



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

December 28, 2017

**CERTIFIED MAIL #7010 1670 0000 1400 0115**

Mr. Michael Gray  
Kemira Chemicals Inc.  
PO Box 577  
Aberdeen, MS 39730

**Re: Kemira Chemicals Inc.  
Agreed Order No. 6826 17**

Dear Mr. Gray:

Enclosed you will find a copy of Agreed Order No. 6826 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 Dana Morgan, Administrative Services at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Thomas Tynes at (601) 961-5578.

Sincerely,

*Renee Odom*  
*for*

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

Enclosure  
cc: Thomas Tynes

Agency Interest No. 1937  
ENF20170002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

6826 17

VS.

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

KEMIRA CHEMICALS, INC.  
P.O. BOX 577  
ABERDEEN, MISSISSIPPI 39730

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 Kemira Chemicals, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated June 21, 2017, Respondent was contacted by Complainant and notified of the following violations at its facility located at 10930 Darracott Road, Aberdeen, Mississippi in Monroe County:

- A. The facility failed to utilize a closed vent system and control device meeting the requirements in 40 CFR 60.112b(a)(3) on Tank T-321 when it began to store acrylonitrile starting July 31, 2012.
- B. The facility failed to notify MDEQ when the tank became subject to 40 CFR 60 Subpart Kb and failed to submit an operational plan for approval as required in 40 CFR 60.113b(c).

Complainant has determined that Respondent has returned to compliance with the installation of a wet scrubber on December 28, 2016 and submission of the operational plan received on August 2, 2017.

2.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth herein, Respondent does not admit any of the violations listed above and nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as full resolution of the violations above. The parties further agree that the Commission continues to assert that the matters set forth above were violations of the environmental laws, regulations and/or permits applicable to Respondent.

3.

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 \$70,000.00. 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 his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: ~~Jennifer Parish~~ Dana Morgan  
P.O. Box 2339  
Jackson, MS 39225

4.

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.

5.

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.

6.

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 20<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 11 day of December, 2017.

KEMIRA CHEMICALS, INC.

BY: Michael Gray Michael Gray

TITLE: Plant Manager

STATE OF Mississippi

COUNTY OF Monroe

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Michael Gray who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Manager of Kemira Chemicals, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 11<sup>th</sup> day of Dec, 2017.

Robin Gordon  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

