



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

September 27, 2017

CERTIFIED MAIL #7010 1670 0000 1400 1068

Mr. Phillip Mosley
H E Mosley Inc., Class I Rubbish Landfill
PO Box 337
Marion, MS 39342

**Re: H E Mosley Inc., Class I Rubbish Landfill
Agreed Order No. 6792 17**

Dear Mr. Mosley:

Enclosed you will find a copy of Agreed Order No. 6792 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 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 that reads "Mark Williams".

Mark Williams, P.E., BCEE, Chief
Waste Division

Enclosure
cc: Ethan Mayeu

Agency Interest No. 18353
ENF20170001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6792 17

H E MOSLEY, INC.
1400 WILLOW LAKE ROAD
MERIDIAN, MISSISSIPPI 39301

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 H E Mosley, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated December 15, 2016, Respondent was contacted by Complainant and notified of the following violations:

- A. Respondent disposed of prohibited waste in violation of ACT6, L-2 of Solid Waste Management General Permit No. R1-092 (Permit) and 11 Miss. Admin Code Pt. 4, R. 1.6.D of the Mississippi Nonhazardous Solid Waste Management Regulations (Regulations);
- B. Respondent failed to remove prohibited waste from the disposal area in violation of ACT6, T-7 of the Permit and 11 Miss. Admin. Code Pt. 4, R. 1.6.E(5) of the Regulations;
- C. Respondent failed to restrict disposal activity to the area defined in the approved application in violation of ACT6, T-4 of the Permit and 11 Miss. Admin. Code Pt

- 4, R. 1.6.E(4) of the Regulations;
- D. Respondent failed to apply adequate earthen cover to waste every two weeks as required by ACT6, T-10 of the Permit and 11 Miss. Admin Code Pt. 4, R. 1.6.E(7) of the Regulations;
 - E. Respondent maintained an active working face larger than is practical in violation of ACT6, T-11 of the Permit and 11 Miss Admin. Code Pt. 4, R. 1.6.E(14) of the Regulations;
 - F. Respondent conducted open burning of solid waste in violation of ACT6, T-13 of the Permit, 11 Miss. Admin Code Pt. 2, R. 1.3.G of the Mississippi Air Regulations, and 11 Miss. Admin. Code Pt. 4, R. 1.6.E(10) of the Regulations; and
 - G. Respondent failed to employ a certified Class I Rubbish site operator in violation of ACT6, T-17 of the Permit and 11 Miss. Admin. Code Pt. 4, R. 1.6.E(15) of the Regulations

2.

Based on inspections conducted by MDEQ on January 20, 2017, June 27, 2017, and through written correspondence provided by the Respondent dated July 11, 2017, Respondent has returned to compliance regarding the violations A through G listed above.

3.

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 \$27,504. Respondent shall pay the first of two installments in the amount of \$13,752 to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director, or his designee (the "Effective Date"). Respondent shall pay the second installment in the amount of \$13,752 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

4.

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.

5.

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.

6.

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 27th day of SEPTEMBER, 2017.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 22 day of September, 2017.

H E MOSLEY, INC.

BY: Phillip L Mosley
TITLE: Pres.

STATE OF Mississippi

COUNTY OF Madison

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Phillip Mosley who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Pres. of H E Mosley, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 22 day of September, 2017.

Sandra Lynn Bradshaw
NOTARY PUBLIC

My Commission expires: August 6, 2021

