



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

September 14, 2016

CERTIFIED MAIL #7010 0780 0001 9992 6865

Mr. Sam S. Thomas
Thomas Law, P.C.
P. O. Box 2790
Madison, MS 39130

**Re: Robert W Keyes Jr, Smithhill Road Mine
Agreed Order No. 6687 16**

Dear Mr. Thomas:

Enclosed you will find a copy of **Agreed Order No. 6687 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. 66539
ENF20160001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6687 16

RIVER CITY DIRTWORKS LLC, AND
MR. ROBERT W. KEYES, JR., INDIVIDUALLY
PO BOX 1344
VICKSBURG, MISSISSIPPI 39181

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 River City Dirtworks LLC and Robert W. Keyes, Jr., Individually, Respondents, in the above captioned cause and agree as follows:

1.

By letter dated May 12, 2015, Respondents were contacted by Complainant and notified of the following violations of GP-Construction Coverage No. MSR106834 and GP-Mining Coverage No. MSR322433, at its facilities located off North Washington Street, Vicksburg, Mississippi in Warren County:

- A. Violation of ACT 6 Section S-1 of the GP-Construction Permit ("Construction Permit") regarding the failure to implement the Storm Water Pollution Prevention Plan (SWPPP) as submitted;
- B. Violation of ACT 6 Section S-2 of the Construction Permit for failure to maintain all controls;

- C. Violation of ACT 6 Section S-1 of the Construction Permit regarding Implementation Requirements;
- D. Violation of ACT6, Condition S-1 (1) of the GP-Mining Permit (“Mining Permit”) for Failure to implement the Storm Water Pollution Prevention Plan as approved;
- E. Violation of ACT6, Condition No. S-3 of the Mining Permit for failure to properly mark the area boundaries;
- F. Violation of ACT6, Condition No. S-4 of the Mining Permit for failure to ensure that the SWPPP is in compliance with all local storm water ordinances; and
- G. Violation of ACT9, L-1 of the Mining Permit for failure to ensure that water discharges were free from eroded soils.

2.

An inspection conducted and documented by MDEQ staff on February 8, 2016 indicated that Respondents were in compliance with GP-Mining Coverage MSR322433 and GP-Construction Coverage MSR106834.

3.

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

Respondents agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$15,000. Respondents 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

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.

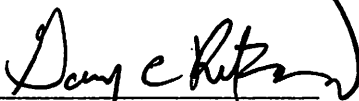
Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondents for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

6.

Respondents understand 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 8th day of SEPTEMBER, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 8th day of August, 2016.

River City Dirtworks LLC

BY: Robert W. Keyes

TITLE: Owner

STATE OF Ms.

COUNTY OF Warren

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Robert W. Keyes, Jr. who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the owner of River City Dirtworks LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 8th day of August, 2016.

Karen R. Atkins
NOTARY PUBLIC

My Commission expires: _____



AGREED, this the 8th day of August, 2016.

Mr. Robert W. Keyes, Jr.

BY: Robert W. Keyes, Jr.

TITLE: owner

STATE OF MS.

COUNTY OF Warren

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Mr. Robert W. Keyes, Jr. 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 8th day of August 2016.

Karen R. Atkins
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