

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6887 18

M AND N EXCAVATORS, INC.  
P.O. BOX 2489  
OXFORD, MISSISSIPPI 38655

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, M and N Excavators, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 21, 2018, Respondent was contacted by Complainant and notified of the following violations discovered during the Compliance Evaluation Inspection (CEI) conducted on February 5, 2018 at Lafayette County Board of Supervisors, Sisk Avenue Extended project site:

- A. Violation of ACT6 Condition S-1 (1): Failure to implement the Storm Water Pollution Prevention Plan (SWPPP).
- B. Violation of ACT6 Condition S-2 (9): Failure to install additional erosion controls when existing controls prove to be ineffective.
- C. Violation of ACT6 Condition S-3 (11): Failure to maintain erosion and sediment controls.

Respondent provided responses dated March 8, 2018 and July 27, 2018, which assert Respondent has taken corrective action by implementing the SWPPP and installing and maintaining the erosion and sediment controls.

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 \$15,250. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Accounts Receivable  
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 10<sup>th</sup> day of SEPTEMBER, 2018.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]  
GARY C. RIKARD  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 4<sup>th</sup> day of September, 2018.

M AND N EXCAVATORS, INC.

BY: [Signature]

TITLE: President

STATE OF Mississippi

COUNTY OF LAFAYETTE



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

SWORN AND SUBSCRIBED BEFORE ME, this the 4<sup>th</sup> day of Sept, 2018.

[Signature]  
NOTARY/PUBLIC

My Commission expires: 3 / 16 / 2019