



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

November 24, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Douglas Woods
Siemens Industry Inc. Metals Technologies
1961 Airport Road
Columbus, MS 39701

**Re: Siemens Industry Inc. Metals Technologies
Agreed Order No. 6480 14**

Dear Mr. Woods:

Enclosed you will find a copy of Agreed Order No. 6480 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,

Kim Smith
for

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

Enclosure
cc: Mohammad Yassin

Agency Interest No. 50250
ENF20140003

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6480 14

SIEMENS INDUSTRY INC.
1961 AIRPORT ROAD MS9
SIEMENS MOLD SHOP
COLUMBUS, MISSISSIPPI 39701

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 Siemens Industry Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated June 26, 2014, Respondent was contacted by Complainant and notified of the following apparent violations at its facility located at 1961 Airport Road MS9, Columbus, MS 39701:

- A. In apparent violation of Mississippi Hazardous Waste Management Regulations (MHWMR) and 40 CFR 262.34(c)(1)(ii), containers of hazardous waste in Satellite Accumulation Areas were not marked with the words "Hazardous Waste" or with other words that identify the contents of the containers.
- B. In apparent violation of MHWMR and 40 CFR 262.11, Respondent failed to determine if various used solvent wipes are hazardous wastes.
- C. In apparent violation of MHWMR and 40 CFR 279.22(c) Respondent failed to clearly mark or label containers used to store Used Oil with the words "Used Oil."

- D. In apparent violation of MHWMR, 40 CFR 279.22(a), and 40 CFR 265.173, Respondent failed to keep a container of Used Oil closed except when necessary to add or remove waste.
- E. In apparent violation of MHWMR and 40 CFR 262.20(a)(1), Respondent transported, or offered for transport a hazardous waste for offsite treatment, storage, or disposal without preparing a Manifest.
- F. In apparent violation of MHWMR and 40 CFR 279.24, Respondent transported, stored, and disposed of Used Oil without prior approval.
- G. In apparent violation of MHWMR, 40 CFR 262.34(a)(1)(ii), and 40 CFR 265.195, Respondent failed to inspect, at least once each operating day, data gathered from monitoring and leak detection equipment to ensure that the tank system is being operated according to its design.
- H. In apparent violation of MHWMR, 40 CFR 262.34(a)(1), and 40 CFR 265.174, Respondent failed to perform weekly inspections prior to 5/3/13.
- I. In apparent violation of MHWMR, 40 CFR 262.40(a), Respondent failed to keep a copy of each manifest signed in accordance with §262.23(a) for three years or until receiving a signed copy from the designated facility which received the waste. The signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
- J. In apparent violation of MHWMR 262 (Title 11, Part 3, Chapter 1, Rule 1.4), Respondent failed to accurately report the type and amount of hazardous waste generated during the preceding calendar year.
- K. In apparent violation of MHWMR and 40 CFR 265.52(c), Respondent's Contingency Plan did not describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services.
- L. In apparent violation of MHWMR and 40 CFR 265.53(b), Respondent's Contingency Plan had not been submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

- M. In apparent violation of MHWMR and 40 CFR 265.52(d), Respondent's Contingency Plan did not include the addresses of all persons qualified to act as Emergency Coordinator.
- N. In apparent violation of MHWMR and 40 CFR 265.52(f), Respondent's Contingency Plan failed to describe the signal(s) to begin evacuation.
- O. In apparent violation of MHWMR, 40 CFR 262.34(a)(4), and 40 CFR 265.16(d)(1), Respondent failed to maintain records showing the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.
- P. In apparent violation of MHWMR, 40 CFR 262.34(a)(4), and 40 CFR 265.16(a)(1), Respondent failed to successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of hazardous waste regulations.

By letter dated July 9, 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 \$61,867.00. 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
- B. Respondent shall submit revised annual hazardous waste generation reports for

2011, 2012 and 2013 no later than forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. Any statutory fees which may be owed in addition to amounts previously paid by Respondent for 2011, 2012 and 2013 shall be invoiced by Complainant according to established procedure. Respondent shall pay the invoiced amount as directed in the invoice.

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 20TH day of NOVEMBER, 2014.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 14th day of Nov, 2014.

SIEMENS INDUSTRY INC.

BY: [Signature]

TITLE: GM

STATE OF Mississippi

COUNTY OF Oktibbeha

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Gary Woods Jr. who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the General Manager of Siemens Industry Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 14th day of November, 2014.

[Signature]
NOTARY PUBLIC

My Commission expires: _____

