



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

July 16, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Bill Plavsic  
Mississippi Railcar LLC  
4115 Highway 19 South  
Meridian, MS 39301

**Re: Mississippi Railcar LLC  
Agreed Order No. 6435 14**

Dear Mr. Plavsic:

Enclosed you will find a copy of Agreed Order No. 6435 14, 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 Mohammad Yassin at (601) 961-5195.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders, P.E.", with a small "For" written below it.

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

Enclosure  
cc: Mohammad Yassin

Agency Interest No. 37117  
ENF20140002

OFFICE OF POLLUTION CONTROL

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BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6435 14

MISSISSIPPI RAIL CAR  
4115 HIGHWAY 19 SOUTH  
MERIDIAN, MISSISSIPPI 39301

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 Mississippi Rail Car, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated January 30, 2014, Respondent was contacted by Complainant and notified of the following violations at its facility located at 4115 Highway 19 South, Meridian, Mississippi in Lauderdale County:

- A. Violation of § 40 CFR 122.26(c), *Application requirements for storm water discharges associated with industrial activity and storm water discharges associated with small construction activity-(1) Individual application.* Dischargers of storm water associated with industrial activity and with small construction activity are required to apply for an individual permit or seek coverage under a promulgated storm water general permit.

Respondent had a Construction Stormwater permit but had not submitted permit application for the required Baseline Stormwater permit for operation.

- B. Violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.1 B - Any person proposing a discharge of wastes to waters of the State or proposing a treatment works from which no discharge of wastes is designed to occur shall file an application in the case of an individual NPDES, UIC, or State permit, at least 180 days prior to the commencement of the activity or, in the case of NOI for coverage under an issued NPDES general permit or coverage under an issued State general permit, in accordance with a schedule established in such permit.*

Process wastewater, containing high levels of BOD, from the railcar cleaning had been discharged along with stormwater on numerous occasions without the required discharge permit.

By letter dated February 6, 2014, Respondent alleged to have implemented corrective measures that have resulted in return to compliance with violation B.1.

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 \$17,750. 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
- B. Respondent shall develop and implement a Stormwater Pollution Prevention Plan (SWPPP), and submit an application for Baseline Stormwater permit coverage within fourteen (14) days after this Agreed Order has been executed by the MDEQ

Executive Director. The SWPPP shall be developed according to the guidelines set in EPA's document number EPA-833-B-09-002 "Developing Your Stormwater Pollution Prevention Plan – A Guide for Industrial Operators."

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 July, 2014.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the 3 day of July, 2014.

MISSISSIPPI RAIL CAR

BY: Bridley Bill Plausie

TITLE: Vice President

STATE OF IL

COUNTY OF Cook

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Bill Plausie who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Vice President of Mississippi Rail Car and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 3<sup>rd</sup> day of July, 2014.

Genise Martinez  
NOTARY PUBLIC

My Commission expires: 9/28/17

