



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

November 7, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Harry Spencer  
Harry Spencer, Spencer Gravel Pit  
322 Boulevard  
Lexington, MS 39095

**Re: Harry Spencer, Spencer Gravel Pit  
Agreed Order No. 6358 13**

Dear Mr. Spencer:

Enclosed you will find a copy of Agreed Order No. 6358 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 Ethan Mayeu at (601) 961-5613.

Sincerely,

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

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

Enclosure  
cc: Ethan Mayeu

Agency Interest No. 6266  
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6358 13

SPENCER GRAVEL COMPANY LLC  
322 BOULEVARD  
LEXINGTON, MISSISSIPPI 39095

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 Spencer Gravel Company LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 25, 2012, Respondent was contacted by Complainant and notified of the following violations at the Spencer Gravel mining site located in Holmes County, Mississippi (the "Site"):

- A. Miss. Code Ann. § 49-17-29 and 40 CFR 122.26(a)(1)(ii), regarding the operation of a surface mine without the required storm water permit; and
- B. Miss. Code Ann. § 53-7-21 and the Mississippi Surface Mining and Reclamation Rules and Regulations, regarding the operation of a surface mine without the required surface mining permit.

2.

On April 12, 2013, the Complainant issued Administrative Order No. 6242-13 to the Respondent for continued violations at the Site. This Order required that Respondent, in part, cease and desist further mining at the Site. Prior to resuming operations, Respondent was

required to implement necessary sediment and erosion controls, obtain all necessary permits for the operation of a mining site, and resolve any pending enforcement action for the violations at the Site.

3.

Based on MDEQ records, Respondent obtained a Surface Mining and Reclamation Permit from the Office of Geology on July 9, 2013 and a Certificate of Permit Coverage under Mississippi's Mining Storm Water General NPDES Permit from the Office of Pollution Control on July 29, 2013.

4.

Based on an inspection conducted by MDEQ on October 9, 2013, Respondent has implemented necessary sediment and erosion controls.

5.

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 \$10,000. Respondent shall pay \$5,000 to MDEQ within forty-five (45) days and the remaining balance of \$5,000 shall be paid to MDEQ within ninety (90) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payments shall be submitted as follows to:

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

6.

By entering into this Order, Respondent resolves all pending enforcement actions for

violations at the Site. Henceforth, this Agreed Order shall supercede Order No. 6242-13.

7.

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.

8.

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.

9.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 7 day of November, 2013.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 30 day of Oct., 2013.

SPENCER GRAVEL COMPANY LLC

BY: [Signature]

TITLE: member / manager

STATE OF MS

COUNTY OF Holmes

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Richard Spencer who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the member / manager of Spencer Gravel Company LLC and is authorized by that corporation to sign this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 30 day of Oct., 2013.

[Signature]  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

