



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. James Bradley  
Crown Cork and Seal USA Inc  
195 Crown Road  
Batesville, MS 38606

**Re: Crown Cork and Seal USA Inc  
Agreed Order No. 6234 13**

Dear Mr. Bradley:

Enclosed you will find a copy of Agreed Order No. 6234 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. 1761  
ENF20130001

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • [www.deq.state.ms.us](http://www.deq.state.ms.us)

AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 234 13

CROWN CORK AND SEAL USA INC  
195 CROWN ROAD  
BATESVILLE, MISSISSIPPI 38606

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 Crown Cork and Seal USA Inc, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated December 21, 2012, Respondent was contacted by Complainant and notified of the following violation(s) at its facility located at 195 Crown Road, Batesville, Mississippi in Panola County:

- A. Water – Pretreatment MSP090321; Condition S-1. Oral Notification Requirements (3)  
*The permittee shall notify the Mississippi Environmental Quality Permit Board and the POTW orally immediately upon becoming aware of the following:*  
*Any upset which exceeds any effluent limitation in the permit.*

MDEQ and the Batesville POTW were not immediately notified of the release of an oil-water mixture.

- B. Water – Pretreatment MSP090321; Condition T-23 Compliance with Permit Conditions  
*All discharges authorized by the permit shall be consistent with the terms and conditions of the permit and the permittee shall make all reasonable efforts to meet any interim or final dates for compliance specified therein. [WPC-1 Chapter One Section IV.A(13)]*

Discharge to the Batesville POTW was not consistent with the terms and conditions of

the Respondent's pretreatment permit.

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 \$25,000. 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 January 3, 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 14 day of MARCH, 2013.

CROWN CORK AND SEAL USA INC

BY: James Bradley

TITLE: EHS COORDINATOR

STATE OF MISSISSIPPI

COUNTY OF PANOLA

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named James Bradley who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the EHS Coordinator of Crown Cork and Seal USA Inc and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 14 day of March, 2013.

Jerry Delane McCord  
NOTARY PUBLIC

My Commission expires: July 23, 2015

