



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

February 22, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Dan Ellzey
Ramco Inc, Minit Mart Number 38
PO Box 429
Purvis, MS 39475

**Re: Ramco Inc, Minit Mart Number 38
Agreed Order No. 6220 13**

Dear Mr. Ellzey:

Enclosed you will find a copy of Agreed Order No. 6220 13, 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 Mandy Case at (601) 961-5149.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders".

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

Enclosure
cc: Mandy Case

Agency Interest No. 14786
ENF20120002

OFFICE OF POLLUTION CONTROL

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BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. _____

6 220 13

RAMCO INC., MINIT MART NUMBER 38
P O BOX 429
PURVIS, MISSISSIPPI 39475

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 Ramco Inc., Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates a wastewater collection and treatment system at Minit Mart #38, subject to NPDES Permit No. MS0056910. By letter dated October 1, 2012, Respondent was contacted by Complainant and notified of the following violations at its facility located at 7183 Highway 98, Hattiesburg, Mississippi in Lamar County:

- A. The effluent BOD, 5-day limitation was exceeded during 2010 and 2011.
- B. The effluent total suspended solids limitation was exceeded during 2010 and 2011.
- C. The effluent total chlorine residual limitation was exceeded during 2010 and 2011.
- D. The effluent fecal coliform limitation was exceeded during 2010 and 2011.
- E. The effluent flow was exceeded during 2010 and 2011.

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 \$6,250.00. 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 her designee. The settlement payment shall be submitted to:
Mississippi Department of Environmental Quality
Attn: Mona Varner
P.O. Box 2339
Jackson, MS 39225
- B. On or before February 28, 2013, Respondent shall submit plans and specifications for construction of the connection of the Minit Mart #38 wastewater treatment system to the Canebrake Subdivision wastewater treatment system.
- C. On or before June 30, 2013, Respondent shall complete the construction and connection to the Canebrake Subdivision wastewater treatment system, cease discharge from the Minit Mart #38 wastewater treatment system, and submit documentation of completion to MDEQ.
- D. Respondent agrees to a stipulated penalty payable to Complainant, due within thirty (30) days notification of MDEQ, in the amount of \$100 per day for each day that Respondent fails to comply with Part 2.B.-2.C. of this Order.

3.

Notwithstanding the provision by this Agreed Order for stipulated penalties to accrue in certain circumstances, the Commission reserves the right to conduct a separate enforcement action concerning any violation by Respondent of this Agreed Order or of the laws or regulations within the jurisdiction of the Commission. If the Commission conducts a separate enforcement action concerning a violation for which stipulated penalties are provided in this Agreed Order, the Commission will be deemed to have waived the right to collect stipulated penalties in lieu of

the right to conduct the separate enforcement action. In that separate enforcement action, the Commission may seek penalties, injunctive relief, or other appropriate relief different from or in the excess of the amount of stipulated penalties included in this Agreed Order, up to and including the statutory maximum penalty.

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 21 day of February, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 11th day of FEBRUARY, 2013.

RAMCO INC, MINIT MART NUMBER 38

BY: Dan Ellzey

TITLE: VP OF OPERATIONS

STATE OF MISSISSIPPI

COUNTY OF LAMAR

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Dan Ellzey who first being duly sworn, did state upon his oath and acknowledge to me that he is the VP OF OPERATIONS of Ramco Inc, Minit Mart Number 38 and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 11th day of February 2013.

Janice K. Harris
NOTARY PUBLIC

My Commission expires: Nov. 10, 2013

