



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

May 17, 2021

CERTIFIED MAIL #7019 1120 0000 4785 2546

Mr. Kevin Cuevas
Sims Bark Company Inc.
PO Box 625
Olive Branch, MS 38654

**Re: Sims Bark Company Inc.
Agreed Order No. 7119 21**

Dear Mr. Cuevas:

Enclosed you will find a copy of Agreed Order No. 7119 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 Felisa Keyes at (601) 961-5319.

Sincerely,

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

Enclosure

cc: Felisa Keyes

Agency Interest No. 5689
ENF20210001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7119 21

SIMS BARK COMPANY INC.
P.O. BOX 625
OLIVE BRANCH, MISSISSIPPI 38654

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 Sims Bark Company Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated October 22, 2020, Respondent was contacted by Complainant and notified of the following violations discovered during the Compliance Evaluation Inspection (CEI) conducted on August 27, 2020, at its facility located at 5060 Hacks Cross Road, Olive Branch, Mississippi in Desoto County:

- A. Violation of ACT5 Condition T-3(4): Failure to complete monthly log of spills and leaks.
- B. Violation of ACT8 Condition S-1: Failure to conduct monthly inspections in accordance with the Baseline Storm Water General Permit and clear jar tests.
- C. Violation of ACT8 Condition S-2: Failure to complete the Annual Comprehensive SWPPP Evaluation Report.
- D. Violation of ACT11 Condition T-1: Failure to retain the records onsite with the SWPPP for a period of three years.

- E. Violation of ACT12 Condition S-1: Failure to conduct and document storm water training.

By responses dated October 29, 2020 and April 22, 2021, Respondent provided documentation of changes implemented to address the above violations and asserts that the facility has returned to compliance.

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 \$11,100.00 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 17th day of May, 2021.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 9th day of May, 2021.

SIMS BARK COMPANY INC.

BY: Kevin Cuevas - KEVIN CUEVAS

TITLE: PLANT MANAGER

STATE OF Mississippi

COUNTY OF Desoto

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Kevin Cuevas who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Manager of Sims Bark Company Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 9th day of May, 2021.

[Signature]
NOTARY PUBLIC

My Commission expires: 10/28/2022

