



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

April 9, 2024

CERTIFIED MAIL # 7019 1120 0000 4785 6155

Mr. Nathan Killingsworth  
APAC MISSISSIPPI, INC.  
101 Riverview Drive  
Richland, MS 39218

**Re: APAC MISSISSIPPI, INC CLOVERHILL MINE  
Agreed Order No. 7320 24**

Dear Mr. Killingsworth:

Enclosed you will find a copy of Agreed Order No. 7320 24, 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,

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

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

Enclosure  
cc: Geoffrey Martin

Agency Interest No. 201  
ENF20240001

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7320 24

APAC-MISSISSIPPI, INC.  
101 RIVERVIEW DRIVE  
RICHLAND, MISSISSIPPI 39218

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 APAC-MISSISSIPPI, INC., Respondent, in the above captioned cause and agree as follows:

1.

Respondent holds Certificate of Permit Coverage No. MSR320554 for coverage under Mississippi's Mining Storm Water General NPDES Permit (the Permit) at its Cloverhill Mine located at 100 State Park Road, Natchez, Mississippi in Adams County. Following the receipt of multiple complaints alleging sediment discharge from the Cloverhill Mine, MDEQ conducted a Compliance Evaluation Inspection at the Cloverhill Mine on March 15, 2023.

By letter dated May 11, 2023, Respondent was contacted by Complainant and notified of the following alleged violations that were discovered during the Compliance Evaluation Inspection on March 15, 2023:

- A. Respondent discharged gravel wash water from the gravel wash recirculation pond in violation of ACT 2 Condition T-4(2) of the Permit which states, "Discharges which include mine process generated wastewater or wastewater associated with dredging

and/or washing operations are not covered under this permit” and in violation of Miss. Code Ann. § 49-17-29(2)(b).

- B. Respondent failed to amend its Stormwater Pollution Prevention Plan (SWPPP) and submit the SWPPP to MDEQ within 30 days of amendment following the addition of new mining cells in violation of ACT6 Condition No. S-1 (4) of the Permit which states, “Amend the SWPPP whenever there is a change in design, construction, operation, or maintenance which may potentially affect the discharge of pollutants to waters of the State or if the SWPPP proves to be ineffective in controlling storm water pollutants. The amended SWPPP shall be submitted to MDEQ within 30 days of amendment.”
- C. Respondent failed to identify mine boundaries in violation of ACT6 Condition No. S-3 of the Permit which states, “Boundaries of areas issued a Certificate of Coverage under this permit shall be marked and durable posts shall be placed at the corner of the coverage area. The posts shall be painted or flagged to be readily visible during the life of the operation.”
- D. Respondent failed to meet non-numeric limitation requirements for suspended solids in violation of ACT9 Condition No. L-1 of the Permit which states, “Storm water discharges shall be free from: ... (3) Suspended solids, turbidity, and color at levels inconsistent with the receiving waters...”

Respondent submitted an amended SWPPP to MDEQ dated March 28, 2023. The amended SWPPP included Best Management Practices (BMPs) for the new mining cells.

By letter dated May 25, 2023, Respondent asserted that it would control the water well usage more efficiently to manage the normal operating water level of the freshwater pond to prevent discharges from occurring.

On February 6, 2024, MDEQ conducted a complaint investigation at the Cloverhill Mine following the receipt of a citizen complaint alleging that sediment was discharging from the site. At the time of this visit, sediment discharge from the site was not observed. Based on these findings, a full Compliance Evaluation Inspection was not conducted.

2.

In lieu of a formal enforcement hearing concerning the alleged 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 \$15,000.00. 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
- B. By no later than thirty (30) days after the execution date of this Agreed Order, Respondent shall submit the following documentation to MDEQ:
  - a. Color photographs which show painted or flagged durable posts have been installed in the corners of the coverage area.
  - b. Color photographs and other documentation which show the new BMPs described in the March 28, 2023, SWPPP have been fully implemented.
- C. If Respondent fails to comply with any of the requirements established in Paragraph 2.B. of this Agreed Order, Respondent shall pay a stipulated penalty payable to Complainant, due within forty-five (45) days of written notification from MDEQ, in the amount of \$1,000.00. Respondent shall also pay an additional stipulated penalty in the amount of \$1,000.00 per month until compliance with Paragraphs 2.B. is achieved.

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 and 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 permit applicable to Respondent.

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 9<sup>th</sup> day of April, 2024.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 8<sup>th</sup> day of April, 2024.

APAC-MISSISSIPPI, INC.

BY:   
NATHAN KILLINGSWORTH  
PRESIDENT


STATE OF Mississippi

COUNTY OF Warren

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named NATHAN KILLINGSWORTH, who first being duly sworn, did state upon his oath and acknowledge to me that he is the PRESIDENT of APAC-MISSISSIPPI, INC. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 8<sup>th</sup> day of April, 2024.

  
NOTARY PUBLIC

My Commission expires My Commission Expires March 20, 2026

