



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. Brent Thomas  
Thomas Wood Preserving Inc  
PO Box 547  
Elliott, MS 38926

**Re: Thomas Wood Preserving Inc  
Agreed Order No. 6440 14**

Dear Mr. Thomas:

Enclosed you will find a copy of Agreed Order No. 6440 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 first 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. All future installment payments should be mailed 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 Deismon Ross at (601) 961-5512.

Sincerely,

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

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

Enclosure  
cc: Deismon Ross

Agency Interest No. 5893  
ENF20140002

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6440 14

THOMAS WOOD PRESERVING INC  
1964 MURFF DR  
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 Thomas Wood Preserving Inc, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 7, 2014, Respondent was contacted by Complainant and notified of the following violations of the Respondent's GP-Wood Treating Permit No. MSR220016 at Respondent's facility located at 1964 Murff Drive, Grenada, Mississippi in Grenada County:

- A. **(MSWTGP Part III C.7.b.5)** – Facility failed to maintain good housekeeping.
- B. **(MSWTGP Part III C.7.b.7)** – Facility failed to conduct and document storm water training for 2011 and 2013.
- C. **(11 Miss. Admin. Code Pt. 2, Ch. 1, R. 1.3.G)** – Facility failed to adhere to the regulation prohibiting open burning for industrial solid waste.
- D. **(MHWMR 265.16 (c))** – Facility failed to conduct and document hazardous waste training for 2011 and 2013.
- E. **(MHWMR 262.34 (c) (1) (ii))** – Facility failed to label or mark a drum of MCA

(Micronized Copper Azole) in the satellite accumulation area with the words "Hazardous Waste".

- F. **(MHWMR 262.11)** – Facility failed to characterize multiple tote tanks of cross contaminated hazardous waste and failed to recycle at least 75% of the material accumulated. Therefore, it is considered speculative accumulation as defined in (MHWMR 261.1 (c) (8)).

During an administrative conference held on June 12, 2014, Respondent described corrective actions taken and asserted that the alleged violations have been satisfactorily addressed with the exception of 1.A. and 1.F.

2.

Subsequent to the June 12, 2014, Administrative Conference, a file review was conducted which revealed the following violation:

- A. **(MSWTGP Part I D.1)** – Facility failed to submit an application for an individual NPDES permit in a timely manner. The application was due by June 6, 2010 and was submitted on July 26, 2010.

3.

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 \$15,500. Respondent shall pay this penalty to MDEQ in three monthly installments as outlined below:

<u>Installment Due Date:</u>	<u>Installment Amount:</u>
September 1, 2014	\$5500
October 1, 2014	\$5000
November 1, 2014	\$5000

The monthly installments shall be submitted on or before the installment due date to the following address:

Mississippi Department of Environmental Quality  
Attn: Jennifer Parish  
P.O. Box 2339  
Jackson, MS 39225

Should the Respondent fail to make a payment by the agreed upon due date, the full balance of the penalty, at the time of default, shall immediately become due and payable.

- B. No later than sixty (60) days after the execution of this order, Respondent shall complete housekeeping actions and submit photo documentation of areas cleaned to MDEQ.
- C. No later than ninety (90) days after the execution of this order, Respondent shall develop and submit to MDEQ an Environmental Management System (“EMS”) to include, at a minimum, written policies and procedures designed to ensure Respondent maintains compliance with the environmental statutes, regulations and/or permits applicable to Respondent’s operations.
- D. Respondent shall remove and properly dispose of all totes containing cross contaminated hazardous waste on or before December 31, 2014.
- E. Until the Mississippi Department of Environmental Quality Permit Board or its designee acts on the renewal application for Respondent’s NPDES Storm Water Permit, Respondent shall operate in accordance with Wood Treating General Permit No. MSR220016 issued on November 24, 1992.

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 9th day of July, 2014.

THOMAS WOOD PRESERVING INC

BY: Brent Thomas

TITLE: President

STATE OF Mississippi

COUNTY OF Grenada

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

SWORN AND SUBSCRIBED BEFORE ME, this the 9th day of July, 2014.

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



Carmen Correo  
NOTARY PUBLIC