty payment at this time. You will receive specific penalty payment instructions at a later date after the MDEQ Executive Director has executed the order.

If you have any questions, please contact me at (601) 961-5613.

Sincerely,

Ethan Mayeu

Mining and Solid Waste Management Branch

Environmental Compliance and Enforcement Division

Enclosure

Agency Interest No. 66461 ENF20160001 ECED