



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

August 4, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. John King  
Aluminum Extrusions Inc  
140 Matthews Drive  
Senatobia, MS 38668

**Re: Aluminum Extrusions Inc  
Agreed Order No. 6438 14**

Dear Mr. King:

Enclosed you will find a copy of Agreed Order No. 6438 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 that reads "Chris Sanders".

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

Enclosure  
cc: Mohammad Yassin

Agency Interest No. 904  
ENF20140001

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6438 14

ALUMINUM EXTRUSIONS INC  
140 MATTHEWS DRIVE  
SENATOBIA, MISSISSIPPI 38668

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 Aluminum Extrusions Inc, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated January 8, 2014, Respondent was contacted by Complainant and notified of the following violations at 140 Matthews Drive, Senatobia, MS, 38668:

- A. Baseline Coverage MSR 001501: Act 5, T-8 (9) - Routine visual site inspections. The frequency of inspection shall be performed as often as needed but no less than once monthly. No monthly visual site inspection records were available for 2013.
- B. Baseline Coverage MSR 001501: Act 5, T-3 (4) - Monthly updated list of significant spills and leaks of toxic or hazardous pollutants that have occurred at the facility. No updated list of significant spills was available for 2013.
- C. Violation of water pollution control permit MSP091349 - the pH maximum permit requirement is 9.0; the reported value for October 2013 was 9.1.

By letter dated March 10, 2014, Respondent was contacted by Complainant and notified of the following violations of Mississippi Hazardous Waste Regulations for Large Quantity Generators (Hazardous Waste EPA ID MSR 000 004 549) at 140 Matthews Drive, Senatobia, MS, 38668:

- D. In violation of 40 CFR Part 265.173, a container must always be closed during storage, except when it is necessary to add or remove waste. Three drums were not considered closed at multiple locations within the plant.
- E. In violation of 40 CFR Part 262.34 (c) (2), within three days of generating waste in excess of 55-gallons, a generator must mark the container with the date of accumulation. One 55-gallon drum was dated 11-26-13 and had not been moved to the designated storage area, and another drum had been filled, but had not been dated with the date of excess accumulation.
- F. In violation of 40 CFR Part 262.34 (c) (1) (ii), a generator may accumulate as much as 55-gallons of hazardous waste near the point of generation provided the containers are marked as "Hazardous Waste." The three drums at the satellite accumulation area were not labeled as hazardous waste.
- G. In violation of 40 CFR Part 262.34 (a) (2), while being accumulated onsite, the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container. Three full drums at the 90-day hazardous waste storage area had not been dated.
- H. In violation of 40 CFR Part 262.34 (a) (3), while being accumulated onsite, each container and tank are marked as "Hazardous Waste." Two drums at the 90-day storage area were not labeled as hazardous waste.
- I. In violation of 40 CFR Part 265.171, if a container holding hazardous waste is not in good condition or begins to leak, the owner or operator must transfer the hazardous waste to a container in good condition. One 55-gallon drum at the 90-day hazardous storage area was damaged, but not yet leaking.
- J. In violation of 40 CFR Part 265.175, at least weekly, the owner or operator must inspect areas where containers are stored. No inspections had been done or

logged for 2013.

By letters dated January 22, 2014 and March 14, 2014, Respondent alleged to have implemented corrective action measures that have resulted in a return to compliance with the applicable permits and regulations.

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 \$24,640. 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 1 day of August, 2014.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the 17<sup>th</sup> day of July, 2014.

ALUMINUM EXTRUSIONS INC

BY: John King

TITLE: President

STATE OF Mississippi

COUNTY OF Tate

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

SWORN AND SUBSCRIBED BEFORE ME, this the 17<sup>th</sup> day of July, 2014.

[Signature]  
NOTARY PUBLIC

My Commission expires \_\_\_\_\_

