



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

August 19, 2016

CERTIFIED MAIL #7010 0780 0001 9992 6766

Mr. Tom Reeves
B and D Plastics LLC
5500 Allen Road
Gautier, MS 39565

**Re: B and D Plastics LLC
Agreed Order No. 6676 16**

Dear Mr. Reeves:

Enclosed you will find a copy of Agreed Order No. 6676 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 Rick Sumrall at (601) 961-5791.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Aultman".

Tim Aultman, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Rick Sumrall

Agency Interest No. 66294
ENF20150001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6678 16

B&D PLASTICS LLC
5500 ALLEN ROAD
GAUTIER, MISSISSIPPI 39565

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 B&D Plastics LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated June 20, 2014, Complainant was contacted by Respondent in a voluntary self-disclosure and notified of the following violations of 11 Mississippi Administrative Code discovered during an internal audit in May 2014 at its facility located at 5500 Allen Road, Gautier, Mississippi in Jackson County:

- A. Part 2, Chapter 6: Respondent had the potential to emit more than 10 tons per year of a single hazardous air pollutant (HAP) making it a major source for HAPs and thus applicable to the Title V program and certain other regulations.
- B. Part 3, Chapter 1: Respondent failed to make a proper hazardous waste determination for the hazardous waste onsite and had the potential to exceed the threshold of a conditionally exempt small quantity generator.
- C. Part 6, Chapter 1: Respondent determined it needed an individual NPDES permit for storm water, but had not submitted a Notice of Intent to be covered by the

general permit for storm water.

2.

The Respondent has taken the following steps to come into compliance:

- A. Respondent submitted a complete Title V permit application to MDEQ, received August 19, 2014. The application included notification of applicability of 40 CFR Part 63, Subpart WWWW.
- B. Respondent submitted a notification of status as a small quantity generator of hazardous waste, received May 20, 2015.
- C. Respondent submitted a Baseline Notice of Intent for coverage under the Baseline Storm Water General Permit MSR002192 to MDEQ, received July 23, 2014.

3.

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

Respondent shall pay Complainant the sum of \$21,318.35, which includes the total past due Title V fees of \$19,380.32 and a 10% late penalty payment of \$1,938.03 for Federal Fiscal Years 2013, 2014 and 2015. Respondent shall pay this fee 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

Complainant and Respondent agree that the compliance date for applicability to Respondent of 40 CFR Part 63, Subpart WWWW, is the earlier of the date the Title V permit is issued or January 1, 2017.

4.

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 resolve any

and all civil and administrative claims by Complainant against Respondent arising out of the matters disclosed in the June 20, 2014, voluntary disclosure and shall be strictly construed to apply to those matters expressly disclosed in the Respondent's June 20, 2014, voluntary disclosure.

5.

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.

6.

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 19th day of AUGUST, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 8 day of August, 2016.

B&D PLASTICS LLC

BY: Thomas L. Reeves Jr

TITLE: Plant Manager

STATE OF Mississippi

COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Thomas L. Reeves Jr who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Manager of B&D Plastics LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 8 day of August, 2016.

Jaimie M. Duhon
NOTARY PUBLIC

My Commission expires:

