



State of Mississippi

TATE REEVES  
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

March 29, 2021

**CERTIFIED MAIL #7012 2920 0000 4177 2181**

Mr. Bert Dupree  
3-D Construction MS, Inc.  
1407 Shiloh Road  
Brandon, MS 39042

**Re: 3-D Construction MS Inc., Hegwood Mine  
Agreed Order No. 7102 21**

Dear Mr. Dupree:

Enclosed you will find a copy of Agreed Order No. 7102 21, 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 Charity Rockingham at (601) 961-5722.

Sincerely,

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

Enclosure  
cc: Charity Rockingham

Agency Interest No. 69839  
ENF20190002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

**7102 21**

3-D CONSTRUCTION MS, INC.  
1407 SHILOH ROAD  
BRANDON, MS 39042

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 3-D Construction MS, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letters dated October 28, 2019 and January 16, 2020, Respondent was contacted by Complainant and notified of the following violations of Mining Storm Water General Permit Coverage, MSR322559, at its Hegwood Mine located on Shiloh Road, Brandon, Mississippi in Rankin County:

- A. Violation of ACT4 Condition S-3 (1-3): Failure to submit a Major Modification Form for project expansion.
- B. Violation of ACT6 Condition S-1 (1): Failure to implement the SWPPP.
- C. Violation of ACT6 Condition S-1 (2): Failure to implement BMPs.
- D. Violation of ACT6 S-3: Failure to mark boundaries.
- E. Violation of ACT15 T-5: Failure to sign SWPPP.

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Respondent has taken corrective actions to bring the facility back in compliance with Mining Storm Water General Permit Coverage, MSR322559. The Environmental Permits Division of MDEQ modified Mining Storm Water General Permit Coverage, MSR322559, on November 6, 2020. The Office of Geology of MDEQ issued Surface Mining Permit, P20-012, on November 6, 2020.

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 \$9,325.00. 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 2<sup>nd</sup> day of March, 2021.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

MISSISSIPPI DEPARTMENT OF  
ENVIRONMENTAL QUALITY

AGREED, this the 24<sup>th</sup> day of March, 2021.

3-D CONSTRUCTION MS, INC.

BY: Bert Dupree

TITLE: pres

STATE OF Mississippi

COUNTY OF Rankin

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Bert Dupree who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the president of 3-D Construction MS, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 24<sup>th</sup> day of March, 2021.

Kirsten Knecht  
NOTARY PUBLIC

My Commission expires: 4/29/2024

