



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

February 22, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Matthew Bass
KBH Corporation, The
PO Box 670
Clarksdale, MS 38614

**Re: KBH Corporation, The
Agreed Order No. 6213 13**

Dear Mr. Bass:

Enclosed you will find a copy of Agreed Order No. 6213 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 Bradley Justice at (601) 961-5064.

Sincerely,

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

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

Enclosure
cc: Bradley Justice

Agency Interest No. 2317
ENF20120002

OFFICE OF POLLUTION CONTROL

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AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 213 13 *

THE KBH CORPORATION
PO BOX 670
CLARKSDALE, MISSISSIPPI 38614

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 The KBH Corporation, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated August 27, 2012, Respondent was contacted by Complainant and notified of the following violations at its facility located at 395 Anderson Boulevard, Clarksdale, Mississippi in Coahoma County:

- A. Title V Permit 0540-00037; Condition 1.16: Timely renewal application
Expiration of this permit terminates the permittee's right to operate unless a timely and complete renewal application has been submitted. A timely application is one which is submitted at least six (6) months prior to expiration of the Title V permit. If the permittee submits a timely and complete application, the failure to have a Title V permit is not a violation of regulations until the Permit Board takes final action on the permit application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit by the deadline specified in writing by the DEQ any additional information identified as being needed to process the application.

Respondent's Title V Permit's renewal application was due April 30, 2012. Respondent

submitted the renewal application to Complainant September 27, 2012. Respondent's Title V permit expired October 31, 2012, and was reissued by MDEQ December 12, 2012.

B. AP-S-2, I.D.1: Permitting Requirements: *Permit Types. The Permit Board will issue two types of air pollution control permits, a permit to construct air emissions equipment and a State Permit to Operate such equipment. A State Permit to Operate is required for synthetic minor sources, major Title V sources, and significant minor sources.*

From November 1, 2012 through December 11, 2012, Respondent operated without a permit.

2.

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 \$10,500.00. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Mona Varner
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. This Agreed Order fully resolves the acts and omissions resulting in this enforcement action but shall be strictly construed to apply only 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 21 day of February, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 14 day of JAN, 2013.

THE KBH CORPORATION

BY: mmtben

TITLE: President

STATE OF Mississippi

COUNTY OF Coahoma

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named MH "Buddy" Bass who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of The KBH Corporation and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 14th day of January, 2013.

Katherine H. Antici
NOTARY PUBLIC

My Commission expires: 1/16/2017

