



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

December 31, 2019

**CERTIFIED MAIL #7012 2920 0000 4177 1504**

Mr. Jeff Bross  
Mark Twain Redi Mix Plant  
6739 County Road 423  
Palmyra, MO 63461

**Re: Mark Twain Redi Mix Plant  
Agreed Order No. 7014 19**

Dear Mr. Bross:

Enclosed you will find a copy of Agreed Order No. 7014 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 Charity Rockingham at (601) 961-5722.

Sincerely,

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

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

Enclosure  
cc: Charity Rockingham

Agency Interest No. 75502  
ENF20190002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7014 20

MARK TWAIN REDI MIX PLANT  
4277 HIGHWAY 51  
HORN LAKE, MS 38637

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 Mark Twain Redi Mix Plant, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 18, 2019, Respondent was contacted by Complainant and notified of the following violation at its ready mix facility located at 4277 Highway 51, Horn Lake, Mississippi in Desoto County:

Violation of MS. Code Ann. § 49-17-29(2b): which states in part that "...it is unlawful for any person to carry on any of the following activities, unless that person holds a current permit for that activity from the Permit Board as may be required for the disposal of all wastes which are or may be discharged into the waters of the state...(iii) the construction, installation or operation of any industrial, commercial or other establishment, including irrigation projects or any extension or modification thereof or addition thereto, the operation of which would cause an increase in the discharge of wastes into the waters of the state..." Respondent failed to obtain coverage under Mississippi's Ready Mix Concrete General Permit before commencement of manufacturing activities.

On May 9, 2019, Respondent submitted a Ready Mix Concrete Notice of Intent (RMCNOI) to the Environmental Permits Division of MDEQ. Permit Coverage, MSG110332, was issued on July 11, 2019.

2.

In lieu of a formal enforcement hearing concerning the violation 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 \$5,250. 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 30<sup>th</sup> day of December, 2019.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 16<sup>th</sup> day of DECEMBER, 2019.

MARK TWAIN REDI MIX PLANT

BY: [Signature]

TITLE: PRESIDENT

STATE OF Missouri

COUNTY OF Marion

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Jeff Brass who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Mark Twain Redi Mix Plant and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 16<sup>th</sup> day of December, 2019.

[Signature]  
NOTARY PUBLIC

My Commission expires: October 29 2021

