



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

October 10, 2017

CERTIFIED MAIL #7010 1670 0000 1400 0771

Mr. Andrew Fondaw, Vice President
Marietta American, Inc.
11170 Green Valley Dr.
Olive Branch, MS 38654

**Re: Marietta American Inc.
Order No. 6799 17**

Dear Mr. Fondaw:

Enclosed you will find a copy of Order No. 6799 17, 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 Laura James at (601) 961-5675.

Sincerely,

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

Tim Aultman, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure

Agency Interest No. 1112
ENF20150002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

6799 17

VS.

ORDER NO. _____

MARIETTA AMERICAN, INC.
11170 GREEN VALLEY DRIVE
OLIVE BRANCH, MISSISSIPPI 38654

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 Marietta American, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated April 29, 2015, Respondent was contacted by Complainant and notified of the following violations of their NPDES Pretreatment Permit No. MSP09033 (the "Permit") at its facility located at 11170 Green Valley Drive, Olive Branch, Mississippi in Desoto County:

- A. Respondent discharged water exceeding its pH limit for three consecutive months (January, February, and March 2015) which is a violation of Condition L-2 of the Permit.
- B. Respondent failed to notify the Mississippi Department of Environmental Quality which is a violation of Condition S-1 of the Permit.

Respondent asserted to Complainant in correspondence dated May 15, 2015 that it had implemented corrective actions and had 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:

- A. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$25,000. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payment 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 10th 29TH day of October 10, 2017.
~~SEPTEMBER~~

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 29TH day of SEPTEMBER, 2017.

MARIETTA AMERICAN, INC.

BY: ANDREW FONDAW

TITLE: VP of HESS



STATE OF MISSISSIPPI

COUNTY OF DESOTO

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Andrew Fondaw who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the VP of HESS of Marietta American, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 29th day of Sept., 2017.

Tabitha L. Harris
NOTARY PUBLIC

My Commission expires: May 28, 2021

