



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

October 18, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. David Mitchell
Timber Products Company
2701 South Harper Road
Corinth, MS 38834

**Re: Timber Products Company
Agreed Order No. 6184 12**

Enclosed you will find a copy of Agreed Order No. 6184 12, 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 blue ink that reads "Kim Smith" with a stylized flourish below it.

Chris Sanders, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Tim Aultman

Agency Interest No. 12218
ENF20120001

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. _____

6 184 12

TIMBER PRODUCTS COMPANY
2701 SOUTH HARPER ROAD
CORINTH, MISSISSIPPI 38655

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

1.

By letter dated October 19, 2011, Respondent was contacted by Complainant and notified of the following violations at its facility located at 2701 South Harper Road, Corinth, Mississippi in Alcorn County:

- A. Failure to conduct a stack test for the Trim Saw Cyclone (AA-003) and the Sanding Operation (AA-004) within one (1) year of permit issuance or by August 1, 2007. *{Air -SMOP, Part III, 3(a)}*

- B. Failure to conduct a follow-up stack test for the Trim Saw (AA-003) at least two years after the initial test but with sufficient time for the test report to be submitted with a renewal application. *{Air - SMOP, Part III, 4(a)}*

- C. Failure to maintain records of equipment inspections and maintenance on a weekly basis for emission points AA-003 and AA-004. *{Air - SMOP, Part III, 7}*
- D. Failure to submit an Air-SMOP renewal application prior to 180 days of the permit expiration date. The application was due February 2, 2011, but was not received until June 29, 2011. *{Air - SMOP, Part I, 8}*
- E. Failure to maintain records of monthly storm water inspections. *{GP - Baseline, ACT 8, Condition No. S-1}*

Respondent conducted stack testing in December 2011 to verify compliance with permit limitations prior to permit reissuance on July 19, 2012. Respondent alleges to be maintaining records for Air equipment inspections, Air equipment maintenance, and Storm Water inspections.

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 \$47,000.00 of which \$3,000.00 shall be credited towards the development of an Environmental Management System (EMS) plan. Respondent shall pay the remaining \$44,000.00 to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Mona Varner
P. O. Box 2339
Jackson, MS 39225

B. Respondent shall submit a copy of the final EMS plan to MDEQ within sixty (60) days of Order execution.

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 15 day of October, 2012.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 5th day of October, 2012.

TIMBER PRODUCTS COMPANY

BY: D.M. Mitchell

TITLE: Plant Manager

STATE OF MS

COUNTY OF Alcorn

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named David M Mitchell who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Manager of Timber Products Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 5th day of Oct, 2012.



Debra L Adams
NOTARY PUBLIC

My Commission expires: 9-8-14