



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

January 25, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Ms. Alma Allen Webb
G and K Services Inc
5995 Opus Parkway, Suite 500
Minnetonka, MN 55343

**Re: G and K Services Inc
Agreed Order No. 6209 13**

Dear Ms. Webb:

Enclosed you will find a copy of Agreed Order No. 6209 13, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, 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 Cody Fisher at (601) 961-5065.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders" with a stylized "for" written below it.

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

Enclosure
cc: Cody Fisher

Agency Interest No. 4206
ENF20120003

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **6209 13**

G AND K SERVICES, INC.
5995 OPUS PARKWAY
MINNETONKA, MINNESOTA 55343

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 G and K Services, Inc., Respondent, in the above captioned cause and agree as follows:

1.

On January 26, 2012, Respondent by telephone contacted Complainant and voluntarily self-disclosed, pursuant to Mississippi Code Annotated §49-14-43 (7)(g), a deficiency in its reporting of air emissions from its facility located at 240 West Mitchell Avenue in Jackson, Hinds County, MS. Respondent's under-reporting of its emissions, and the consequent failure to obtain a Title V Operating Permit, led to the following violations of Commission Regulation APC-S-6:

- A. Sections I.B.1, II.A.1.a, II.A.1.b, IV.B and IV.C: Respondent failed to submit a timely Title V Air Operating Permit Application and subsequent renewal applications since 2004.
- B. Section VI.A: Respondent failed to pay annual Title V fees since 2004.
- C. Section III.A.3.c.(1) and III.A.3.c.(2): Respondent failed to submit semi-annual monitoring reports by July 31st and January 31st of each year since 2004.

- D. Section III.C.5: Respondent failed to submit annual compliance certifications by January 31st of each year since 2004.

2.

In lieu of a formal enforcement hearing concerning violations listed above, Complainant and Respondent agree to settle this matter as follows:

- A. Respondent shall pay Complainant the sum of \$63,184.48, which includes the total past due Title V fees of \$57,440.44 and a 10 % late payment penalty of \$5,744.04, as full and complete settlement for the matters addressed herein. Respondent shall pay this amount to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Mona Varner
P.O. Box 2339
Jackson, MS 39225

- B. Respondent submitted an air emissions permit application to MDEQ, received December 26, 2012, which indicates potential VOC emissions of 111.05 tons per year (tpy). Respondent has requested a Synthetic Minor Operating Permit limiting these emissions to a 25 tpy VOC limit. Respondent shall maintain facility operations to limit emissions within 25 tpy until the Mississippi Environmental Quality Permit Board, or its designee, acts on the air emissions permit application.

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. Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 18 day of January, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 11th day of January, 2013.

G AND K SERVICES, INC.

BY: [Signature]

TITLE: Vice President, General Counsel

STATE OF Minnesota

COUNTY OF Hennepin

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Jeffrey L. Cotee who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the VP + GC of G and K Services Inc and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 11th day of January, 2013.

[Signature]
NOTARY PUBLIC

My Commission expires: 11/31/17

