



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

April 5, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Julian Scott Kirk
Kirk Auto Company, Ford and Toyota Dealership
PO Box 670
Grenada, MS 38902

**Re: Kirk Auto Company, Ford and Toyota Dealership
Agreed Order No. 6096 12**

Dear Mr. Kirk:

Enclosed you will find a copy of Agreed Order No. 6096 12, 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 John Henderson at (601) 961-5642.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders".

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

Enclosure
cc: John Henderson

Agency Interest No. 55816
ENF20120002

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • www.deq.state.ms.us

AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6096 12

KIRK AUTO COMPANY
PO BOX 670
GRENADA, MISSISSIPPI 38902

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 Kirk Auto Company, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 28, 2012, Respondent was contacted by Complainant and notified of the following violations of the Large Construction General Permit, Certificate of Coverage Number MSR105972 at its facility located at Southwest Frontage Road, Grenada, Mississippi in Grenada County:

- A. Violation of Act 6, Section S-1 Part (1) Failure to implement the site-specific Storm Water Pollution Prevention Plan (SWPPP)

During a MDEQ inspection on February 6, 2012, the correct sediment basin outlet structure was not installed as per the approved SWPPP and the permit.

- B. Violation of Act 6, Section S-2 Part (9) Failure to maintain erosion and sediment controls at all times

At the time of the inspection, controls were found to have been compromised. According to the approved SWPPP, needed repairs are to be made to erosion/sediment controls within twenty-four (24) hours. The SWPPP also states that any non-functional silt fence is to be replaced.

On March 19, 2012, Respondent submitted photographic evidence that the SWPPP had been fully implemented and controls had been installed and were being maintained in accordance with the permit.

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 \$7,000. 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 her designee. The penalty payment shall be submitted to the following address:

Mississippi Department of Environmental Quality
Attention: Mona Varner
P.O. Box 2261
Jackson, Mississippi 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. Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 5 day of April, 2012.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 2 day of April, 2012.

KIRK AUTO COMPANY

BY: J.S. Kirk

TITLE: Pres

STATE OF MS

COUNTY OF Monada

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named J.S. Kirk who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Kirk Auto Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 2 day of April, 2012.

James H. Carpenter
NOTARY PUBLIC

My Commission expires: 4-6-12





STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

March 27, 2012

CERTIFIED MAIL: 7011 1150 0001 1255 9454

Mr. Julian Scott Kirk
Kirk Auto Company
PO Box 670
Grenada, Mississippi 38902

Re: Kirk Auto Company, Ford and Toyota Dealership
Grenada, Grenada County
GP-Construction Coverage No. MSR105972

Dear Mr. Kirk:

Enclosed please find an Agreed Order that reflects our understanding of agreements reached to resolve certain environmental issues with your company.

If you concur with this Agreed Order, please sign the order before a Notary Public in the appropriate space and return the original water-marked order by 04/09/2012 to MDEQ Attn: Kim Smith, PO Box 2261 Jackson, MS 39225.

If you have any questions, please contact me at (601) 961-5642.

Sincerely,

A handwritten signature in blue ink that reads "John Mark Henderson".

John Mark Henderson
Construction and Building Materials Branch
Environmental Compliance and Enforcement Division

Enclosure