



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

August 30, 2024

CERTIFIED MAIL # 7019 1120 0000 4785 6322

Mr. Tripp Hammett
Hammett Gravel Company Inc.
PO Box 209
Lexington, Mississippi 39095

**Re: Hammett Gravel Company Inc.
Agreed Order No. 7350 24**

Dear Mr. Hammett:

Enclosed you will find a copy of Agreed Order No. 7350 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. 73974
ENF20240002

OFFICE OF POLLUTION CONTROL

Post Office Box 2261 Jackson, Mississippi 39225-2261 · Tel: (601) 961-5171 · FAX: (601) 354-6612 · www.mdeq.ms.gov
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AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7350 24

HAMMETT GRAVEL COMPANY, INC.
72 HAMMETT DRIVE
LEXINGTON, MISSISSIPPI 39095

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 Hammett Gravel Company, Inc., Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates a sand and gravel mine, the HDP Mine, located on Johnson Road in Holmes County. Respondent was granted Coverage No. MSR322744 for coverage under Mississippi's Mining Storm Water, Dewatering, and No Discharge General Permit (the Permit).

By letter dated May 15, 2024, Respondent was contacted by Complainant and notified of the following violations of the Permit and Mississippi Code at its HDP Mine:

- A. Respondent failed to identify mine boundaries in violation of Act 6 Condition 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 corners of the coverage area. The posts shall be painted or flagged to be readily visible during the life of the operation."
- B. Respondent failed to maintain Best Management Practices (BMPs) in violation of

Act 6 Condition S-1 (2) of the Permit which states, “The coverage recipient shall: Ensure that appropriate Best Management Practices (BMPs) are in place upon commencement of mining operations”.

- C. Respondent failed to submit a Major Modification Form in violation of Act 6 Condition S-1 (5) of the Permit which states, “The coverage recipient shall: Submit to MDEQ the Major Modification Form (see Mining Forms Package) for subsequent phases, expansions and modifications of mining development that are proposed but were not included in the original SWPPP”.
- D. Respondent failed to properly install emergency discharge structures in violation of Act 11 Condition T-4 (1) of the Permit which states, “Any lagoon, sedimentation pond, or dredge pit must have an emergency discharge structure installed at least 24 inches above the normal operating fluid level, with said discharge structure being at least 24 inches below the lowest point on the top of the containment dike”.
- E. Respondent placed fill material in a stream to be used as part of a berm on the south side of the facility and discharged sediment laden water from the site at the location of the unpermitted dewatering and berm breach on the western side of the site in violation of Miss. Code Ann. § 49-17-29 (2)(a) which states, “Except as in compliance with paragraph (b) of this subsection, it is unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state. It is also unlawful to discharge any wastes into any waters of the state which reduce the quality of those waters below the water quality standards established by the commission; or to violate any applicable pretreatment standards or limitations, technology-based effluent limitations, toxic standards or any other limitations established by the commission. Any such action is declared to be a public nuisance.”
- F. Respondent began operations in the southeast corner of the mine and discharged wastewater from the gravel wash recirculation ponds without permit coverage in violation of Miss. Code Ann. § 49-17-29 (2)(b) which states, “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: ...”

- G. Respondent failed to document a training program in violation of Act 13 Condition S-1 of the Permit which states, “Personnel training conducted to meet the requirements of this ACT shall be documented. Training records shall include employee's name, worker identification number, date of training, contents of training, and the employee's signature acknowledging that training was received. All training records shall be maintained for at least three years from the date of training. Failure to implement training program.”
- H. Respondent failed to perform daily inspections in violation of ACT 11 Condition T-4 (5) of the Permit which states, “The coverage recipient shall develop and maintain a daily inspection log for this facility.”

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 \$46,000.00. 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. Within fifteen (15) days of the execution date of this Agreed Order, Respondent agrees to submit to MDEQ's Environmental Permits Division a modified Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall address how Respondent intends to comply with the Permit in the currently unpermitted ten (10) acres in the southeast corner of the Mine.
- C. Within thirty (30) days of written approval of the SWPPP by MDEQ, Respondent agrees to submit a plan with an associated timeline to MDEQ demonstrating how

Respondent will comply with the SWPPP referenced in Paragraph 2.B.

- D. Upon written approval from MDEQ of the implementation timeline as provided in Paragraph 2.C., the plan and associated timeline required by Paragraph 2.C. will become enforceable conditions of this Agreed Order.
- E. If Respondent fails to comply with any part of Paragraphs 2.B., 2.C, or 2.D., Respondent agrees to pay a stipulated penalty payable to Complainant in the amount of \$1,000.00. Respondent agrees to pay an additional stipulated penalty in the amount of \$1,000.00 per month until compliance is met. The stipulated penalty will be due within forty-five (45) days of written notification by Complainant that such payment became due.

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 the environmental laws, regulations and/or permits 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 27th day of August, 2024.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]
CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 28 day of August, 2024.

HAMMETT GRAVEL COMPANY, INC.

BY: [Signature]
HAROLD P HAMMETT III
PRESIDENT

STATE OF Mississippi
COUNTY OF Madison

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named HAROLD P HAMMETT III, who first being duly sworn, did state upon his oath and acknowledge to me that he is the PRESIDENT of HAMMETT GRAVEL COMPANY, INC. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 28th day of August, 2024.

[Signature]
NOTARY PUBLIC



Commission expires: March 3, 2025