



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

March 22, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Robert Wilson
Cooper Lighting HID
PO Box 820824
Vicksburg, Mississippi 39182

**Re: Cooper Lighting HID
Agreed Order No. 6235 13**

Dear Mr. Wilson:

Enclosed you will find a copy of Agreed Order No. 6235 13, 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) 961-5159.

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. 4201
ENF20130001

OFFICE OF POLLUTION CONTROL
AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6 235 13

COOPER LIGHTING HID
PO BOX 820824
VICKSBURG, MISSISSIPPI 39182

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 Cooper Lighting HID, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated November 27, 2012, Respondent was contacted by Complainant and notified of the following violation(s) at 5035 Highway 61 South, Vicksburg, Mississippi in Warren County:

- A. Water – Pretreatment MSP091289; Condition T-16 Representative Sampling**
Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored wastewater. [WPC-1 Chapter One Section IV.A(28)e]

Wastewater samples were not being taken from the required location (final outfall).

- B. 40 CFR §262.34 Accumulation time (f)**
A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if he must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 40 CFR Parts 264 and 265 and the permit requirements of 40 CFR Part 270 unless he has been granted an extension to the 180-day (or 270-day if

applicable) period. Such extension may be granted by EPA if hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Regional Administrator on a case-by-case basis.

One 55-gallon container labeled hazardous waste exceeded the 180-day storage limit for small quantity generators.

C. 40 CFR § 262.11 Hazardous waste determination(c)

A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method:

For purposes of compliance with 40 CFR part 268, or if the waste is not listed in subpart D of 40 CFR part 261, the generator must then determine whether the waste is identified in subpart C of 40 CFR part 261 by either:

Testing the waste according to the methods set forth in subpart C of 40 CFR part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

Six 55-gallon containers holding sludge materials were not properly characterized.

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 \$6,598. 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: Mona Varner
P.O. Box 2339
Jackson, MS 39225

By letter dated February 15, 2013, Respondent alleged to have implemented corrective actions which resulted in a return to compliance.

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 22 day of March, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 11th day of March, 2013.

COOPER LIGHTING HID

BY: Kenneth W. Mathis

TITLE: Plant Manager

STATE OF Mississippi

COUNTY OF Warren

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Kenneth W. Mathis who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Mgr. of Cooper Lighting HID and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 11th day of March, 2013.

Ethel Louise Selma
NOTARY PUBLIC

My Commission expires: 9/18/2016

