



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

November 19, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Dynamite Kirk
Kirk Auto Company
PO Box 670
Grenada, Mississippi 38901

**Re: Kirk Auto Company
Agreed Order No. 6362 13**

Dear Mr. Kirk:

Enclosed you will find a copy of Agreed Order No. 6362 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, appearing to read "Chris Sanders".

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

Enclosure
cc: Cody Fisher

Agency Interest No. 4187
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6362 13

KIRK AUTO COMPANY
PO BOX 670
GRENADA, MISSISSIPPI 38901

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 September 3, 2013, Respondent was contacted by Complainant and notified of the following violations at its facility located at 3000 Gateway Street, Grenada, Mississippi in Grenada County:

- A. MHWMR 262.34(d)(5)(iii) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies. While it appeared that some common handling practices were followed, the facility failed to provide documentation that this requirement had been met.
- B. MHWMR 265.174 At least weekly, the owner or operator must inspect areas where containers are stored. While inspection logs are not required, inspections are. It appeared the facility was not conducting regular inspections, and the facility failed to provide documentation that this requirement had been met.

- C. MHWMR 262.34(d)(5)(i & ii) At all times there must be at least one employee either on the premises or on call (i.e. available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in paragraph (d)(5)(iv) of this section. This employee is the emergency coordinator. The generator must post the following information next to the telephone: the name and telephone number of the emergency coordinator; location of fire extinguishers and spill control material, and, if present, fire alarm; and the telephone number of the fire department unless the facility has a direct alarm. The facility failed to meet this requirement by not having any emergency information posted.
- D. MHWMR 279.22(c) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil". The facility failed to label any containers used to store used oil with the words "Used Oil".
- E. MHWMR 262.20(a)(b)(c)(d)(e)(f) A generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a Manifest on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in the appendix to this part.
- F. MHWMR 262.11 A person who generates a solid waste, as defined in 40 CFR261.2, must determine if that waste is a hazardous waste either by generator knowledge or by analytical testing. Respondent failed to conduct hazardous waste determinations on numerous drums identified during the inspection.

Respondent provided documentation in the October 13, 2013, Administrative Conference alleging that all apparent violations were corrected.

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 \$5005.00. 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: 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 18 day of November, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 6 day of Nov, 2013.

KIRK AUTO COMPANY

BY: J. Skerk

TITLE: Pres

STATE OF Ms.

COUNTY OF Grenada

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

SWORN AND SUBSCRIBED BEFORE ME, this the 6 day of Nov., 2013.

James A. Carpenter
NOTARY PUBLIC

My Commission expires: 4-6-16

