



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

August 13, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Robert Parker  
Land Shaper Asphalt Plant Inc and Coast Concrete Inc  
PO Box 995  
Gulfport, MS 39502

**Re: Land Shaper Asphalt Plant Inc and Coast Concrete Inc  
Order No. 6297 13**

Dear Mr. Parker:

Enclosed you will find a copy of Order No. 6297 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 first 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. All future installment payments should be mailed 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 Danny Beasley at (601) 961-5356.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders".

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

Enclosure  
cc: Danny Beasley

Agency Interest No. 12878  
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 297 13

LAND SHAPER ASPHALT PLANT, INC.  
PO BOX 995  
GULFPORT, MISSISSIPPI 39502

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 Land Shaper Asphalt Plant, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated March 14, 2013, Respondent was contacted by Complainant and notified of the following violations of Mississippi's Hot Mix Asphalt Facility General Permit Certificate of Coverage MSR700005 at its facility located at 14292 Creosote Road, Gulfport, Mississippi in Harrison County:

- A. Failure to comply with ACT7 Section S-1 Condition (2) – Monthly maintenance of pollution control equipment:
- B. Failure to comply with ACT 8 Section S-1 Condition (1) – Stack test requirements:
- C. Failure to comply with ACT 9 Section S-1 Condition (2) – Annual Production Report submittals.

By letter dated May 15, 2013, Respondent alleges to have retained an Environmental Consultant to “*address immediate compliance needs and to assist with long term facility compliance*”. On May 24, 2013, Respondent also submitted a stack test report demonstrating compliance with the particulate emission limits in the Hot Mix Asphalt Facility General Permit. On June 6, 2013, Respondent submitted to MDEQ a revised Storm Water Pollution Prevention Plan for the facility.

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 \$45,000. Respondent shall pay this penalty to MDEQ in accordance with the following payment schedule.

1. \$15,000 paid to MDEQ on or before October 1, 2013.
2. \$15,000 paid to MDEQ on or before November 1, 2013.
3. \$15,000 paid to MDEQ on or before December 1, 2013.

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:

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 13 day of August, 2013.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the 29<sup>th</sup> day of July, 2013.

LAND SHAPER ASPHALT PLANT, INC.

BY: Ronald T. Parker

TITLE: Vice President

STATE OF Mississippi

COUNTY OF Harrison

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Ronald T. Parker who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Vice President of Land Shaper Asphalt Plant, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 29<sup>th</sup> day of July, 2013.

Tiffany McGilvery  
NOTARY PUBLIC

My Commission expires: 12-16-15

