



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

October 19, 2015

CERTIFIED MAIL 7010 1870 0003 4948 2028

Mrs. Vanessa Coleman
Trinity Corporate Services, LLC
2525 North Stemmons Freeway
Dallas, TX 75207

**Re: Formerly U.S. Galvanizing, LLC – Kosciusko Facility
Agreed Order No. 6579 15**

Dear Mrs. Coleman:

Enclosed you will find a copy of Agreed Order No. 6579 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 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. 1803
ENF20150002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6579 15

U.S. GALVANIZING, LLC
2525 NORTH STEMMONS FREEWAY
DALLAS, TX 75207

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 U.S. Galvanizing LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated May 18, 2015, Respondent was contacted by Complainant and notified of the following alleged violations at a facility formerly owned by the Respondent, located at 2235 Attala Road 2202, Kosciusko, Mississippi in Attala County:

- A. Lack of proper training for employees managing hazardous waste in violation of 40 CFR §265.16(a)(1) as referenced in 40 CFR §262.34(a)(4). One employee was unable to verify that he had received hazardous waste management training.
- B. Failure to provide copies of the contingency plan to local emergency response agencies in violation of 40 CFR §265.53(b). Respondent was unable to provide documentation of submittal of the contingency plan to local emergency response agencies.
- C. Failure to keep an up-to-date list and/or map of fire extinguisher locations and physical descriptions in violation of 40 CFR §265.52(e) as referenced in 40 CFR

§262.34(a)(4).

- D. Failure to conduct weekly inspections of the 90-day storage area in violation of 40 CFR §265.174 as referenced in 40 CFR §262.34(a)(1)(i). Respondent was not conducting inspection on a weekly basis.
- E. Failure to report all generated hazardous wastes on the Annual report in violation of 11 Miss. Admin. Code Pt. 3, Ch. 1, R. 1.4. Respondent's 2013 and 2014 annual reports only included one waste stream.
- F. Failure to properly close a hazardous waste container in violation of 40 CFR §265.173(a) as referenced in 40 CFR §262.34(a)(1)(i). The paint can puncturing system observed in the galvanizing plant had an open top.
- G. Failure to operate and maintain facility to minimize the possibility of release of hazardous waste in violation of 40 CFR §265.31 as referenced in 40 CFR §262.34(a)(4). The location of the 90-day storage area does not adequately minimize the potential for a release of hazardous waste.
- H. Failure to keep used oil containers in good condition in violation of 40 CFR §279.22(b)(1). The used oil drums in the galvanizing plant were rusted, dented and not able to properly close due to deterioration of the containers.
- I. Failure to label used oil containers in violation of 40 CFR §279.22(c)(1). The used oil drums in the galvanizing plant were not labeled with the words "Used Oil."
- J. Failure to make a hazardous waste determination in violation of 40 CFR §262.11. In the post plant, an unlabeled, blue 55-gallon drum was observed with unknown contents and it could not be determined if the drum contained hazardous waste or product. In addition, twelve 55-gallon drums and two 5-gallon containers with unknown contents were being stored in the Old Asphalt Building.
- K. Failure to immediately clean up a release of used oil in violation of 40 CFR §279.22(d). A release of used oil was observed on the floor in the maintenance shop. Absorbent had been placed on the floor to absorb the spill, but the oil and absorbent had not been properly cleaned up.
- L. Inadequate containers for universal waste lamps in violation of 40 CFR

- §273.13(d)(1). Two boxes of universal waste lamps were observed open. One of the boxes was full of lamps, making the container inadequate to prevent breakage.
- M. Failure to label universal waste lamp container in violation of 40 CFR §273.14(e). Only one of the two boxes containing universal waste lamps in the maintenance shop was labeled.
 - N. Failure to demonstrate accumulation time of universal waste in violation of 40 CFR §273.15(c). Only one of the two boxes containing universal waste lamps in the maintenance shop was dated.
 - O. Accumulation of universal waste for longer than one year from generation in violation of 40 CFR §273.15(a). One of the two boxes containing universal waste lamps in the maintenance shop was dated 11-1-13, which exceeds the one-year accumulation limit.

By letter dated June 1, 2015, Respondent documented compliance with the applicable 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 \$15,476. 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 13th day of October, 2015.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 29 day of September, 2015.

TRINITY CORPORATE SERVICES, LLC

BY: Dennis Lencioni

TITLE: VP Environmental

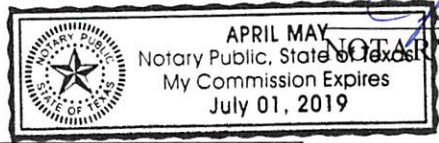
STATE OF Texas

COUNTY OF Dallas

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Dennis Lencioni who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the VP Environmental of Trinity Corporate Services, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 29 day of September, 2015.

April May



My Commission expires: