



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

December 22, 2016

CERTIFIED MAIL #7010 0780 0001 9992 7046

Mr. Ricky Matthews
Matthews Trucking and Construction LLC
1250 Matthews Road
Sarah, Mississippi 38665

**Re: Matthews Trucking and Construction LLC
Agreed Order No. 6714 16**

Dear Mr. Matthews:

Enclosed you will find a copy of Agreed Order No. 6714 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 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 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. 3973
ENF20160002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6714 16

RICKY MATTHEWS, INDIVIDUALLY AND
D/B/A MATTHEWS TRUCKING AND CONSTRUCTION LLC
1250 MATTHEWS ROAD
SARAH, MISSISSIPPI 38665

RESPONDENTS

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 Ricky Matthews, Individually, and d/b/a Matthews Trucking and Construction LLC, Respondents, in the above captioned cause and agree as follows:

1.

By letters dated May 20, 2016 and August 26, 2016, Respondents were contacted by Complainant and notified of the following violations at its facility located off Highway 3, Sarah, Mississippi in Tate County (the "Site"):

- A. Federal Regulation, 40 CFR 122.26, regarding the operation of a surface mine without the required storm water discharge permit; and
- B. Section 49-17-1 of the Miss. Code Ann. and 11 Miss. Admin. Code Pt. 6, R. 1.1.1.B, regarding the operation of a surface mine without the required storm water discharge permit.

2.

In lieu of a formal enforcement hearing concerning the violations listed above, Complainant and Respondents agree to settle this matter as follows:

- A. Respondents shall immediately cease and desist from “operating” the Site. “Operating” the Site is defined as extraction of earthen material(s) for sale, removal of earthen material(s) offsite, and/or additional disturbance of earth except to comply with Conditions B, D, and E below.
- B. Respondents shall install and implement any and all appropriate storm water controls for the Site including, but not limited to, sedimentation ponds, check dams, temporary and permanent seeding, silt fencing, slope drains and other such measures necessary to minimize sediment laden storm water from leaving the Site or entering waters of the State. These controls shall be installed within thirty (30) days after this Order has been executed by the MDEQ Executive Director, or his designee (the “Effective Date”).
- C. Respondents shall inspect all sediment and erosion controls within twenty-four (24) hours after commencement of a rainfall event, or as necessary, to ensure that sediment is not leaving the Site. Such inspections shall be conducted until the Site is sufficiently reclaimed, vegetated and stabilized with no need for temporary sediment and erosion control measures or until the appropriate storm water permit coverage is obtained, in which case the inspection requirements of such permit coverage shall apply.
- D. Respondents shall properly maintain all implemented storm water controls and repair, replace or supplement nonfunctioning storm water controls within twenty-four (24) hours of discovery.

- E. Respondents shall begin reclamation of the unpermitted mining areas within ninety (90) days of the Effective Date of this order if, by that time, all necessary permits are not obtained for the operation of a surface mine. Should the necessary permits not be obtained by the Respondents, reclamation of the unpermitted mining areas shall be completed within one-hundred eighty (180) days of the Effective Date and shall consist of final slopes of three (3) horizontal units to one (1) vertical unit and the establishment of permanent vegetation.
- F. Respondents agree to pay and Complainant agrees to accept a civil penalty in the amount of \$10,750. Respondents shall pay this penalty to MDEQ within forty-five (45) days of the Effective Date. The settlement payment shall be submitted to:

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

3.

The Complainant will consider authorizing Respondents to resume operating the Site only after:

- i. all appropriate storm water controls have been installed and implemented at the site;
- ii. all necessary permits have been obtained by the Respondents for operating the Site; and
- iii. all civil penalties have been remitted according to Condition 2.F. above.

4.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondents fail to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

5.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against the Respondents for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

6.

Respondents understand and acknowledge that they are entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that they have made an informed waiver of that right.

ORDERED, this the 20th day of DECEMBER, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 7th day of December, 2016.

RICKY MATTHEWS

BY: [Signature]

TITLE: owner

STATE OF _____

COUNTY OF _____

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Ricky Matthews who first being duly sworn, did state upon his oath and acknowledge to me that he is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 7th day of Dec, 2016.

[Signature]
NOTARY PUBLIC



My Commission expires: July 19, 2019

AGREED, this the 7th day of December, 2016.

MATTHEWS TRUCKING AND CONSTRUCTION LLC

BY: [Signature]

TITLE: owner

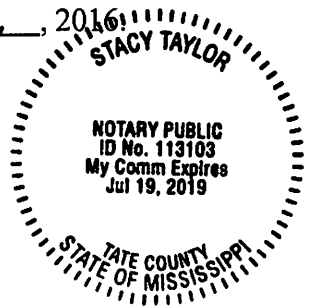
STATE OF _____

COUNTY OF _____

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

SWORN AND SUBSCRIBED BEFORE ME, this the 7th day of Dec, 2016.

[Signature]
NOTARY PUBLIC



My Commission expires: July 19, 2019