

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

7237 23

FRANKLIN READY-MIX CONCRETE, INC.
61 WILSON LANE SE
BUDE, MISSISSIPPI 39630

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 Franklin Ready-Mix Concrete, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated April 4, 2022, Respondent was contacted by Complainant and notified of the following violation:

- A. Respondent placed waste, namely waste concrete, from a concrete truck into a storm drain on the corner of Chippewa Street and Church Street in Brookhaven, Mississippi, in violation of MS Code Ann. 49-17-29(2)(a).

2.

By letter dated April 11, 2022, Respondent asserted it had conducted a training session for its employees in response to the violation above.

3.

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 \$1,000.00. 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

4.

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.

5.

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.

6.

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 8th day of March, 2023.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]
CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

AGREED, this the 6th day of March, 2023.

FRANKLIN READY-MIX CONCRETE, INC.

BY: [Signature]
TITLE: President

STATE OF Mississippi
COUNTY OF Franklin

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Barry Tyson who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Franklin Ready-Mix Concrete, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 6th day of March, 2023.

[Signature]
NOTARY PUBLIC

My Commission expires: _____

