



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

March 18, 2016

CERTIFIED MAIL 7010 1870 0003 4948 4404

Mr. Mike Albert  
Precision Spine, Inc.  
2050 Executive Drive  
Pearl, MS 39208

**Re: Precision Spine Inc  
Agreed Order No. 6631 16**

Dear Mr. Albert:

Enclosed you will find a copy of Agreed Order No. 6631 16, 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 that reads "Chris Sanders".

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

Enclosure  
cc: Mohammad Yassin

Agency Interest No. 67871  
ENF20160001

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

**6631 16**

VS.

ORDER NO. \_\_\_\_\_

PRECISION SPINE, INC.  
2050 EXECUTIVE DRIVE  
PEARL, MISSISSIPPI 39208

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 Precision Spine, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated November 9, 2015, Respondent was contacted by Complainant and notified of the following violations at its facility located at 2040 Executive Drive, Pearl, MS:

- A. Discharge without a permit: Respondent discharged 820 total gallons from 06/22/2015 to 09/04/2015, prior to permit issuance on 09/22/2015 (the permit application was received by Complainant on 05/18/2015.) This is a violation of **11 Miss. Admin. Code Pt. 6, R. 1.1.1.B(1)**, which requires that an application be submitted 180 days prior to the commencement of the discharge activity.
  
- B. Representative Sampling: In the passivation process, only the content of Tank 3 (citric acid passivation solution) was being treated, monitored for pH and discharged separately from the other wastewater. The other four (4) tanks in the passivation process were emptied and discharged to the POTW without treatment. Furthermore, a

review of Respondent's permit application revealed that the discharges from the five (5) tanks in the passivation process were not included. Only the discharge from the anodizing line was included in the application. Therefore, not all of the process wastewater generated at the facility was being monitored. This is a violation of **Condition T-17** of the permit which states: *samples and measurements taken as required herein shall be representative of the volume and nature of the monitored wastewater.*

By letter dated December 22, 2015, Respondent alleged to have ceased discharge from the passivation process. In addition, a revised permit application was received by Complainant on January 15, 2016.

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 \$9,461. 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~~

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 16<sup>th</sup> day of MARCH, 2016.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 2nd day of MARCH, 2016.

PRECISION SPINE, INC.  
BY: Michael Albert  
Michael Albert

TITLE: VP & GM

STATE OF Mississippi

COUNTY OF Rankin

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Michael Albert who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the VP & GM of Precision Spine, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 2 day of March, 2016.

[Signature]  
NOTARY PUBLIC

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

