



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

June 20, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Rodney Grogan
MMC Materials Inc.
PO Box 2569
Madison, MS 39130

**Re: MMC Materials Inc, Gluckstadt 30145
Agreed Order No. 6276 13**

Dear Mr. Grogan:

Enclosed you will find a copy of Agreed Order No. 6276 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 Chris Wells at (601) 961-5545.

Sincerely,

Chris Sanders
for

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

Enclosure
cc: Chris Wells

Agency Interest No. 15010
ENF20130002

OFFICE OF POLLUTION CONTROL

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AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 276 13

MMC MATERIALS INC.
PO BOX 307
JACKSON, MISSISSIPPI 39205

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

1.

By letter dated May 8, 2013, Respondent was contacted by Complainant and notified of the following alleged violation at its facility located at 2161 Highway 51 North, Madison, Mississippi in Madison County ("Gluckstadt facility"):

- A. Failure to submit request for modification of Ready-Mix Concrete Facility General Permit ("Ready-Mix GP") Coverage No. MSG110163 [ACT 4:S-5(2)(a)].

Subsequently, Complainant notified Respondent of two additional, similar potential violations at its facilities located at 1117 South Raceway Road, Greenville, Mississippi in Washington County and 106 County Road 183 Tupelo, MS in Lee County:

- B. Failure to submit request for modification of Ready-Mix GP Coverage No.

MSG110132 [ACT 4:S-5(2)(a)].

C. Failure to submit request for modification of Ready-Mix GP Coverage No.

MSG110262 [ACT 4:S-5(2)(a)].

In conjunction with an administrative conference held on June 4, 2013, MMC Materials Inc. submitted proper modification documents for MMC Materials Inc, Gluckstadt facility (MSG110163), MMC Materials Inc, Greenville Plant (MSG110132), and MMC Materials Inc, Sherman Plant (MSG110262).

2.

In lieu of a formal enforcement hearing concerning the matters 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 \$13,550. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payment 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 does not admit that the matters referenced in Paragraph 1 above constitute violations, but understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. Section 49-17-31 and that it has made an informed waiver of that right.

ORDERED, this the 20 day of June, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

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

MMC MATERIALS INC.
P.O. BOX 307
JACKSON, MS 39205

BY: [Signature]
TITLE: PRESIDENT

STATE OF MISSISSIPPI
COUNTY OF MADISON

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Rodney Grogan who first being duly sworn, did state upon his/her oath and acknowledge to me that he she is the President of MMC Materials Inc, and is authorized to sign and enter this Agreement.

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



Wendy C. Yoakum
NOTARY PUBLIC

My Commission expires: _____