



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

November 5, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Steve McDonough, General Manager
Tishomingo Acquisition LLC, dba TBEI, Tishomingo
1425 Highway 25 North
Tishomingo, MS 38873

**Re: Tishomingo Acquisition LLC, dba TBEI, Tishomingo
Agreed Order No. 6471 14**

Dear Mr. McDonough:

Enclosed you will find a copy of Agreed Order No. 6471 14, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, 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".

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

Enclosure
cc: Mohammad Yassin

Agency Interest No. 1850
ENF20140003

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 647114

TISHOMINGO ACQUISITION LLC, DBA TBEI, TISHOMINGO
1425 HIGHWAY 25 NORTH
TISHOMINGO, MISSISSIPPI 38873

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 Tishomingo Acquisition LLC, dba TBEI, Tishomingo, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated November 13, 2013, Respondent was contacted by Complainant and notified of the following violation of Pretreatment permit MSP091292 effluent limits at Outfall 001:

- A. In September 2013, Total Recoverable Zinc Daily Maximum Concentration of 3.740 mg/l exceeded the permit limit of 2.61 mg/l by 43%.

By letter dated December 11, 2013, Respondent was contacted by Complainant and notified of the following violation of Pretreatment permit MSP091292 effluent limits at Outfall 001:

- B. In October 2013, Total Recoverable Cadmium Monthly Average Concentration of 0.006 mg/l exceeded the permit limit of 0.003 mg/l by 100%.

By letter dated April 16, 2014, Respondent was contacted by Complainant and notified of the following violations of Pretreatment permit MSP091292 effluent limits at Outfall 001:

- C. In December 2013, Total Recoverable Zinc Daily Maximum Concentration of 5.140 mg/l exceeded the permit limit of 2.61 mg/l by 97%;
- D. In December 2013, Total Recoverable Zinc Monthly Average Concentration of 5.140 mg/l exceeded the permit limit of 1.48 mg/l by 247%;
- E. In December 2013, Total Recoverable Cadmium Monthly Average Concentration of 0.007 mg/l exceeded the permit limit of 0.003 mg/l by 133%;
- F. In February 2014, Total Recoverable Zinc Daily Maximum Concentration of 6.060 mg/l exceeded the permit limit of 2.61 mg/l by 132%;
- G. In February 2014, Total Recoverable Zinc Monthly Average Concentration of 6.060 mg/l exceeded the permit limit of 1.48 mg/l by 309%;
- H. In February 2014, Total Recoverable Zinc Monthly Average Loading of 0.01516 lb/day exceeded the permit limit of 0.012 lb/day by 26%;
- I. In February 2014, Total Recoverable Cadmium Monthly Average Concentration of 0.004 mg/l exceeded the permit limit of 0.003 mg/l by 33%.

By letter dated June 4, 2014, Respondent was contacted by Complainant and notified of the following violations of Pretreatment permit MSP091292 effluent limits in March 2014:

- J. Total Recoverable Zinc Daily Maximum Concentration, reported value of 7.81 mg/l exceeded the permit limit of 2.61 mg/l by 199%;
- K. Total Recoverable Zinc Monthly Average Concentration, reported value of 7.81 mg/l exceeded the permit limit of 1.48 mg/l by 428%;
- L. Total recoverable zinc monthly average loading, reported value of 0.015632 lb/day exceeded the permit limit of 0.012 lb/day by 30%;
- M. Total recoverable cadmium monthly average concentration, reported value of 0.006 mg/l exceeded the permit limit of 0.003 mg/l by 100%;

- N. Total recoverable lead daily maximum concentration, reported value of 0.015 mg/l exceeded the permit limit of 0.055 mg/l by 173%;
- O. Total recoverable lead monthly average concentration, reported value of 0.15 mg/l exceeded the permit limit of 0.022 mg/l by 582%.

By letter dated June 20, 2014, and with an additional supplemental response dated September 16, 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 \$6,250.00. 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 3rd day of NOVEMBER, 2014.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 30 day of October, 2014.

TISHOMINGO ACQUISITION LLC, DBA TBEI, TISHOMINGO

BY: Steve McDonough

TITLE: GENERAL MANAGER

STATE OF Mississippi

COUNTY OF Tishomingo

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named STEVE MCDONOUGH who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the GENERAL MANAGER of Tishomingo Acquisition LLC, dba TBEI, Tishomingo and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 30th day of October, 2014.

Brenda Schneeweis
NOTARY PUBLIC

My Commission expires: August 18, 2015

