



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

June 1, 2016

CERTIFIED MAIL 7010 0780 0001 9992 6643

Mr. John Risher
Howard Industries, Inc.
PO Box 1588
Laurel, MS 39441

**Re: Howard Industries Inc
Agreed Order No. 6654 16**

Dear Mr. Risher:

Enclosed you will find a copy of Agreed Order No. 6654 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, appearing to read "Chris Sanders".

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

Enclosure
cc: Mohammad Yassin

Agency Interest No. 14684
ENF20160004

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6654 16

HOWARD INDUSTRIES INC
PO BOX 1588
LAUREL, MISSISSIPPI 39441

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 Howard Industries Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated January 21, 2016, Respondent was contacted by Complainant and notified of the following violations of its NPDES Permit MS0056731, at its facility located at 2778 Simpson Highway 49 South, Mendenhall, Mississippi in Simpson County:

- A. In November 2015, the reported maximum pH of 9.56 exceeded the permit limit of 9.0 by 11.2%.
- B. In November 2015, the total suspended solids monthly average concentration of 124 mg/L exceeded the permit limit of 30 mg/L by 313%.
- C. In November 2015, the total suspended solids daily maximum concentration of 184 mg/L exceeded the permit limit of 45 mg/L by 309%.
- D. In November 2015, the 5-day carbonaceous biological oxygen demand monthly average concentration of 17.5 mg/L exceeded the permit limit of 10 mg/L by 75%.

- E. In November 2015, the 5-day carbonaceous biological oxygen demand daily maximum concentration of 19 mg/L exceeded the permit limit of 15 mg/L by 27%.

By letter dated March 3, 2016, Respondent was contacted by Complainant and notified of the following violations of its NPDES Permit MS0056731, at its facility located at 2778 Simpson Highway 49 South, Mendenhall, Mississippi in Simpson County:

- F. In December 2015, the total suspended solids monthly average concentration of 93 mg/L exceeded the permit limit of 30 mg/L by 210%.
- G. In December 2015, the total suspended solids daily maximum concentration of 94 mg/L exceeded the permit limit of 45 mg/L by 109%.
- H. In December 2015, the 5-day biological oxygen demand monthly average concentration of 14.5 mg/L exceeded the permit limit of 10 mg/L by 45%.

By letter dated March 14, 2016, Respondent was contacted by Complainant and notified of the following violations of its NPDES Permit MS0056731, at its facility located at 2778 Simpson Highway 49 South, Mendenhall, Mississippi in Simpson County:

- I. In January 2016, the total suspended solids monthly average concentration of 108 mg/L exceeded the permit limit of 30 mg/L by 260%.
- J. In January 2016, the total suspended solids daily maximum concentration of 128 mg/L exceeded the permit limit of 45 mg/L by 184%.
- K. In January 2016, the 5-day biological oxygen demand monthly average concentration of 20.5 mg/L exceeded the permit limit of 10 mg/L by 105%.
- L. In January 2016, the 5-day biological oxygen demand daily maximum concentration of 25 mg/L exceeded the permit limit of 15 mg/L by 67%.

By letter dated May 3, 2016, Respondent was contacted by Complainant and notified of the following violations of its NPDES Permit MS0056731, at its facility located at 2778 Simpson Highway 49 South, Mendenhall, Mississippi in Simpson County:

- M. In March 2016, the total suspended solids monthly average concentration of 61 mg/L exceeded the permit limit of 30 mg/L by 103%.
- N. In March 2016, the total suspended solids daily maximum concentration of 64 mg/L exceeded the permit limit of 45 mg/L by 42%.
- O. In March 2016, the 5-day biological oxygen demand monthly average concentration of 14.5 mg/L exceeded the permit limit of 10 mg/L by 45%.
- P. In March 2016, the 5-day biological oxygen demand daily maximum concentration of 16 mg/L exceeded the permit limit of 15 mg/L by 7%.

By letter dated May 20, 2016, Complainant was contacted by Respondent and notified of the following violations of NPDES Permit MS0056731, at the Respondent's facility located at 2778 Simpson Highway 49 South, Mendenhall, Mississippi in Simpson County. These excursions occurred prior to the installation of an atomizing evaporator:

- Q. In April 2016, the total suspended solids monthly average concentration of 118 mg/L exceeded the permit limit of 30 mg/L by 293%.
- R. In April 2016, the total suspended solids daily maximum concentration of 120 mg/L exceeded the permit limit of 45 mg/L by 167%.
- S. In April 2016, the 5-day biological oxygen demand monthly average concentration of 19 mg/L exceeded the permit limit of 10 mg/L by 90%.
- T. In April 2016, the 5-day biological oxygen demand daily maximum concentration of 23 mg/L exceeded the permit limit of 15 mg/L by 53%.

By email dated April 28, 2016, Respondent alleged to have installed an atomizing evaporator to minimize future discharges from its wastewater lagoon and to maintain compliance with NPDES Permit MS0056731.

2.

In lieu of a formal enforcement hearing concerning the violations listed above, Complainant and Respondent agree to settle this matter as follows:

Respondent agrees to pay and Complainant agrees to accept a civil penalty in the

amount of \$7,500.00. 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.

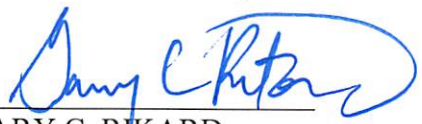
Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

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 30th day of MAY, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 26th day of May, 2016.

HOWARD INDUSTRIES INC

BY: [Signature]

TITLE: General Counsel

STATE OF Mississippi

COUNTY OF Jones

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Richard Follis who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the General Counsel of Howard Industries Inc and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 26th day of May, 2016.

[Signature]
NOTARY PUBLIC

My Commission expires: 7-13-18

