



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, INTERIM EXECUTIVE DIRECTOR

October 20, 2020

CERTIFIED MAIL #7012 2920 0000 4177 1986

Mr. Keith Blaylock
Metal Impact South LLC
795 Sam T Barkley Drive
New Albany, Mississippi 38652

**Re: Metal Impact South LLC
Agreed Order No. 7076 20**

Dear Mr. Blaylock:

Enclosed you will find a copy of Agreed Order No. 7076 20, which has been executed by the Interim Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, 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 Geoffrey Martin at (601) 961-5024.

Sincerely,

A handwritten signature in blue ink, reading "Michelle Clark".

Michelle Clark, P.E., BCEE, Chief
Environmental Compliance and Enforcement Division

Enclosure
cc: Geoffrey Martin

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

7076 20*

VS.

ORDER NO. _____

METAL IMPACT SOUTH, LLC
795 SAM T BARKLEY DRIVE
NEW ALBANY, MISSISSIPPI 38652

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 Metal Impact South, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated October 7, 2019, January 8, 2020, January 10, 2020, and March 4, 2020, Respondent was contacted by Complainant and notified of the following violations of its NPDES Permit No. MS0052523:

- A. The permittee exceeded the Biochemical Oxygen Demand, 5-day (BOD5) daily maximum and monthly average concentration limitations during the August 2019, September 2019, and October 2019 monitoring periods. The permittee exceeded the Biochemical Oxygen Demand, 5-day (BOD5) daily maximum loading limitation during the August and September 2019 monitoring periods.
- B. The permittee failed to monitor "Organics, total toxic (TTO (40CFR433)) Effluent" during the January 1, 2017 through June 30, 2017 monitoring period.
- C. The permittee failed to monitor "% Effect Static Renewal 7-Day Chronic Ceriodaphnia Effluent" and "% Effect Static Renewal 7-Day Chronic Pimephales

Effluent” during the January 1, 2018 through June 30, 2018 monitoring period.

- D. The permittee failed to monitor “Aluminum (Total Recoverable) Effluent”, “Ammonia Nitrogen, Total (as N) Effluent”, “Cadmium (Total Recoverable) Effluent”, “Chromium (Total Recoverable) Effluent”, “Copper (Total Recoverable) Effluent”, “Cyanide (Total) Effluent”, “Lead (Total Recoverable) Effluent”, “Nickel (Total Recoverable) Effluent”, “Oil and grease Effluent”, “Oxygen Demand, biochemical, 5-day (20 degrees C) Effluent”, “Silver (Total Recoverable) Effluent”, “Solids (Total Dissolved) TDS Effluent”, and “Zinc (Total Recoverable) Effluent” twice during the March 1, 2019 through March 31, 2019 monitoring period. The permittee only monitored these parameters one time during the monitoring period.
- E. The permittee failed to monitor “Solids (Total Suspended) Effluent” during the week of April 1 through April 5, 2019. The permittee is required to monitor this parameter weekly.
- F. The permittee failed to monitor “Organics, total toxic (TTO (40CFR433)) Effluent” during the January 1, 2019 through June 30, 2019 monitoring period.

By letter dated September 24, 2020, Respondent asserted the facility has returned to compliance. Respondent also asserted that operational changes have been made to ensure future compliance.

2.

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 \$43,550.00. 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 19th day of October, 2020.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: [Signature]
CHRIS WELLS
INTERIM EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 9th day of October, 2020.

METAL IMPACT SOUTH, LLC

BY: Keith Blaylock
TITLE: Safety Manager

STATE OF MS

COUNTY OF Union

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Keith Blaylock who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Safety Manager of Metal Impact South, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 9th day of October, 2020.



[Signature]
NOTARY PUBLIC

My Commission expires: Jan 20, 2022