



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

December 18, 2017

**CERTIFIED MAIL #7010 1670 0000 1400 0078**

Mr. Tim Schiek  
Nautic Star LLC  
P O Box 26  
Amory, Mississippi 38821

**Re: Nautic Star LLC  
Agreed Order No. 6822 17**

Dear Mr Schiek:

Enclosed you will find a copy of Agreed Order No. 6822 17, 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 Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Felisa Keyes at (601) 961-5319.

Sincerely,

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

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

Enclosure  
cc: Felisa Keyes

Agency Interest No. 1418  
ENF20170002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

6822 17

VS.

ORDER NO. \_\_\_\_\_

NAUTIC STAR LLC  
500 WATERWAY DRIVE  
AMORY, MISSISSIPPI 38821

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 Nautic Star LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated May 12, 2017, Respondent was contacted by Complainant and notified of the following alleged violations at its facility located at 500 Waterway Drive, Amory, Mississippi in Monroe County:

- A. Small open containers of liquid paint waste were found in Satellite Accumulation Area number six (2) and in a trash bin in Lamination (1). This is in violation of 40 C.F.R. § 262.11, which states: *A person who generates a solid waste, as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste following the methods articulated in 40 C.F.R. § 262.11.*
- B. Open drums were found in the Research and Development Area (1), Off-Shore Area (1), Lamination Area (3), and Plant One (1). This is in violation of 40 C.F.R. § 262.34(c)(1)(i), which incorporates 40 C.F.R. § 265.173(a), which states: *A container holding hazardous waste must always be closed during storage, except when it is*

*necessary to add or remove waste.*

- C. A 55-gallon drum was found in the 90-day Hazardous Waste Accumulation Area without an accumulation start date. This is in violation of 40 C.F.R. § 262.34(a)(2), which states: *A generator is required to ensure that the date upon which each period of accumulation begins is clearly marked and visible on each container.*
- D. Two four-foot boxes of open, spent fluorescent bulbs were observed in the maintenance office. This is in violation of 40 C.F.R. § 273.13(d), which states: *A small quantity handler of universal waste must manage waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.*
- E. Two four-foot boxes of unlabeled, spent fluorescent bulbs were observed in the maintenance office. This is in violation of 40 C.F.R. § 273.14(e), which states: *A small quantity handler of universal waste must label or mark each lamp or container of lamps clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamps."*
- F. A former employee was listed as one of the facility's emergency contacts, but he had not worked at the facility for approximately a year. This is in violation of 40 C.F.R. § 262.34(a)(4), which incorporates 40 C.F.R. § 265.54(d), which states: *A generator is required to review and amend its contingency plan, if necessary, whenever the list of emergency coordinators changes.*
- G. The facility had no record of personnel training for 2014. This is in violation of 40 C.F.R. § 262.34(a)(4), which incorporates 40 C.F.R. § 265.16(d)(4), which states: *The generator must maintain training records that include documentation that the training required has been given to and completed by facility personnel.*
- H. The facility had no records of weekly inspection of its 90-day hazardous waste accumulation area. This is in violation of 40 C.F.R. § 262.34(a)(1)(i), which incorporates 40 C.F.R. § 265.174, which states: *A generator is required to, at least weekly, inspect areas where containers are stored looking for leaking containers and for deterioration of containers caused by corrosion or other factors.*

Respondent asserted to Complainant in correspondence dated June 2, 2017, that it has taken corrective action to remediate the alleged violations and is now in compliance.

2.

In lieu of a formal enforcement hearing concerning the alleged 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 \$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 or his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Jennifer Parish  
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. § 49-17-31, and that it has made an

informed waiver of that right.

ORDERED, this the 14<sup>th</sup> day of DECEMBER, 2017.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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



AGREED, this the 28 day of November, 2017.

NAUTIC STAR LLC

BY: [Signature]

TITLE: President

STATE OF MS

COUNTY OF Monroe

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Tim Schick who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Nautic Star LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 28 day of November, 2017.

[Signature]  
NOTARY PUBLIC

My Commission expires: 7-19-18

