



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

February 3, 2016

CERTIFIED MAIL 7010 1870 0003 4946 9906

Mr. David Arendale
Thrash Commercial Contractors, Inc.
211 Commerce Drive
Brandon, MS 39042

**Re: Bureau of Buildings Grounds and Real Property,
Civil Rights and History Museum- Agreed Order No. 6616 16**

Dear Mr. Arendale:

Enclosed you will find a copy of Agreed Order No. 6616 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 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 Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Austin Byrd at (601) 961-5386.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders".

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

Enclosure
cc: Austin Byrd

Agency Interest No. 64805
ENF20150002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6616 16

THRASH COMMERCIAL CONTRACTORS, INC.
211 COMMERCE DRIVE
BRANDON, MS 39042

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 Thrash Commercial Contractors, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated August 26, 2015, Respondent was contacted by Complainant and notified of the following violations of Mississippi's Large Construction Storm Water General Permit Certificate of Permit Coverage Number MSR106479 at its construction project located at Jefferson Street and Mississippi Street, Jackson, Mississippi in Hinds County:

A. Violation of ACT 6 Section S-1, Condition (1) Failure to implement Storm Water Pollution Prevention Plan (SWPPP) as submitted: *(1) Implement the site-specific SWPPP...*

B. Violation of ACT 6 Section S-2, Condition (7): Failure to install additional and/or alternative erosion and sediment controls: *(7) Install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site.*

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- C. Violation of ACT 6 Section S-2, Condition (9): Failure to maintain all controls:
(9) Erosion and sediment controls shall be maintained at all times. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach one-third to one-half the height of the control. For sediment basins, accumulated sediment shall be removed when the capacity has been reduced by 50%. All removed sediment deposits shall be properly disposed. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within twenty-four (24) hours of discovery or as soon as field conditions allow.
- D. Violation of ACT 6 Section S-2, Condition (8): Failure to comply with applicable state or local waste disposal: *(8) Comply with applicable State or local waste disposal, sanitary sewer or septic system regulations*

The Respondent's written response to the Notice of Violation alleges that compliance with Mississippi's Large Construction Storm Water General Permit had been fulfilled.

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 \$12,500. 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: 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 2nd day of FEBRUARY, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 29th day of January, 2016.

THRASH COMMERCIAL CONTRACTORS, INC.

BY: Matt McWilliams
MATT MCWILLIAMS

TITLE: SECRETARY

STATE OF Mississippi

COUNTY OF Scott

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Matt McWilliams who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Secretary of Thrash Commercial Contractors, Inc., and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 29th day of January, 2016.

Cecilia McCaughn
NOTARY PUBLIC

My Commission expires: 6/21/16

