

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

6636 16

VS.

ORDER NO. _____

Clifton Rogers Jr, INDIVIDUALLY AND
Kips Tree Service Inc
PO Box 6026
Brandon, Mississippi 39047

RESPONDENTS

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 Clifton Rogers Jr and Kips Tree Service, Inc., Respondents, in the above captioned cause and agree as follows:

1.

By letters dated April 21, 2014 and July 15, 2014, Respondents were contacted by Complainant and notified of the following violations that were observed on properties owned by Respondents located off Clover Valley Blvd. and Mt. Helm Road, respectively, Brandon, Rankin County, Mississippi (the "Clover Valley Blvd. Site" and the "Mt. Helm Road Site", respectively):

1. Formation of an unauthorized dump in violation of Mississippi Code Ann.

§ 17-17-17; and

2. Placement of waste in a location likely to cause pollution of State waters in violation of Mississippi Code Ann. § 49-17-29.

2.

Based on a site visit by MDEQ on February 27, 2015 and on information provided by Respondents, Respondents have corrected all alleged violations noted above at the Clover Valley Blvd. Site.

3.

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

1. Respondents shall cease the disposal/placement of additional vegetative debris and/or waste(s) at both the Clover Valley Blvd. Site and Mt. Helm Road Site;
2. Respondents shall remove all existing vegetative debris and/or waste(s) located at the Mt. Helm Road Site. Such removal shall involve:
 - a. the chipping/grinding (in accordance with all local laws/ordinances) and appropriate reuse/recycling of those chips at a legitimate end user no later than July 1, 2016; or
 - b. the removal and disposal at a permitted disposal facility no later than August 1, 2016.
3. By August 5, 2016, Respondents shall provide MDEQ with appropriate receipts to document compliance with Condition 2 above. Such documentation shall include, but is not limited to, receipts from the ultimate reuse and/or disposal location.
4. Upon removal of all existing vegetative debris and/or waste(s) as required by Condition 2 above, should Respondents intend to initiate grinding/chipping of vegetative debris and/or waste(s) at either the Clover Valley Blvd. Site or Mt. Helm Road Site, Respondents shall first submit a complete "Plan of Operation" of the proposed grinding/chipping to the MDEQ Environmental Permits Division for review. Respondents shall not bring additional vegetative debris and/or waste(s) to the either the Clover Valley Blvd. Site or Mr. Helm Road Site and/or chip/grind additional vegetative debris and/or waste(s) without first receiving a solid waste

permit, written authorization from MDEQ or other written confirmation that environmental permits are not necessary for the proposed grinding/chipping operation.

5. Respondents agree to pay and Complainant agrees to accept a civil penalty in the amount of \$28,000. Respondents shall pay \$12,000 of this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. Complainant shall hold in abeyance, and Respondents shall not be required to pay, the remaining penalty balance of \$16,000 (the "Abeyance Amount") pending Respondents compliance with Conditions 1, 2, 3, and 4 above. Should Respondents fail to comply with the terms of this section, the Abeyance Amount shall become due and payable within forty-five (45) days of the Respondents receiving written notification from MDEQ. The settlement payment(s) shall be submitted to:

Mississippi Department of Environmental Quality

Attn: Jennifer Parish

P.O. Box 2339

Jackson, MS 39225

4.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondents fail to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

5.


Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondents for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

6.

Respondents understand and acknowledges that they are entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that they have made an informed waiver of that right.

ORDERED, this the 15th day of APRIL, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 29 day of March, 2016.

Clifton Rogers Jr

Clifton Rogers Jr

STATE OF Mississippi

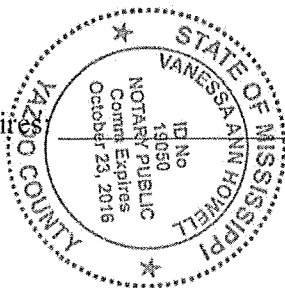
COUNTY OF Hinds

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Clifton Rogers, Jr. who first being duly sworn, did state upon his oath and acknowledge to me that he is authorized to sign and enter this Agreement.

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

Vanessa A. Howell
NOTARY PUBLIC

My Commission expires



AGREED, this the 29 day of March, 2016.

Kips Tree Service Inc

BY: [Signature]

TITLE: owner

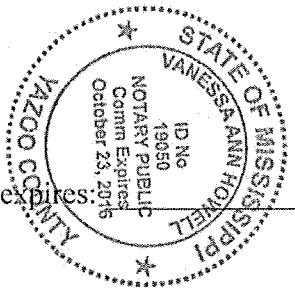
STATE OF Mississippi

COUNTY OF Hinds

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Clifton Logan, Jr who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the owner of Kips Tree Service, Inc. and is authorized to sign and enter this Agreement.

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

[Signature]
NOTARY PUBLIC



My Commission expires: _____