



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

May 15, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Walter Randle  
Pandle Inc, Asphalt Paving Company  
2401 Petit Bois Street  
Pascagoula, MS 39581

**Re: Pandle Inc, Asphalt Paving Company  
Agreed Order No. 6256 13**

Dear Mr. Randle:

Enclosed you will find a copy of Agreed Order No. 6256 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 Jake White at (601) 961-5513.

Sincerely,

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

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

Enclosure  
cc: Jake White

Agency Interest No. 16862  
ENF20130001

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • [www.deq.state.ms.us](http://www.deq.state.ms.us)

AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 256 13

PANDLE INC, ASPHALT PAVING COMPANY  
PO BOX 2039  
PASCAGOULA, MISSISSIPPI 39581

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 Pandle Inc, Asphalt Paving Company, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated December 13, 2012, Respondent was contacted by Complainant and notified of the following violation(s) at its facility located at 2401 Petit Bois Street, Pascagoula, Mississippi in Jackson County:

- A. HMAGP MSR700046 – ACT 7:S-1(2) – Failure to perform required monthly inspections.
- B. HMAGP MSR700046 – ACT 7:S-1(3) – Failure to cease operations upon the failure of pollution control equipment.
- C. HMAGP MSR700046 – ACT 8:S-1(1) – Failure to perform biennial stack test.
- D. HMAGP MSR700046 – ACT 9:S-1(2) – Failure to submit Annual Production Reports.
- E. HMAGP MSR700046 – ACT 10:L-2(2) – Failure to comply with opacity limitations.

Respondent has addressed each violation by submitting missing documents, performing the required stack test, and implementing measures to prevent future violations of Hot Mix Asphalt General Permit No. MSR700046. Additionally, Respondent has replaced all filtration bags in the baghouse to achieve compliance with permitted emission limitations.

2.

In lieu of a formal enforcement hearing concerning the violation(s) 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, payable in two equal installments of \$7,500. Respondent shall pay the first equal installment of the penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. Subsequently, Respondent shall pay the balance to MDEQ within ninety (90) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payments shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Mona Varner  
P.O. Box 2339  
Jackson, MS 39225

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 15 day of May, 2013.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the 3 day of May, 2013.

PANDLE INC, ASPHALT PAVING COMPANY  
2401 PETIT BOIS STREET  
PASCAGOULA, MS 39581

BY: Walter C. Randle  
TITLE: President

STATE OF Mississippi  
COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Walter C. Randle who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Pandle Inc, Asphalt Paving Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 3 day of May, 2013.

Leticia R. Bishop  
NOTARY PUBLIC



My Commission expires: April 12, 2014