



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

April 22, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Chris Carroll
Olin Corporation
H and M Construction Company Inc, 50 Security Drive 50 Security Drive
Jackson, TN 38305

**Re: Olin Corporation
Agreed Order No. 5950 11**

Dear Mr. Carroll:

Enclosed you will find a copy of Agreed Order No. 5950 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 Derick Milner at (601) 961-5247.

Sincerely,

A handwritten signature in blue ink that reads "Jerry W. Cain" with a stylized "18" below it.

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

Enclosure
cc: Derick Milner

Agency Interest No. 19479
ENF20110002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 5950 11

H & M COMPANY, INC
50 SECURITY DRIVE
JACKSON, TN 38305

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 H & M Company, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated March 15, 2011, Respondent was contacted by Complainant and notified of the following violations of the Large Construction General Storm Water Permit Certificate of Coverage Number MSR105876 at its facility located on County Road 166, Lafayette, Mississippi (the "Site"):

- A. *Violation of: ACT 6 S-1 (1) Implement the site-specific SWPPP and retain a copy of the SWPPP at the permitted site. In cases where there is no office or shelter to maintain documents onsite, the SWPPP can be kept locally available (i.e., able to be produced within an hour of being requested by a state or local inspector).*

The SWPPP had not been fully implemented at the time of the inspection. At the time of the inspection, sediment basins outlined in the SWPPP had not been installed and silt fencing onsite had not been trenched properly.

- B. *Violation of ACT 6 S-2 (8) Comply with applicable State (Mississippi Code 17-17-17) or local waste disposal, sanitary sewer or septic system regulations.*

During the inspection MDEQ staff observed hydraulic fluids and diesel disposed of on the ground in an area where equipment maintenance was occurring.

- C. *Violation of ACT 12 T-17 (1) Anticipated Non-compliance. The coverage recipient shall give at least ten (10) days advance notice, if possible, before any planned noncompliance with permit requirements. Giving notice of planned or anticipated noncompliance does not immunize the coverage recipient from enforcement action for that noncompliance.*

A 6' X 100' trench to drain the site had been installed by the contractor resulting in apparent sediment discharges offsite.

Respondent alleges that all areas where hydraulic fluids and diesel were released to the ground and all associated contaminated soils have been removed and properly disposed. Respondent also alleges that the SWPPP has been fully implemented and the Site is in compliance with Construction Storm Water General Permit MSR105876.

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 \$30,000.00 for the matters addressed herein. 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 her designee.

The penalty payment shall be submitted to the following address:

Mississippi Department of Environmental Quality
Attention: Mona Varner
P.O. Box 2261
Jackson, MS 39255

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 21 day of April, 2011.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 14th day of April, 2011.

H & M COMPANY, INC.

BY: Chris Carroll
CHRIS CARROLL

TITLE: SR VICE-President

STATE OF Tennessee

COUNTY OF Madison

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Chris Carroll who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Sr. Vice President of H & M Company, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 14th day of April, 2011.

Lori L. Brown
NOTARY PUBLIC

My Commission expires: 09/21/2011





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

April 13, 2011

FED EX: 8731 7502 0537

Chris Carroll
50 Security Drive
Jackson, TN 38305

Re: Winchester Plant
Oxford, Lafayette County
GP-Construction Coverage No. MSR105876

Dear Mr. Carroll:

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 in the enclosed, self-addressed envelope to MDEQ Attn: Kim Smith, PO Box 2261 Jackson, MS 39225 by April 29, 2011.

If you have any questions, please contact me at (601) 961-5247.

Sincerely,

A handwritten signature in blue ink, appearing to read "Derick Milner".

Derick Milner, G.E.
Construction Branch
Environmental Compliance and Enforcement Division

Enclosure