



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

September 27, 2019

CERTIFIED MAIL #7012 2920 0000 4177 1313

Mr. James Anderson
Charleston Manufacturing, LLC
122 Albert Buckley Dr.
Charleston, Mississippi 38921

**Re: Charleston Manufacturing, LLC
Agreed Order No. 6989 19**

Dear Mr. Anderson:

Enclosed you will find a copy of Agreed Order No. 6989 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, appearing to read "Tim Aultman".

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

Enclosure
cc: Felisa Keyes

Agency Interest No. 11011
ENF20190002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6989 19

CHARLESTON MANUFACTURING, LLC
101 INDUSTRIAL DRIVE
CHARLESTON, MISSISSIPPI 38921

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 Charleston Manufacturing, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated March 15, 2019, Respondent was contacted by Complainant and notified of the following violation of Air - Synthetic Minor Operating Permit No. 2580-00005 at its facility located at 101 Industrial Drive, Charleston, Mississippi in Tallahatchie County:

- A. Respondent failed to submit a timely renewal application for Air – Synthetic Minor Operating Permit No. 2580-00005. The renewal application was due by December 2, 2018, (180 days prior to the May 31, 2019 expiration date). This is a violation of Permit Condition No. T-25 which states, “General Condition: For renewal of this permit the applicant shall make application not less than one-hundred eighty (180) days prior to the expiration date of the permit substantiated with current emissions data, test results or reports or other data as deemed necessary by the Mississippi Environmental Quality Permit Board.” [11 Miss. Admin. Code Pt. 2, R.2.8.].

Consequently, any operation of the facility between the expiration date of the permit, May 31, 2019, and the date which the Mississippi Environmental Quality Permit Board or its designee acts on the renewal application, the facility is operating without a permit.

2.

In lieu of a formal enforcement hearing concerning the violation 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 \$10,000.00. 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
- B. On or before October 18, 2019, Respondent shall submit a permit renewal application and name change form, deemed complete and actionable by MDEQ's Environmental Permits Division, for Air - Synthetic Minor Operating Permit No. 2580-00005.
- C. If Respondent fails to comply with the requirement established in paragraph 2.B. of this Agreed Order, Respondent shall pay a stipulated penalty payable to Complainant in the amount of \$5,000.00. Respondent shall also pay an additional stipulated penalty in the amount of \$100.00 per day until compliance with paragraph 2.B. is achieved. The stipulated penalty will be payable to MDEQ, due within forty-five (45) days of written notification by Complainant that such payment became due.

- D. Until the Mississippi Environmental Quality Permit Board or its designee acts on the Respondent's renewal application for Air – Synthetic Minor Operating Permit No. 2580-00005, Respondent shall comply with Air – Synthetic Minor Operating Permit No. 2580-00005 issued on February 16, 2016.

3.

Notwithstanding the provision by this Agreed Order for stipulated penalties to accrue in certain circumstances, in the event Respondent fails, or refuses, to pay any stipulated penalty provided for in this Agreed Order, the Commission reserves the right to conduct a separate enforcement action concerning any violation by Respondent of this Agreed Order or of the laws or regulations within the jurisdiction of the Commission. If the Commission conducts a separate enforcement action concerning a violation for which stipulated penalties are provided in this Agreed Order, the Commission will be deemed to have waived the right to collect stipulated penalties in lieu of the right to conduct the separate enforcement action. In that separate enforcement action, the Commission may seek penalties, injunctive relief, or other appropriate relief different from or in the excess of the amount of stipulated penalties included in this Agreed Order, up to and including the statutory maximum penalty.

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.

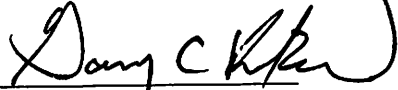
6.

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 27th day of SEPTEMBER, 2019.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 25th day of September, 2019.

CHARLESTON MANUFACTURING, LLC

BY: James W. Anderson

TITLE: PRODUCTION PLANNER / ENVIRONMENTAL

STATE OF Mississippi

COUNTY OF Tallahatchie

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named James W. Anderson who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the PROD. PLANNER / ENVIRONMENTAL of Charleston Manufacturing, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 25 day of September, 2019.

Anita M Greenwood
NOTARY PUBLIC



My Commission expires: At
BY James W. Anderson D.C.
MY COMMISSION EXPIRES JAN. 1, 2020