



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

September 16, 2019

CERTIFIED MAIL #7012 2920 0000 4177 1290

Mr. Terry Harrah
Fikes Wholesale Inc., CEFCO Number 508
6261 Central Pointe Parkway
Temple, TX 76502

**Re: Fikes Wholesale Inc., CEFCO Number 508
Agreed Order No. 6987 19**

Dear Mr. Harrah:

Enclosed you will find a copy of Agreed Order No. 6987 19, 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 Felisa Keyes at (601) 961-5319.

Sincerely,

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

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

Enclosure
cc: Felisa Keyes

Agency Interest No. 14314
ENF20190001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **6987 19**

FIKES WHOLESALE INC., CEFCO NUMBER 508
P.O. BOX 1287
TEMPLE, TEXAS 76503

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 Fikes Wholesale Inc., CEFCO Number 508, Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates a wastewater treatment system located at 8960 Highway 19 North, Collinsville, Mississippi in Lauderdale County, subject to NPDES Permit Number MS0053341. By letters dated April 18, 2018, October 29, 2018, and August 28, 2019, Respondent was contacted by Complainant and notified of the following violations at its facility:

- A. Respondent exceeded the effluent Biochemical Oxygen Demand, 5-day (BOD₅) concentration limitations during the years of 2016, 2017, and 2018.
- B. Respondent exceeded the effluent Total Suspended Solids (TSS) concentration limitations during the years of 2016, 2017, and 2018.
- C. Respondent exceeded the effluent Fecal Coliform concentration limitations during the years of 2016, 2017, and 2018.

Respondent submitted documentation that the corrective actions taken for the above noted

violations have been successful as demonstrated by the representative sampling results received on August 6, 2019, indicating a return to compliance with its effluent BOD₅, TSS, and Fecal Coliform limitations.

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 \$12,000.00. 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 13th day of SEPTEMBER, 2019.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 6TH day of SEPTEMBER, 2019.

FIKES WHOLESALE INC., CEFCO NUMBER 508

BY: [Signature]
TITLE: GENERAL COUNSEL

STATE OF TEXAS

COUNTY OF BELL

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Tate Seideman who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the General Counsel of Fikes Wholesale Inc., CEFCO Number 508 and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 6TH day of September, 2019.

[Signature]
NOTARY PUBLIC

My Commission expires: Nov 1, 2022

