



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

September 6, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. David Miller
Best Equipment Technologies Inc
PO Box 429
Poplarville, MS 39470

**Re: Best Equipment Technologies Inc
Agreed Order No. 6016**

Dear Mr. Miller:

Enclosed you will find a copy of Agreed Order No. 6016, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, 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", with a small "for" written below it.

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

Enclosure
cc: Mohammad Yassin

Agency Interest No. 8774
ENF20110002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6016 11

BEST EQUIPMENT TECHNOLOGIES INC
PO BOX 429
POPLARVILLE, MISSISSIPPI 39470

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 Best Equipment Technologies Inc, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated May 13, 2011, Respondent was contacted by Complainant and notified of the following violations at its facility located at 101 Poplarville Industrial Park, Poplarville, Mississippi in Pearl River County:

- A. Complainant sent two letters to Respondent requesting submission of Baseline Industrial Storm Water General Permit Certificate of Coverage No. MSR000495 (the "Permit") re-coverage forms prior to Permit expiration on September 30, 2010. Respondent failed to provide the re-coverage forms timely and the Permit expired. Respondent operated without the Permit as required by 40 CFR 122.26(a)(1)(ii). The forms were received on May 31, 2011 and the Permit was issued on June 15, 2011.

- B. In violation of Permit ACT 10, condition S-1. Respondent failed to submit on time the required Annual Comprehensive Site Inspection and SWPPP Evaluation Reports for 2008, 2009, and 2010. Subsequent to Complainant's letter dated May 13, 2011, Respondent submitted the 2008 and 2009 reports on May 31, 2011. Complainant has not received the 2010 report.
- C. In violation of Permit ACT 5, condition T-5(9). Respondent had no records of routine visual inspections having been performed. Subsequent to Complainant's letter dated May 13, 2011, Respondent alleges to be performing the required inspections.
- D. In violation of Permit ACT 5, condition T-2(2). Respondent had no list of significant spills and leaks that have occurred, updated at least monthly. Subsequent to Complainant's letter dated May 13, 2011, Respondent alleges to have begun updating the monthly spill list.
- E. In violation of Permit ACT 7, condition S-1(1). Respondent failed to retain a copy of the SWPPP at the permitted site and make it available to the MDEQ inspector for review at the time of the on-site inspection. The SWPPP was updated in June 2011. Respondent alleges to be keeping a copy on-site.
- F. In violation of Permit ACT 5, condition T-4(6). The SWPPP did not identify procedures for cleaning up spills. Spills and leaks were not cleaned up in a timely manner. The SWPPP was updated in June 2011 and includes a procedure for cleaning up spills. Respondent alleges to have cleaned up all spills .
- G. In violation of Permit ACT 5, condition T-3(2). The SWPPP did not identify lead-acid storage batteries in Respondent's inventory of materials handled, along with appropriate management controls. The SWPPP was updated in June 2011 and includes appropriate management controls.
- H. In violation of Permit ACT 5, condition T-3(5). Respondent's facility was not clean and orderly. Subsequent to Complainant's letter dated May 13, 2011, Respondent alleges to have corrected the violation.
- I. In violation of Permit ACT 5, T-4(8), wash-water discharged into waters of the state did not qualify as allowable storm water discharge. Subsequent to

Complainant's letter dated May 13, 2011, Respondent eliminated this discharge.

- J. In violation of Permit ACT 7, condition S-1(4). Respondent failed to amend the SWPPP whenever there was a change in design, construction, operation, or maintenance, which may increase the discharge of pollutants to State waters or the SWPPP proved to be ineffective in controlling storm water pollutants. The SWPPP was updated in June 2011 and a copy was received by Complainant on July 15, 2011.

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 \$16,800.00. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or her designee. Payment shall be submitted to the following address:

Mississippi Department of Environmental Quality
Attn: Mona Varner
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. Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 2 day of September, 2011.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 30 day of August, 2011.

BEST EQUIPMENT TECHNOLOGIES INC

BY: David Miller

TITLE: President

STATE OF Mississippi

COUNTY OF Pearl River

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named David Miller who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Best Equipment Technologies Inc and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 30 day of August, 2011.

David Earl Johnson CLK
NOTARY PUBLIC
Jandra Smith DC

My Commission expires: 01/01/12





STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

August 23, 2011

CERTIFIED MAIL 7007 2560 0000 9476 1316

Mr. David Miller, President
Best Equipment Technologies Inc
PO Box 429
Poplarville, Mississippi 39470

Re: Best Equipment Technologies Inc
Poplarville, Pearl River County
GP - Baseline Coverage No. MSR000495

Dear Mr. Miller:

Enclosed please find an Agreed Order that reflects our understanding of agreements reached to resolve certain environmental issues with your company.

If you concur with this Agreed Order, please sign the order before a Notary Public in the appropriate space and return the original water-marked order in the enclosed, self-addressed envelope to MDEQ Attn: Kim Smith, PO Box 2261 Jackson, MS 39225.

If you have any questions, please contact me at (601) 961-5195.

Sincerely,

Mohammad Yassin, PhD, PE, BCEE
Metal and Metal Fabricators Branch
Environmental Compliance and Enforcement Division

MY/db

Enclosure

Agency Interest No. 8774
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