



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, EXECUTIVE DIRECTOR

June 25, 2025

CERTIFIED MAIL# 70191120000047856629

Mr. Kody Cullum
Cullum Construction LLC
PO Box 142
Marion, Mississippi 39342

**Re: Cullum Construction LLC, Cullum Mine
Agreed Order No. 7514 25**

Dear Mr. Cullum:

Enclosed you will find a copy of Agreed Order No. 7514 25, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, 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 Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Geoffrey Martin at (601) 961-5024.

Sincerely,

A handwritten signature in blue ink that reads "Michelle Clark".

Michelle Clark, P.E., BCEE, Chief
Environmental Compliance and Enforcement Division

Enclosure
cc: Geoffrey Martin

Agency Interest No. 83496
ENF20240001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7514 25

CULLUM CONSTRUCTION, LLC
7748 US 45 NORTH
MERIDIAN, MISSISSIPPI 39305

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 Cullum Construction, LLC, Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates a sand and clay mine, the Cullum Mine, located on 37th Street, Meridian, Mississippi, in Lauderdale County. On March 29, 2023, Respondent was granted Certificate No. MSR323005 for coverage under Mississippi's Mining Storm Water, Dewatering, and No Discharge General Permit (the Permit).

By letter dated June 2, 2023, Respondent was contacted by Complainant and notified of the following violations that were discovered during a Compliance Evaluation Inspection at the Cullum Mine on April 4, 2023:

- A. Respondent failed to implement the Storm Water Pollution Prevention Plan (SWPPP) in violation of ACT 6 Condition S-1 (1) of the Permit which states, "The coverage recipient shall: (1) Implement the SWPPP and retain a copy of the SWPPP at the permitted site or locally available (see Definition). Failure to implement the SWPPP

is a violation of permit requirements. A copy of the SWPPP must be made available to the MDEQ inspectors for review at the time of an on-site inspection.”

- B. Respondent failed to submit a major modification form in violation of ACT 6 Condition S-1 (5) of the Permit which states, “The coverage recipient shall: (5) Submit to MDEQ the Major Modification Form (see Mining Forms Package) for subsequent phases, expansions and modifications of mining development that are proposed but were not included in the original SWPPP.”
- C. Respondent failed to identify mine boundaries in violation of ACT 6 Condition S-3 of the Permit which states, “Boundaries of areas issued a Certificate of Coverage under this permit shall be marked and durable posts shall be placed at the corners of the coverage area. The posts shall be painted or flagged to be readily visible during the life of the operation.”
- D. Respondent failed to meet non-numeric limitations in violation of ACT 9 Condition L-1 (2, 3) of the Permit which states, “Storm water discharges shall be free from: (2) Eroded soils and other materials that will settle to form objectionable deposits in receiving waters, (3) Suspended solids, turbidity, and color at levels inconsistent with the receiving waters.”
- E. Respondent failed to maintain a buffer zone in violation of ACT 9 Condition L-2 (1) which states, “Mining activities adjacent to intermittent streams shall normally have a 50-foot buffer zone.”
- F. Respondent formed an unauthorized dump in violation of Miss. Code Ann. § 17-17-17 which states, “The formation of unauthorized dumps is hereby declared to be a public nuisance per se, menacing public health and unlawful, and any person who forms an unauthorized dump shall be punished as provided in Section 17-17-29. Existing dumps shall be eliminated by removal or on-site burial.”
- G. Respondent placed waste in waters of the State in violation of Miss. Code Ann. § 49-17-29 which states, “Except as in compliance with paragraph (b) of this subsection, it is unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state. It is also unlawful to discharge any wastes into any waters of the state which reduce the quality of those waters below the water quality standards

established by the commission; or to violate any applicable pretreatment standards or limitations, technology-based effluent limitations, toxic standards or any other limitations established by the commission. Any such action is declared to be a public nuisance.”

On May 28, 2024, MDEQ conducted a site investigation at the Cullum Mine. This investigation revealed that the violation of ACT 9 Condition L-2 (1) of the Permit and the violation of Miss. Code Ann. § 49-17-29 had been corrected.

By email dated November 13, 2024, Respondent submitted color photographs and asserted that it was in compliance with the Permit and applicable state law and regulations at the Cullum Mine.

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 \$8,500.00. 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 24th day of June, 2025.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 20th day of June, 2025.

CULLUM CONSTRUCTION, LLC

BY: 

KODY CULLUM
MANAGER

STATE OF Mississippi

COUNTY OF Lauderdale

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named KODY CULLUM, who first being duly sworn, did state upon his oath and acknowledge to me that he is the MANAGER of CULLUM CONSTRUCTION, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 20th day of June, 2025.



NOTARY PUBLIC

My Commission expires: _____

