



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

September 30, 2019

**CERTIFIED MAIL #7012 2920 0000 4177 1337**

Mr. Rama Krishna, Vice President  
Jindal Tubular USA LLC  
13092 Seaplane Road  
Bay St. Louis, Mississippi 39520

**Re: Jindal Tubular USA LLC  
Order No. 6992 19**

Dear Mr. Krishna:

Enclosed you will find a copy of Order No. 6992 19, 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 that reads "Tim Aultman".

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

Enclosure  
cc:

Agency Interest No. 35940  
ENF20190001

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY  
COMPLAINANT

6992 19

VS.

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

JINDAL TUBULAR USA, LLC.  
13092 SEAPLANE ROAD  
BAY ST. LOUIS, MISSISSIPPI 39520

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 Jindal Tubular USA, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 8, 2018, Respondent was contacted by Complainant and notified of the following alleged violations at its facility located at 13092 Seaplane Road, Bay St. Louis, Mississippi in Hancock County:

Synthetic Minor Operating Permit No. 1000-00052:

- A. Condition No. R-1(d) Record-Keeping Requirements: For the entire facility, the permittee shall maintain sufficient records to document: (d) the emission rate of each individual HAP and the total HAP emission rate in tons per year based on a consecutive 12-month period. [11 Miss. Admin. Code Pt. 2, R. 2.2.B(10).]
- B. Condition No. R-2(b) Record-Keeping Requirements: For the entire facility, the permittee shall maintain sufficient records to document: (b) total particulate

emissions in tons per year for any consecutive 12-month period. [11 Miss. Admin. Code Pt. 2, R. 2.2.B(10).]

**Baseline General NPDES Permit Coverage No. MSR002129:**

- C. ACT5 Condition T-3 (4): Failure to complete monthly log of spills and leaks.
- D. ACT6 Condition T-4 (10): Failure to conduct and document storm water training.
- E. ACT7 Condition S-1 (1): Failure to retain a Storm Water Pollution Prevention Plan (SWPPP) onsite.
- F. ACT8 Condition S-1: Failure to conduct monthly inspections in accordance with the Baseline Storm Water General Permit.
- G. ACT8 Condition S-1: Failure to conduct jar tests.
- H. ACT8 Condition S-2: Failure to complete the Annual Comprehensive SWPPP Evaluation Report.
- I. Miss Code 49-17-29 (2) (b): Discharge without Coverage under the Ready-Mix General NPDES Permit.

**Hazardous Waste – EPA ID No. MSR000106617:**

- J. 11 Miss. Admin Code Pt.3, Chapter 1; Rule 1.3: 40 CFR Part 262.11: Failure to perform hazardous waste determinations.
- K. 11 Miss. Admin Code Pt.3, Chapter 1; Rule 1.22: 40 CFR Part 279.22: Failure to have a Spill Prevention, Control and Countermeasure plan available.
- L. 11 Miss. Admin Code Pt.3, Chapter 1; Rule 1.22: 40 CFR Part 279.22(b)(1): Failure to maintain used oil containers and aboveground tanks in good condition.
- M. 11 Miss. Admin Code Pt.3, Chapter 1; Rule 1.22: 40 CFR Part 279.22(b)(2): Failure to ensure used oil containers and aboveground tanks are not leaking.
- N. 11 Miss. Admin Code Pt.3, Chapter 1; Rule 1.22: 40 CFR Part 279.22(c)(1): Failure to mark or clearly label used oil containers and aboveground tanks with the words “Used Oil.”

- O. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(a): 40 CFR Part 265.171: Failure to transfer hazardous waste from a holding container not in good condition, or leaking, into a container that is in good condition.
- P. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(a): 40 CFR Part 265.173(a): Failure to ensure a container holding hazardous waste is always closed except when necessary to add or remove waste.
- Q. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(a): 40 CFR Part 265.173(b): Failure to manage (open, handle or store) container holding hazardous waste in a manner to prevent rupture or leakage.
- R. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(a): 40 CFR Part 265.174: Failure to perform inspections, at least weekly, of areas where containers are stored.
- S. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(e): Failure to adhere to the accumulation and disposal requirements.
- T. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(f): Failure to obtain a hazardous waste storage permit to store hazardous waste longer than 270 days.
- U. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.4: Failure to submit annual hazardous waste reports.
- V. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(4): 40 CFR Part 262.34(a)(2): Failure to clearly mark the date upon which each period of accumulation begins on hazardous waste containers.
- W. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(4): 40 CFR Part 262.34(a)(3): Failure to clearly label and mark containers with the words “Hazardous Waste.”
- X. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(4): 40 CFR Part 265.31: Failure to maintain and operate facilities to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

- Y. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(4): 40 CFR Part 265.32: Failure to maintain required equipment.
- Z. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(4): 40 CFR Part 265.33: Failure to test and maintain facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment as necessary to assure proper operation in time of emergency.
- AA. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(4): 40 CFR Part 265.35: Failure to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.
- BB. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(4): 40 CFR Part 265.37: Failure to make emergency arrangements with local authorities.
- CC. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(1): Failure to adhere to accumulation requirements and/or manage used oil and oily water per the RCRA exclusion.
- DD. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(5)(i): Failure to identify an emergency coordinator.
- EE. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(5)(ii): Failure to post required emergency information next to the telephone.
- FF. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(5)(iii): Failure to ensure all employees are thoroughly familiar with proper waste handling and emergency procedures during normal facility operations and emergencies.
- GG. 11 Miss. Admin Code Pt. 3, Chapter 1; Rule 1.3: 40 CFR Part 262.34(d)(5)(iv): Failure to designate an emergency coordinator or designee to respond to emergencies that arise.

#### Solid Waste

- HH. 11 Miss. Admin Code Pt. 4, Chapter 1; Rule 1.2: Failure to obtain an individual permit for the management of solid waste.

By letter dated February 8, 2019, Respondent asserted the Synthetic Minor Operating Permit and Baseline Storm Water Violations have been corrected, the ready-mix facility was shut down and no longer operational, and stated that it had established a plan to remove solid waste from the site by March 31, 2019. Respondent has since removed all waste and has notified as a Very Small Quantity Generator of Hazardous Waste. Additionally, by letter dated February 14, 2019, Respondent asserted the waste was legacy waste from the previous owner, PSL-North America, LLC, which declared bankruptcy in 2014.

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 \$300,000.00. 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: Accounts Receivable

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 27<sup>th</sup> day of SEPTEMBER, 2019.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the 24 day of September, 2019.

Jindal Tubular USA, LLC.

BY: [Signature]

TITLE: Sr. V.P. Operations.

STATE OF Mississippi

COUNTY OF Hancock

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Venkatarama Kompella who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Senior Vice President of Operations of Jindal Tubular USA LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 24<sup>th</sup> day of September, 2019.



[Signature]  
NOTARY PUBLIC

My Commission expires: 04/19/2022