



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

July 17, 2015

CERTIFIED MAIL 7010 1870 0003 4947 5037

Mr. Todd Larsen, CFO
Industrial Timber
330 White Plains Road
Hiddenite, NC 28636

**Re: Industrial Timber, Shannon Plant
Agreed Order No. 6552 15**

Dear Mr. Larsen:

Enclosed you will find a copy of Agreed Order No. 6552 15, 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 Tim Aultman at (601) 961-5653.

Sincerely,

*Renee Odom
for*

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

Enclosure
cc: Tim Aultman

Agency Interest No. 67220
ENF20150002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

6552 15

VS.

ORDER NO. _____

INDUSTRIAL TIMBER
330 WHITE PLAINS ROAD
HIDDENITE, NC 28636

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 Industrial Timber, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 19, 2014, Respondent was contacted by Complainant and notified of the following violations at its facility located at 122 South Street, Shannon, Mississippi in Lee County:

- A. **Unauthorized dumping of solid waste at an unpermitted disposal site.** (*MS Code Ann. Sec. 17-17-17 and 49-17-19*) - Respondent transported and illegally dumped wood waste on property not permitted/authorized for solid waste disposal.
- B. **Open burning of solid waste.** (*MS Code Ann. Sec. 17-17-9*) - Respondent was observed by MDEQ personnel actively burning wood waste at the facility.
- C. **Failure to obtain coverage under the Baseline Storm Water General Permit.** (*40 CFR 122.26a*) – The Respondent’s SIC Code requires coverage under the

Baseline Permit or a No Exposure Certification. At the time of inspection, Respondent had not obtained either.

During the Administrative Conference on March 16, 2015, Respondent alleged the open burning and unauthorized disposal had ceased. On May 19, 2014, Complainant verified via inspection that the unauthorized dump site had been closed. In addition, Respondent alleged it has implemented appropriate solid waste management practices at its facilities in Mississippi. Finally, Respondent submitted a Baseline Notice of Intent (BNOI) for Coverage under the Baseline Storm Water General Permit on April 8, 2015 and a revised BNOI on April 17, 2015.

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 \$20,000.00. 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 16th day of July, 2015.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 8 day of JULY, 2015.

INDUSTRIAL TIMBER

BY: Todd J

TITLE: CFO

STATE OF NORTH CAROLINA

COUNTY OF ALEXANDER

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named TODD LARSEN who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the CFO of Industrial Timber and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 8th day of July, 2015.

Valeriano A Flores
NOTARY PUBLIC

My Commission expires: 04-30-2020

