



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,

A handwritten signature in blue ink, appearing to read "Tim Aultman".

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

VS.

ORDER NO.

**6706 16**

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.

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 14<sup>th</sup> day of November, 2016.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 14<sup>th</sup> day of November, 2016.

MISSISSIPPI GRAVEL SALES LLC

BY: Chris Todd

TITLE: OWNER

STATE OF MS

COUNTY OF Monroe

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Chris Todd who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the owner of Mississippi Gravel Sales LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 14<sup>th</sup> day of November, 2016.

Cindy Loden  
NOTARY PUBLIC

My Commission expires: 4-13-19







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:

Enclosed please find an Agreed Order that reflects our understanding of agreements reached to resolve certain environmental issues with your company.

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,

A handwritten signature in blue ink, appearing to read "Ethan Mayeu".

Ethan Mayeu  
Mining and Solid Waste Management Branch  
Environmental Compliance and Enforcement Division

Enclosure

Agency Interest No. 66461  
ENF20160001  
ECED

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • [www.deq.state.ms.us](http://www.deq.state.ms.us)

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