

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

**5962 11**

HATTIESBURG RECYCLING CENTER  
84 PAT HOLIFIELD ROAD  
LAUREL, MISSISSIPPI 39443

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 Hattiesburg Recycling Center, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated March 1, 2011, Respondent was contacted by Complainant and notified of the following violation discovered during a Compliance Evaluation Inspection conducted by MDEQ staff on February 9, 2011 at its facility located at Roy Tucker Road, Hattiesburg, Mississippi in Forrest County:

- A. Violation of MS Code Ann. 19-17-29 (2.b): Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit before commencement of land disturbing activities associated with construction of the Respondent's recycling center.

On February 28, 2011, Large Construction Storm Water General Permit Certificate of Coverage MSR105891 was issued to Hattiesburg Recycling Center.

2.

In lieu of a formal enforcement hearing concerning the violation 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. Respondent shall pay this penalty in (10) equal installments of \$1,500. First payment to MDEQ of \$1,500 is due on or before May 1, 2011, and each subsequent monthly payment of \$1,500 is due on or before the 1<sup>st</sup> of each month thereafter until paid in full. Should the Respondent fail to make a payment by the agreed upon due date, the full balance of the penalty, at time of default, shall immediately become due and payable. All penalty payments shall be submitted to the following address:

Mississippi Department of Environmental Quality  
Attention: Mona Varner  
P.O. Box 2261  
Jackson, MS 39255

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. Section 49-17-31 (Rev. 2003), and that it has made an

informed waiver of that right.

ORDERED, this the 4 day of May, 2011.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]  
TRUDY D. FISHER  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 25 day of April, 2011.

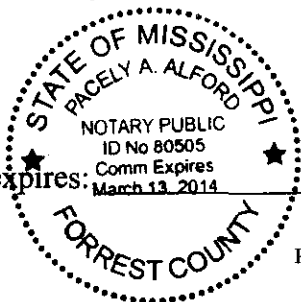
HATTIESBURG RECYCLING CENTER

BY: [Signature]  
TITLE: Owner

STATE OF Mississippi  
COUNTY OF Forrest

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Chris Jarrell who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the owner of Hattiesburg Recycling Center and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 25 day of April, 2011.



[Signature]  
NOTARY PUBLIC

My Commission expires: