



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

August 14, 2024

CERTIFIED MAIL # 7019 1120 0000 4785 6247

Mr. Jeremy McConoughey
MTD Products Company
PO Box 1720
Verona, Mississippi 38879

**Re: MTD Products Company
Agreed Order No. 7342 24**

Dear Mr. McConoughey:

Enclosed you will find a copy of Agreed Order No. 7342 24, which has been executed by the 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 that reads "Michelle Clark".

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

Enclosure
cc: Geoffrey Martin

Agency Interest No. 894
ENF20240002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7342 24

MTD PRODUCTS COMPANY
PO BOX 1720
VERONA, MISSISSIPPI 38879

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 MTD Products Company, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated June 19, 2023; August 23, 2023; December 14, 2023, and January 8, 2024, Respondent, was contacted by Complainant and notified of the following violation at its facility in Lee County:

- A. Respondent failed to monitor Total Toxic Organics at Outfall 002 during the January 1 through June 30, 2022; July 1 through December 31, 2022; and January 1 through June 30, 2023 monitoring periods and at Outfall 003 during the January 1 through June 30, 2023 monitoring period in violation of the Monitoring Requirements section of Pretreatment Permit No. MSP090126.
- B. Respondent failed to monitor Oil & Grease, total Cyanide, total recoverable Nickel, total recoverable Silver, total recoverable Zinc, total recoverable Cadmium, total recoverable Lead, total recoverable Chromium, and total recoverable Copper at Outfall 002 during the January 2022 through January 2023 monitoring periods in

violation of the Monitoring Requirements section of Pretreatment Permit No. MSP090126.

- C. Respondent failed to timely submit Discharge Monitoring Report data in violation of Condition No. S-2 of Pretreatment Permit No. MSP090126: Discharge Monitoring Report (DMR) data must be submitted electronically using the MDEQ NetDMR system no later than the 28th day of the month following the completed reporting period.
- D. Respondent exceeded the Total Recoverable Zinc limitations at Outfall 002 during the March and April 2023 monitoring periods.
- E. Respondent exceeded the Total Toxic Organics daily maximum limitation at Outfall 002 during a MDEQ Compliance Monitoring Inspection on September 5-6, 2023.

On November 28, 2023, MDEQ received from Respondent a Total Toxic Organics Management Plan. MDEQ issued approval of this plan on January 9, 2024. In accordance with 40 CFR 433.12(a), Respondent no longer is required to monitor Total Toxic Organics.

By the submittal of Discharge Monitoring Reports, Respondent has demonstrated compliance with the requirements of Pretreatment Permit No. MSP090126.

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 \$28,470.00. 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.

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 allegations 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 the full resolution of the violations alleged 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.

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 13th day of August, 2024.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]

CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 9th day of August, 2024.

MTD PRODUCTS COMPANY

BY: [Signature]
JEREMY MCCONOUGHNEY
VICE PRESIDENT OF OUTDOOR MANUFACTURING

STATE OF Ohio

COUNTY OF Medina



PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named JEREMY MCCONOUGHNEY, who first being duly sworn, did state upon his oath and acknowledge to me that he is a VICE PRESIDENT of MTD PRODUCTS COMPANY and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 9th day of August, 2024.



SHERRIL RADTKE
Notary Public
State of Ohio
My Comm. Expires
December 25, 2027

[Signature]
NOTARY PUBLIC

My Commission expires: 12/25/2027