



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

November 22, 2016

CERTIFIED MAIL #7010 0780 0001 9992 6995

Mr. Elmer Todd
Mississippi Gravel Sales LLC, Hodo Mine
30344 Bigbee Road
Amory, MS 38821

**Re: Mississippi Gravel Sales LLC, Hodo Mine
Agreed Order No. 6706 16**

Dear Mr. Todd:

Enclosed you will find a copy of **Agreed Order No. 6706 16**, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, 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 black ink, appearing to read "Tim Aultman", followed by a horizontal line.

Tim Aultman, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Ethan Mayeu

Agency Interest No. 66461
ENF20160001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6706 16

MISSISSIPPI GRAVEL SALES LLC
30344 BIGBEE ROAD
AMORY, MISSISSIPPI 38821

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 Mississippi Gravel Sales LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated November 3, 2015, Respondent was contacted by Complainant and notified of the following violations at its facility located on Highway 25, Smithville, Mississippi in Monroe County:

- A. Failure to implement the approved SWPPP in violation of ACT 6, Condition S-1 of Mining Storm Water, Dewatering, and No Discharge General Permit No. MSR322425 (the "Permit"); and
- B. Failure to install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site in violation of ACT 6, Condition S-2 (7) of the Permit.

Based on an inspection by MDEQ personnel on February 1, 2016 and on information provided by Respondent dated December 17, 2015 and May 3, 2016, Respondent has corrected the above violations and returned to compliance.

2.

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 \$5,000. Respondent shall pay the first of two installments in the amount of \$2,500 to MDEQ within forty-five (45) days after this Agreed Order has been executed by the Executive Director, or his designee (the Effective Date"). Respondent shall pay the second installment in the amount of \$2,500 within ninety (90) days after the Effective Date. The settlement payments shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Jennifer Parish
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. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 14th day of November, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 14th day of November, 2016.

MISSISSIPPI GRAVEL SALES LLC

BY: Chris Todd

TITLE: OWNER

STATE OF MS

COUNTY OF Monroe

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Chris Todd who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the owner of Mississippi Gravel Sales LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 14th day of November, 2016.

Cindy Loden
NOTARY PUBLIC

My Commission expires: 4-13-19

