



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

March 2, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Michael T. Dawkins
Odom Industries Inc, Pachuta Facility
PO Box 866
Waynesboro, Mississippi 39367

**Re: Odom Industries Inc, Pachuta Facility
Agreed Order No. 5916 11**

Dear Mr. Dawkins:

Enclosed you will find a copy of Agreed Order No. 5916 11, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The first 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. All future installment payments should be mailed to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Jan Patton at (601) 961-5782.

Sincerely,

A handwritten signature in blue ink that reads "Jerry W. Cain" with the number "18" written below it.

Jerry W. Cain, P.E., DEE
Director, Office of Pollution Control

Enclosure
cc: Jan Patton

Agency Interest No. 1770
ENF20100002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

5916 117

ODOM INDUSTRIES INC, PACHUTA FACILITY
100 CHESTNUT STREET
PACHUTA, MISSISSIPPI

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")(collectively "Complainant"), and Odom Industries Inc, Pachuta Facility, ("Respondent"), in the above captioned cause, and in order to resolve the alleged violations cited in a Notice of Violation letter dated August 5, 2010, agree as follows:

1.

By letter dated August 5, 2010, Respondent was contacted by Complainant and notified of the following alleged violations which were noted during an inspection on July 2, 2010 of their facility located at 100 Chestnut Street, Pachuta, Mississippi in Clarke County:

- A. The Respondent had failed to comply with Condition S-3 of GP-Baseline Coverage No. MSR001273 which requires they update and implement their Storm

Water Pollution Prevention Plan as significant changes occur.

- B. The Respondent failed to provide a copy of their emergency contingency plan to the local emergency responders as required by MHWMR § 264.53(b).
- C. The Respondent failed to list job titles and job descriptions as they relate to hazardous waste management as required by MHWMR § 264.16(d)(1),(2),(3), & (4).
- D. Respondent failed to properly label two satellite containers in the laboratory area as “hazardous waste” as required by MHWMR § 262.34(c)(1)(ii).
- E. Respondent failed to label “Penn-Cap” waste with the accumulation start date as required by MHWMR § 262.34(a)(2).
- F. Respondent stored “Penn-Cap” waste beyond the 90 day limit established by MHWMR §§ 262.34(a).
- G. Respondent had 90 containers of hazardous waste that lacked labels, accumulation dates, adequate aisle space, and had exceeded the 90 day storage limit as required by MHWMR Part 262.
- H. Respondent failed to inspect the hazardous waste 90-day storage area weekly and failed to provide secure access and signs as required by MHWMR Part 262.
- I. Respondent failed to re-package containers of hazardous waste with obvious damage and failed to clean-up a release of hazardous waste in the 90-day storage area as required by MHWMR Part 262.
- J. Respondent failed to provide hazardous waste training to personnel assigned hazardous waste management tasks as required by MHWMR § 264.16.
- K. Respondent failed to maintain three years of hazardous waste documentation on-site including manifests and waste profiles as required by MHWMR § 262.40(a).
- L. Respondent failed to make a waste determination of several drums returned to their facility for not meeting RCRA empty as required by MHWMR § 262.11.

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 total amount of \$236,000.00. Of this civil penalty amount, Respondent shall pay \$136,000.00 to MDEQ in accordance with the following payment schedule:**
- i. \$36,000 paid within thirty (30) days after this Agreed Order has been executed by the MDEQ Executive Director (the “Effective Date”).**
 - ii. \$10,000 paid on or before April 15, 2011**
 - iii. \$10,000 paid on or before May 15, 2011**
 - iv. \$10,000 paid on or before June 15, 2011**
 - v. \$10,000 paid on or before July 15, 2011**
 - vi. \$10,000 paid on or before August 15, 2011**
 - vii. \$10,000 paid on or before September 15, 2011**
 - viii. \$10,000 paid on or before October 15, 2011**
 - ix. \$10,000 paid on or before November 15, 2011**
 - x. \$10,000 paid on or before December 15, 2011**
 - xi. \$10,000 paid on or before January 15, 2012**
- B. Complainant shall hold in abeyance, and Respondent shall not be required to pay, the remaining penalty balance of \$100,000 (the “Abeyance Amount”) pending Respondent’s compliance with the terms of subparagraphs 2.C. through 2.G. below. Should Respondent fail to comply with the terms of subparagraphs 2.C. through 2.G. of this Paragraph, the Abeyance Amount shall become due and payable within thirty (30) days of Respondent receiving written notification from Complainant that such a failure has occurred.**
- C. Respondent shall have no confirmed noncompliance with the hazardous waste management regulations applicable to its operations for twenty-four (24) months from the Effective Date.**
- D. Within sixty (60) days after the Effective Date, Respondent shall draft and submit**

to MDEQ for comment and approval an updated Contingency Plan compliant with MHWMR § 264.50 et seq.

- E. Within sixty (60) days after the Effective Date, Respondent shall develop, draft and submit to MDEQ for comment written policies and procedures to ensure future compliance with the hazardous waste management regulations applicable to its operations.
- F. Respondent shall conduct a comprehensive assessment of its process(es) to identify all waste streams and make a hazardous waste determination on each such waste stream identified. Within sixty (60) days after the Effective Date, Respondent shall provide to MDEQ a written inventory of the waste streams and hazardous waste determinations.
- G. Within sixty (60) days after the Effective Date, Respondent shall provide documentation to MDEQ that, in accordance with MHWMR § 264.16, hazardous waste management training has been provided to all of its employees who may have some involvement and/or responsibilities regarding hazardous waste management.

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. Section 49-17-31 (Rev. 2003), and that it

has made an informed waiver of that right.

ORDERED, this the 28 day of February, 2011.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 16th day of February, 2011.

ODOM INDUSTRIES INC, PACHUTA FACILITY

BY: Richard D. James

TITLE: President

STATE OF Mississippi

COUNTY OF Stavne

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Richard D. James who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Odom Industries Inc, Pachuta Facility and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 16th day of February 2011.



Patricia A. Carlisle Jones
NOTARY PUBLIC

My Commission expires: _____