



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

October 27, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Alan Parks
Memphis Stone and Gravel Company, Tillman Sawyer Bell Pit
PO Box 1603
Memphis, TN 38101

**Re: Memphis Stone and Gravel Company, Tillman Sawyer Bell Pit
Agreed Order No. 6042 11**

Dear Mr. Parks:

Enclosed you will find a copy of Agreed Order No. 6042 11, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, 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 Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Ethan Mayeu at (601) 961-5613.

Sincerely,

Kim Smith
for

Chris Sanders, P. E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Ethan Mayeu

Agency Interest No. 19396
ENF20110003

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **6042 11**

MEMPHIS STONE AND GRAVEL COMPANY
PO BOX 1683
MEMPHIS, TENNESSEE 38101

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 Memphis Stone and Gravel Company, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated September 7, 2011, Respondent was contacted by Complainant and notified of the following violations at the Tillman Sawyer Bell Pit for which Respondent holds Mining Storm Water General Permit Coverage MSR321398:

- A. Mining General Storm Water General Permit, Part ACT9, L-1, for failure to prohibit discharge of sediment offsite; and
- B. Mining Storm Water General Permit Parts ACT5, T-2 and ACT6, S-1, for failure to implement storm water controls in accordance with the approved Storm Water Pollution Prevention Plan (SWPPP).

2.

Upon being informed of the violation by MDEQ, Respondent corrected the violations and implemented sediment and erosion controls as required.

3.

In lieu of a formal enforcement hearing concerning the violations listed above, Complainant and Respondent agree to settle this matter as follows:

Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$7,000. 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 her designee.

4.

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.

5.


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.

6.

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 20 day of October, 2011.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY 
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 12th day of October, 2011.

MEMPHIS STONE AND GRAVEL COMPANY

BY: Hal F. Wilgore, Jr.

TITLE: President

STATE OF Tennessee

COUNTY OF Shelby

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Hal F. Wilgore, Jr. who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Memphis Stone and Gravel Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 12th day of October, 2011.

David A. Reeves
NOTARY PUBLIC

My Commission Expires
June 10, 2014

My Commission expires: _____

