



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

December 7, 2020

**CERTIFIED MAIL #7012 2920 0000 4177 2105**

Mr. Alan Prouty  
Vice President, Environmental & Regulatory Affairs  
J. R. Simplot Co.  
1099 West Front St.  
Boise, ID 83702

**Re: Jimmy Sanders Inc., Slate Springs  
Agreed Order No. 7092 20**

Dear Mr. Prouty:

Enclosed you will find a copy of Agreed Order No. 7092 20, which has been executed by the 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,

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

Enclosure  
cc: Geoffrey Martin

Agency Interest No. 53679

ENF2020001

Post Office Box 2261 Jackson, Mississippi 39225-2261 · Tel: (601) 961-5171 · www.mdeq.ms.gov

AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7092 20

SIMPLOT AB RETAIL SUB, INC.  
1099 WEST FRONT STREET  
BOISE, IDAHO 83702

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 Simplot AB Retail Sub, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated October 23, 2019, Pinnacle Agriculture Distribution, Inc. was contacted by Complainant and notified of the following violation at its facility located at 105 Carter Drive, Slate Springs, Mississippi in Calhoun County:

- A. Miss. Code Ann. Section 49-17-29(2)(a), which states: "Except as in compliance with paragraph (b) of this subsection, it is unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state. It is also unlawful to discharge any wastes into any waters of the state which reduce the quality of those waters below the water quality standards established by the commission; or to violate any applicable pretreatment standards or limitations, technology-based effluent limitations, toxic standards or any other limitations established by the commission. Any such action is declared to be a public nuisance".

2.

On January 17, 2020, Respondent purchased the facility located at 105 Carter Drive, Slate Springs, Mississippi. By letter dated September 23, 2020, Respondent asserted it had ceased using the pressure wash station that was identified as a possible source of pollution of waters of the state.

3.

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 \$17,500.00. 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

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.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth herein, Respondent does not admit any of the allegations listed above and

nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as the full resolution of the violations alleged above. The parties further agree that the Commission continues to assert that the matters set forth above were violations of the environmental laws, regulations and/or permits applicable to Respondent.

7.

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 4<sup>th</sup> day of December, 2020.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]  
CHRIS WELLS  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 30<sup>th</sup> day of November, 2020.

SIMPLOT AB RETAIL SUB, INC.

BY: [Signature]

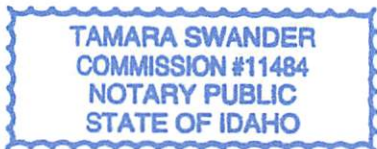
TITLE: Vice President  
Environmental & Regulatory Affairs

STATE OF Idaho

COUNTY OF Ada

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Alan Prouty who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Vice President, Env & Reg Affairs of Simplot AB Retail Sub, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 30 day of November, 2020.



[Signature]  
NOTARY PUBLIC

My Commission expires: 4-4-2024