



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, EXECUTIVE DIRECTOR

October 5, 2021

CERTIFIED MAIL #7019 1120 0000 4785 6117

Mrs. Jena McRaney
MGD Holdings LLC
PO Box 700
Bassfield, Mississippi 39421

**Re: MGD Holdings LLC, MGD Holdings LLC Mine
Agreed Order No. 7154 21**

Dear Mrs. McRaney:

Enclosed you will find a copy of Agreed Order No. 7154 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,

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

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

Enclosure
cc: Felisa Keyes

Agency Interest No. 70477
ENF20210003

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

7154 21

MGD HOLDINGS, LLC
P.O. BOX 700
BASSFIELD, MISSISSIPPI 39421

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 MGD Holdings, LLC, Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates MGD Holdings LLC Mine located in Jefferson Davis County. By letter dated April 19, 2021, Respondent was contacted by Complainant and notified of the following violation discovered during the Compliance Evaluation Inspection (CEI) conducted on March 3, 2021 at its facility located at Blackwell Road, Carson, Mississippi:

- A. 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, or unless that person is exempted from holding a permit by a regulation promulgated by the commission: (i) the construction, installation, modification or operation of any disposal system or part thereof or any extension or addition thereto, including, but not

limited to, systems serving agricultural operations; (ii) the increase in volume or strength of any wastes in excess of the permissive discharges specified under any existing permit; (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 or would otherwise alter the physical, chemical or biological properties of any waters of the state in any manner not already lawfully authorized; (iv) the construction or use of any new outlet for the discharge of any wastes into the waters of the state. However, no new or existing applications relating to swine concentrated animal feeding operations within a county shall be exempted from regulations and ordinances which have been duly passed by the county's board of supervisors and which are in force on June 1, 1998.” Respondent failed to obtain re-coverage under Mississippi’s Mining Storm Water General NPDES Permit for ongoing land disturbing activities on the site.

By letter dated July 20, 2021, Respondent was contacted by Complainant and notified of a violation at its facility located at Blackwell Rd, Carson, Mississippi. The violation was identified during a site visit by MDEQ on March 3, 2021, and related to a failure to comply with the following provision of Agreed Order No. 6945-19:

- B. “Until the Mississippi Environmental Quality Permit Board or its designee acts on the Respondent’s application, Respondent shall comply with Mississippi’s Mining Storm Water General NPDES Permit Number MSR322597 issued to Respondent on December 19, 2016.”

On April 23, 2019, Respondent submitted a Mining Notice of Intent (MNOI) for re-coverage under the Mississippi’s Mining Storm Water General NPDES Permit. MDEQ reviewed the MNOI and in a May 8, 2019 letter notified Respondent of some deficiencies in the MNOI.

Respondent provided additional information to MDEQ by letter dated May 3, 2021, and by email on May 14, 2021, that addressed corrective measures being conducted at the site. On August

27, 2021, Respondent submitted a follow-up letter to MDEQ that documented the corrective actions taken to address the violations and the deficiencies noted in the MNOI. The MNOI is still under review by MDEQ's Environmental Permits Division.

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 \$14,250.00. Respondent shall pay this penalty to MDEQ within sixty (60) 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

- B. Until the Mississippi Environmental Quality Permit Board or its designee acts on the Respondent's application, Respondent shall comply with Mississippi's Mining Storm Water General NPDES Permit (Coverage No. MSR322597) issued to Respondent on December 19, 2016.

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 5th day of October, 2021.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

AGREED, this the 30 day of September, 2021.

MGD HOLDINGS, LLC

BY: Jena D McRaney

TITLE: Secretary

STATE OF Mississippi

COUNTY OF Covington

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Jena McRaney who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Secretary of MGD Holdings, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 30 day of September, 2021.

H. Marlene Cotter
NOTARY PUBLIC

My Commission expires: December 7, 2021

