



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

October 31, 2016

CERTIFIED MAIL #7010 0780 0001 9992 6964

Mr. Randall Brown  
MTD Products Inc  
P. O. Box 2120  
Tupelo, MS 38803

**Re: MTD Products Inc  
Agreed Order No. 6701 16**

Dear Mr. Brown:

Enclosed you will find a copy of Agreed Order No. 6701 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 "Tim Aultman".

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

Enclosure  
cc: Mohammad Yassin

Agency Interest No. 894  
ENF20160003

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

**6701 16**

MTD PRODUCTS INC  
5903 GRAFTON ROAD  
VALLEY CITY, OHIO 44280

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 MTD Products Inc., Respondent, in the above captioned cause and agree as follows:

I.

By letter dated October 20, 2015, Respondent was contacted by Complainant and notified of the following violations of Water - Pretreatment Permit No. MSP090126, at its facility located at 5484 Highway 145 South, Verona, Mississippi in Lee County:

- A. The September 2015 Total Recoverable Copper daily maximum concentration of 0.231 mg/l exceeded the permit limit of 0.21 mg/l by 10%.
- B. The September 2015 Total Recoverable Copper monthly average concentration of 0.231 mg/l exceeded the permit limit of 0.13 mg/l by 78%.

By letter dated February 17, 2016, Respondent was contacted by Complainant and notified of the following violations of Water - Pretreatment Permit No. MSP090126, at its facility located at 5484 Highway 145 South, Verona, Mississippi in Lee County:

- C. The December 2015 Total Recoverable Copper daily maximum concentration of

0.746 mg/l exceeded the permit limit of 0.21 mg/l by 255%.

- D. The December 2015 Total Recoverable Copper monthly average concentration of 0.746 mg/l exceeded the permit limit of 0.13 mg/l by 474%.  
The December 2015 Total Recoverable Copper monthly average loading of 0.119 lb/day exceeded the permit limit of 0.11 lb/day by 8%.

By letter dated April 5, 2016, Respondent was contacted by Complainant and notified of the following violations of Water - Pretreatment Permit No. MSP090126, at its facility located at 5484 Highway 145 South, Verona, Mississippi in Lee County:

- E. The February 2016 Total Recoverable Copper monthly average concentration of 0.192 mg/l exceeded the permit limit of 0.13 mg/l by 48%.  
F. In violation of permit condition S-2 (on page 3) the Discharge Monitoring Report for February 2016 was received three days late on March 31, 2016. It was due not later than March 28, 2016.

By letter received on April 11, 2016, Respondent alleged to have implemented measures that have resulted in a return to 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 \$13,500.00. 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

- B. The parties agree that Respondent does not, by executing this Agreed Order, admit liability for the violations alleged in Section 1 above. The parties further agree that Complainant continues to assert that Respondent's acts and/or omissions constitute violations of applicable environmental laws, regulations and permits.

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 31<sup>st</sup> day of October, 2016.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the 25 day of October, 2016.

MTD PRODUCTS INC

BY: Randy Brown  
Randy Brown

TITLE: Dir. of Facilities

STATE OF Ohio

COUNTY OF Medina

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

SWORN AND SUBSCRIBED BEFORE ME, this the 25 day of October, 2016.

Sharon Everett  
NOTARY PUBLIC

My Commission expires: December 30, 2017

