



STATE OF MISSISSIPPI  
TATE REEVES  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHRIS WELLS, INTERIM EXECUTIVE DIRECTOR

March 6, 2020

**CERTIFIED MAIL #7012 2920 0000 4177 1689**

Mr. William Edward Boardwine  
Mississippi Silicon LLC, Burnsville Silicon Manufacturing Plant  
P. O. Box 316  
Burnsville, MS 38833

**Re: Mississippi Silicon LLC, Burnsville Silicon Manufacturing Plant  
Agreed Order No. 7030 20**

Dear Mr. Boardwine:

Enclosed you will find a copy of Agreed Order No. 7030 20, which has been executed by the Interim Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, 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 Geoffrey Martin at (601) 961-5024.

Sincerely,

A handwritten signature in blue ink that reads "Michelle Clark".

Michelle Clark, P.E. BCEE, Chief  
Environmental Compliance and Enforcement Division

Enclosure  
cc: Geoffrey Martin

Agency Interest No. 64456  
ENF20190001

OFFICE OF POLLUTION CONTROL  
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BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

7030 20

VS.

ORDER NO. \_\_\_\_\_

MISSISSIPPI SILICON, LLC.  
BURNSVILLE SILICON MANUFACTURING PLANT  
PO BOX 316  
BURNSVILLE, MISSISSIPPI 38833

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 Mississippi Silicon, LLC., Respondent, in the above captioned cause and agree as follows:

1.

By letters dated April 10, 2018 and April 11, 2018, Respondent was contacted by Complainant and notified of the following alleged violations at its facility located at 80 County Road 210, Burnsville, Mississippi in Tishomingo County:

- A. Miss. Code Ann. §17-17-17: Formation of an unauthorized dump.
- B. Miss. Code Ann. §49-17-29: Placement of waste in a location likely to cause pollution of state waters.
- C. 11 Miss. Admin Code Part 4, Chapter 1, Rule 1.2.A: Operation of a solid waste management facility without an individual permit or a certificate of coverage under a general permit.

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- D. ACT7 Condition S-1 (1) of the Baseline Storm Water General Permit (Coverage No. MSR002216): Failure to implement the Storm Water Pollution Prevention Plan (SWPPP).
- E. ACT7 Condition S-1 (4) of the Baseline Storm Water General Permit (Coverage No. MSR002216): Failure to amend the SWPPP.
- F. ACT9 Condition S-3 of the Baseline Storm Water General Permit (Coverage No. MSR002216): Failure to perform monitoring requirements.

By letter dated April 10, 2019, Respondent asserted the alleged solid waste and baseline storm water violations listed above have been corrected.

2.

In lieu of a formal enforcement hearing concerning the alleged 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 \$60,000. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director 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 does not admit any liability to the Commission or the MDEQ arising out of the violations or occurrences alleged in the Notice(s) of Violation referenced above or this Agreed Order, but Respondent has agreed for purposes of settlement to enter into this Agreed Order.

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 5<sup>th</sup> day of March, 2020.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS  
INTERIM EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 2<sup>nd</sup> day of March, 2020.

MISSISSIPPI SILICON, LLC.

BY: *W. E. Boardwine*

TITLE: COO

STATE OF Mississippi

COUNTY OF Tishomingo

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named William E. Boardwine who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the COO of Mississippi Silicon, LLC., Burnsville Silicon Manufacturing Plant and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 2<sup>nd</sup> day of March, 2020.

*Rhonda S. Price*  
NOTARY PUBLIC

My Commission expires: 04/23/2022

