



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

October 9, 2018

CERTIFIED MAIL #7012 2920 0000 4177 0552

Ms. Kim Lee
Kim Lee, Klee Mine
1571 West Union Road
Picayune, MS 39466

**Re: Kim Lee, Klee Mine
Agreed Order No. 6897 18**

Dear Ms. Lee:

Enclosed you will find a copy of Agreed Order No. 6897 18, 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 Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Thomas Tynes at (601) 961-5578.

Sincerely,

A handwritten signature in blue ink that reads "Tim Aultman".

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

Enclosure
cc: Thomas Tynes

Agency Interest No. 72885
ENF20180002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6897 18

KIM LEE
1571 WEST UNION ROAD
PICAYUNE, MISSISSIPPI 39466

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 Kim Lee, Respondent, in the above captioned cause and agree as follows:

1.

On May 1, 2018, Complainant issued Administrative Order No. 6848 18 (“the Order”) to the Respondent for the following violations at the Klee mining site located by Ridge Road in Section 35, Township 6S, Range 17W, Pearl River County, Mississippi (“the Site”):

- A. Miss. Code Ann. § 49-17-29, 11 Miss. Admin. Code Pt. 6, Ch. 1, and the Code of Federal Regulations at 40 CFR 122.26 (b) (14) (iii), regarding the operation of a surface mine without the required Storm Water Permit coverage;
- B. Miss. Code Ann. § 53-7-1 et seq. and 11 Miss. Admin. Code Pt. 8, Ch. 1 regarding the operation of a surface mine without a Mining Permit.

The Order required Respondent, in part, cease and desist further mining at the Site. Prior to resuming operations, Respondent was required to install and implement necessary storm water controls, obtain all necessary permits and county zoning approval for operating the Site, and resolve

the pending civil enforcement action.

Respondent submitted a Surface Mining and Reclamation Permit application to the Office of Geology and a Mining Storm Water Notice of Intent, including a Storm Water Pollution Prevention Plan, to the Office of Pollution Control on February 27, 2018.

2.

Complainant and Respondent agree to settle the civil enforcement requirement of Administrative Order No. 6848 18 as follows:

- A. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$15,750.00. Respondent 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: Accounts Receivable

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 9th day of October, 2018.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the _____ day of _____, 2018.

KLEE MINE
BY: [Signature]
TITLE: Owner



STATE OF Mississippi
COUNTY OF Pearl River

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

SWORN AND SUBSCRIBED BEFORE ME, this the 5 day of October, 2018.

[Signature]
NOTARY PUBLIC



My Commission expires: 11-5-21