



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

April 1, 2015

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Richard Santiago
King Construction and Environmental Services LLC, King Pit and King Class I Rubbish Site
102 Oaks Boulevard
Bay St. Louis, MS 39520

**Re: King Construction and Environmental Services LLC, King Pit and King
Class I Rubbish Site
Agreed Order No. 6512 15**

Dear Mr. Santiago:

Enclosed you will find a copy of Agreed Order No. 6512 15, 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 Roderick Thomas at (601) 961-5214.

Sincerely,

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

Enclosure
cc: Roderick Thomas

Agency Interest No. 24030
ENF20140002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6512 15

KING CONSTRUCTION AND ENVIRONMENTAL SERVICES LLC
P.O. BOX 3022
BAY ST. LOUIS, MISSISSIPPI 39521

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 King Construction and Environmental Services LLC, Respondent, in the above captioned cause and agree as follows:

1.

On June 20, 2014, Complainant conducted an unannounced site inspection at the King Construction and Environmental Services LLC Class I Rubbish Site (the "Site") in Bay St. Louis, Hancock County, Mississippi. As a result of the site conditions observed during the time of inspection, Respondent was contacted by Complainant by way of notice of violation (NOV) letter dated July 29, 2014 and notified of the following violations.

- A. Condition E.18 of Solid Waste Management Permit No. SW0230020546 (the "Permit") and 11 Miss. Admin. Code Pt. 4, R.1.6.D of the Mississippi Nonhazardous Solid Waste Management Regulations (the "Regulations") regarding the failure to prohibit the disposal of unauthorized waste.

- B. Condition E.21 of the Permit and 11 Miss. Admin. Code Pt. 4, R.1.6. E.(5) of the Regulations regarding the failure to properly inspect each waste load for unauthorized wastes and to immediately remove unauthorized wastes from the load.**

- C. Condition E.22 of the Permit and 11 Miss. Admin. Code Pt. 4, R.1.6. E.(5) of the Regulations regarding the failure to immediately remove unauthorized wastes from the disposal area.**

- D. Condition E.23 of the Permit and 11 Miss. Admin. Code Pt. 4, R.1.6. E.(5) of the Regulations regarding the failure to refuse incoming loads that contained significant amounts of unauthorized waste.**

- E. Condition E.25 of the Permit and 11 Miss. Admin. Code Pt. 4, R. 1.6. E.(7) of the Regulations regarding failure to apply periodic earthen cover of a minimum of six inches to the waste at least every two weeks.**

2.

On November 10, 2014, Complainant conducted an unannounced inspection at the "Site". This inspection revealed the Respondent in compliance with the permit conditions and regulations listed above.

3.

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 \$40,000. Respondent shall pay \$20,000 to MDEQ within forty-five (45) days and the remaining balance of \$20,000 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 to:

Mississippi Department of Environmental Quality

Attn: Jennifer Parish

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 1st day of APRIL, 2014⁵.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 21 day of JAN, 2014.

KING CONSTRUCTION AND ENVIRONMENTAL SERVICES LLC

BY: Richard Smith

TITLE: MANAGING MEMBER

STATE OF Mississippi

COUNTY OF HANCOCK

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named _____ who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Managing Member of King Construction and Environmental Services LLC, is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 21 day of January, 2014.


MICHAEL THOMPSON
NOTARY PUBLIC
2017
HANCOCK COUNTY

My Commission expires May 21, 2017