



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

November 30, 2021

CERTIFIED MAIL #7019 1120 0000 4785 2706

Mr. Russ Bragg, Vice President - Midsouth
Gavilon Fertilizer LLC
116 Masonic Drive
Martin, TN 38237

**Re: Gavilon Fertilizer LLC, Greenville Facility
Greenville, Washington County
Agreed Order No. 7164 21**

Dear Mr. Bragg:

Enclosed you will find a copy of Agreed Order No. 7164 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. 36427
ENF20210002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **7164 21**

GAVILON FERTILIZER, LLC
1331 CAPITOL AVENUE
OMAHA, NEBRASKA 68102

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 Gavilon Fertilizer, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 21, 2021, Respondent was contacted by Complainant and notified of the following alleged violations discovered during a Compliance Evaluation Inspection (CEI) conducted at its facility located at 1699 Harbor Front Road, Greenville, Mississippi in Washington County:

- A. Violation of ACT5, Condition T-3(4): Commission asserts that Respondent failed to document spills and leaks on the Monthly Spill and Leak Log Sheet provided in the Baseline Forms Package. In response dated July 28, 2021, Respondent asserted spills and leaks were being logged in their on-line safety and environmental software, Intalex. During the Administrative Conference on October 21, 2021, Respondent asserted they are now utilizing the Monthly Spill and Leak Log Sheet provided in the Baseline Forms Package.

B. Violation of ACT10 Condition R-1: Commission asserts that Respondent failed to conduct and document monthly inspections.

During the administrative conference on October 21, 2021, Respondent asserted they are now performing monthly inspections and logging the inspections utilizing the Baseline Forms Package. Respondent also asserted the facility is in compliance with the Industrial Storm Water General NPDES Permit.

2.

In lieu of a formal enforcement hearing concerning the matters 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 \$8,850.00. 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.

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 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 applicable environmental laws, regulations and/or permits.

6.

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 29th day of November, 2021.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 23 day of November, 2021.

Gavilon Fertilizer, LLC

BY: [Signature]

TITLE: President

STATE OF Georgia

COUNTY OF Chatham

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

SWORN AND SUBSCRIBED BEFORE ME, this the 23 day of November, 2021.

[Signature]
NOTARY PUBLIC

My Commission expires: June 16, 2023

