



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

March 16, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Fred Tate  
Weyerhaeuser NR Company, McComb Wood Products  
2056 Jesse Hall Memorial Road  
Magnolia, MS 39652

**Re: Weyerhaeuser NR Company, McComb Wood Products  
Agreed Order No. 5928 11**

Dear Mr. Tate:

Enclosed you will find a copy of Agreed Order No. 5928 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 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 Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Tim Aultman at (601) 961-5653.

Sincerely,

A handwritten signature in cursive script that reads "Jerry W. Cain" with a date "18" written below it.

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

Enclosure  
cc: Tim Aultman

Agency Interest No. 1000  
ENF20100003

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **5928 11**

WEYERHAEUSER NR COMPANY, MCCOMB WOOD PRODUCTS  
2056 JESSE HALL MEMORIAL ROAD  
MAGNOLIA, MISSISSIPPI 39652

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 Weyerhaeuser NR Company, McComb Wood Products, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated November 5, 2010, Respondent was contacted by Complainant and notified of the following violations associated with stack testing conducted at Respondent's facility located at 2056 Jesse Hall Memorial Road, Magnolia, Mississippi in Pike County:

- A. Failure to test within the permitted limit for Particulate Matter (PM) for the test conducted on the Planer Mill Cyclone on August 3, 2010. The permitted limit for PM is 0.03 lb/MBF. The test result was 0.0421 lb/MBF. The Planer Mill Cyclone tested in compliance on September 20, 2010. **(TVOP, Section 3.B.9)**
- B. Failure to test within the permitted limit for Particulate Matter (PM) for the test conducted on the Fuel Bin Cyclone on August 4, 2010. The permitted limit for

PM is 0.024 lb/MBF. The test result was 0.241 lb/MBF. The Fuel Bin Cyclone tested in compliance on October 4, 2010. **(TVOP, Section 3.B.11)**

Additional violations were identified subsequent to the issuance of the November 5, 2010, Notice of Violation. Respondent was contacted by Complainant and notified by letter dated February 7, 2011, of the following violations:

- C. Failure to submit an application to the Permit Board for reissuance of the Water – NPDES permit at least 180 days prior to the expiration date of the current permit. The Water – NPDES permit application was due on November 1, 2010, but, it was not received by MDEQ until November 30, 2010. **(WPC-1 Chapter One Section V.B(1))**
  
- D. Failure to submit an application to the Permit Board for reissuance of the Water – Pretreatment permit at least 180 days prior to the expiration date of the current permit. The Water – Pretreatment permit application was due on November 1, 2010, but was not received by MDEQ until November 30, 2010. **(WPC-1 Chapter One Section V.B(1))**

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 \$65,870.00. Respondent shall pay this penalty to MDEQ within thirty (30) days after this Agreed Order has been executed by the MDEQ Executive Director, or her Designee.
  
- B. Respondent shall operate under the conditions of the existing Water- NPDES permit and Water-Pretreatment permit until such time as the Mississippi

Environmental Quality Permit Board, or its Designee, acts on the renewal applications referenced in Part 1.C and D.

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 14 day of March, 2011.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 7<sup>th</sup> day of March, 2011.

WEYERHAEUSER NR COMPANY, MCCOMB WOOD PRODUCTS

BY: Fred Tate

TITLE: Unit Manager

STATE OF Mississippi

COUNTY OF Pike

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Fred Tate who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Unit Manager of Weyerhaeuser NR Company, McComb Wood Products and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 7<sup>th</sup> day of March, 2011.

Pamela M. Berry  
NOTARY PUBLIC

My Commission expires: August 20, 2014





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

March 1, 2011

**CERTIFIED MAIL: 7008 3230 0001 9671 5079**

Mr. Fred Tate, Mill Manager  
Weyerhaeuser NR Company, McComb Wood Products  
2056 Jesse Hall Memorial Road  
Magnolia, Mississippi 39652

Re: Weyerhaeuser NR Company, McComb Wood Products  
Magnolia, Pike County  
Air-Title V Operating Permit No. 2280-00050  
Water - NPDES Permit No. MS0037273  
Water - Pretreatment Permit No. MSP091283

Dear Mr. Tate:

Enclosed please find an Agreed Order that reflects our understanding of agreements reached to resolve certain environmental issues with your company.

If you concur with this Agreed Order, please sign the order before a Notary Public in the appropriate space and return the original water-marked order to MDEQ Attn: Kim Smith, PO Box 2261 Jackson, MS 39225. Do not submit any penalty payment at this time. You will receive specific penalty payment instructions at a later date after the MDEQ Executive Director has executed the order.

If you have any questions, please contact me at (601) 961-5653.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Aultman".

Tim Aultman, P. E., BCEE, Chief  
Timber and Wood Products Branch  
Environmental Compliance and Enforcement Division

Enclosure

Agency Interest No. 1000  
ENF20100003  
ECED

OFFICE OF POLLUTION CONTROL

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