



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

June 14, 2016

CERTIFIED MAIL 7010 0780 0001 9992 6674

Mr. Jim Hughes
Schulz Xtruded Products
PO Box 2178
Tunica, MS 38676

**Re: Schulz Xtruded Products
Agreed Order No. 6657 16**

Dear Mr. Hughes:

Enclosed you will find a copy of Agreed Order No. 6657 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) 961-961-5195.

Sincerely,

A handwritten signature in black ink that reads "Chris Sanders".

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

Enclosure
cc: Mohammad Yassin

Agency Interest No. 58173
ENF20160004

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

6657 16

VS.

ORDER NO. _____

SCHULZ XTRUDED PRODUCTS
1001 SCHULZ BOULEVARD
ROBINSONVILLE, MISSISSIPPI 38664

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 Schulz Xtruded Products, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated September 29, 2015, Respondent was contacted by Complainant and notified of the following violations of Water - Pretreatment Permit No. MSP092324, at its facility located at 2785 McCracken Road, Hernando, Mississippi in Desoto County:

- A. The January 2015 pH of 3.0 SU was less than the permit minimum of 6.0 SU.
- B. The January 2015 Total Recoverable Nickel daily maximum concentration of 4.40 mg/l exceeded the permit limit of 3.42 mg/l by 29%.
- C. The January 2015 Total Recoverable Nickel monthly average concentration of 3.28 mg/l exceeded the permit limit of 0.820 mg/l by 30%.
- D. The January 2015 Total Recoverable Chromium daily maximum concentration of 2.42 mg/l exceeded the permit limit of 1.254 mg/l by 93%.
- E. The January 2015 Total Recoverable Chromium monthly average concentration of 1.4 mg/l exceeded the permit limit of 0.352 mg/l by 309%.

- F. The January 2015 Total Recoverable Copper daily maximum concentration of 0.054 mg/l exceeded the permit limit of 0.050 mg/l by 8%.
- G. The January 2015 Total Recoverable Copper monthly average concentration of 0.029 mg/l exceeded the permit limit of 0.020 mg/l by 45%.
- H. The March 2015 Total Recoverable Nickel monthly average concentration of 2.068 mg/l exceeded the permit limit of 0.820 mg/l by 152%.
- I. The April 2015 Total Recoverable Nickel daily maximum concentration of 13.5 mg/l exceeded the permit limit of 3.42 mg/l by 295%.
- J. The April 2015 Total Recoverable Nickel monthly average concentration of 6.798 mg/l exceeded the permit limit of 0.820 mg/l by 729%.
- K. The April 2015 Total Recoverable Chromium daily maximum concentration of 4.39 mg/l exceeded the permit limit of 1.254 mg/l by 250%.
- L. The April 2015 Total Recoverable Chromium monthly average concentration of 2.234 mg/l exceeded the permit limit of 0.352 mg/l by 535%.
- M. The April 2015 Total Recoverable Copper daily maximum concentration of 0.124 mg/l exceeded the permit limit of 0.050 mg/l by 148%.
- N. The April 2015 Total Recoverable Copper monthly average concentration of 0.065 mg/l exceeded the permit limit of 0.020 mg/l by 225%.
- O. The January 2015 DMR was received late on 8/23/15, 175 days after the due date of 2/28/15.
- P. The March 2015 DMR was received late on 8/23/15, 117 days after the due date of 4/28/15.
- Q. The April 2015 DMR was received late on 8/23/15, 87 days after the due date of 5/28/15.

By letter dated September 30, 2015, Respondent was contacted by Complainant and notified of the following violations:

- R. The August 2015 Total Recoverable Nickel daily maximum concentration of 3.95 mg/l exceeded the permit limit of 3.42 mg/l by 15%.
- S. The August 2015 Total Recoverable Nickel monthly average concentration of 1.98

mg/l exceeded the permit limit of 0.82 mg/l by 141%.

- T. The August 2015 Total Recoverable Zinc monthly average concentration of 0.046 mg/l exceeded the permit limit of 0.04 mg/l by 15%.
- U. The August 2015 Total Recoverable Chromium daily maximum concentration of 1.38 mg/l exceeded the permit limit of 1.254 mg/l by 10%.
- V. The August 2015 Total Recoverable Chromium monthly average concentration of 0.693 mg/l exceeded the permit limit of 0.352 mg/l by 97%.
- W. The August 2015 Total Suspended Solids daily maximum concentration of 410 mg/l exceeded the permit limit of 300 mg/l by 37%.
- X. The August 2015 Total Suspended Solids monthly average concentration of 213 mg/l exceeded the permit limit of 120 mg/l by 78%.

By letter dated November 16, 2015, Respondent was contacted by Complainant and notified of the following violation:

- Y. The September 2015 maximum pH of 9.6 SU exceeded the permit limit of 9.0 SU.

By letter dated January 25, 2016, Respondent was contacted by Complainant and notified of the following violations:

- Z. The October 2015 Total Annual Suspended Solids monthly average concentration of 206 mg/l exceeded the permit limit of 120 mg/l by 72%.
- AA. The November 2015 Total Recoverable Nickel daily maximum concentration of 6.81 mg/l exceeded the permit limit of 3.42 mg/l by 99%.
- BB. The November 2015 Total Recoverable Nickel monthly average concentration of 4.03 mg/l exceeded the permit limit of 0.820 mg/l by 391%.
- CC. The November 2015 Total Recoverable Nickel daily maximum loading of 0.011 mg/l exceeded the permit limit of 0.009 lb/day by 22%.
- DD. The November 2015 Total Recoverable Nickel monthly average loading of 0.007 mg/l exceeded the permit limit of 0.003 lb/day by 133%.

By letter dated February 1, 2016, Respondent was contacted by Complainant and notified

of the following violations:

- EE. The December 2015 Total Recoverable Nickel daily maximum concentration of 37.1 mg/l exceeded the permit limit of 3.42 mg/l by 985%.
- FF. The December 2015 Total Recoverable Nickel monthly average concentration of 19.265 mg/l exceeded the permit limit of 0.82 mg/l by 2249%.
- GG. The December 2015 Total Recoverable Nickel daily maximum loading of 0.042 lb/day exceeded the permit limit of 0.009 lb/day by 367%.
- HH. The December 2015 Total Recoverable Nickel monthly average loading of 0.022 lb/day exceeded the permit limit of 0.003 lb/day by 633%.
- II. The December 2015 Total Recoverable Lead monthly average concentration of 0.05 mg/l exceeded the permit limit of 0.04 mg/l by 25%.
- JJ. The December 2015 Total Recoverable Chromium daily maximum concentration of 7.23 mg/l exceeded the permit limit of 1.254 mg/l by 477%.
- KK. The December 2015 Total Recoverable Chromium monthly average concentration of 3.672 mg/l exceeded the permit limit of 0.352 mg/l by 943%.
- LL. The December 2015 Total Recoverable Copper daily maximum concentration of 0.150 mg/l exceeded the permit limit of 0.05 mg/l by 200%.
- MM. The December 2015 Total Recoverable Copper monthly average concentration of 0.078 mg/l exceeded the permit limit of 0.02 mg/l by 290%.
- NN. The December 2015 Total Suspended Solids monthly average concentration of 131 mg/l exceeded the permit limit of 120 mg/l by 9.2%.

2.

In lieu of a formal enforcement hearing concerning the violation(s) 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 \$15,000.00. 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

- B. Respondent shall achieve three consecutive months of compliance with its Pretreatment permit limits by December 2016. If three consecutive months of compliance is not achieved by December 2016, Respondent shall pay a penalty amount of \$3000.00 per month until compliance is achieved. Respondent shall pay this penalty to MDEQ within forty-five (45) days after reporting the violation(s). The payment shall be submitted to the address listed in section 2.A. of this Agreed Order.

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 JUNE, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 7th day of JUNE, 2016.

SCHULZ XTRUDED PRODUCTS

BY: Sebastien LECLERC 

TITLE: COO

STATE OF MS

COUNTY OF TUNICA

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

SWORN AND SUBSCRIBED BEFORE ME, this the 7 day of JUNE, 2016.

Shelia Sinquefield
NOTARY PUBLIC

My Commission expires: 4/22/18

