



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

October 1, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Thomas Olstad
International Paper, Vicksburg Mill
PO Box 358
Redwood, MS 39156

**Re: International Paper, Vicksburg Mill
Agreed Order No. 6178 12**

Enclosed you will find a copy of Agreed Order No. 6178 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 "for" written below it.

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

Enclosure
cc: Tim Aultman

Agency Interest No. 1585
ENF20120002

OFFICE OF POLLUTION CONTROL

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BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 178 12

INTERNATIONAL PAPER, VICKSBURG MILL
PO DRAWER 358
REDWOOD, MISSISSIPPI 39156

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 International Paper, Vicksburg Mill, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated April 26, 2012 and August 22, 2012, Respondent was contacted by Complainant and notified of the following Hazardous Waste violations revealed by a Compliance Evaluation Inspection at its facility located at 3737 Highway 3 North, Redwood, Mississippi in Warren County on February 28, 2012:

- A. Violation of MHWMR Part 279 (**40 C.F.R. § 279.22(c)(1)**). Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." Respondent is using secondary containment as a container to store or catch used oil without a label. Complainant observed 3 instances of this violation: Woodyard's Virgin Oil Shed sump, Main Oil Tank secondary containment and Calender Oil/Gloss Oil Circulation sumps.

- B. **Violation of MHWMR Part 261 (40 CFR § 261.7(a)(2))** Any hazardous waste in either a container that is not empty or an inner liner removed from a container that is not empty, as defined in paragraph (b) of this section, is subject to regulation under parts 261 through 268, 270 and 124 of this chapter and to the notification requirements of section 3010 of RCRA. Complainant found a discarded aerosol can in a metal recycling skiff outside the Butler Building.

Respondent submitted documentation on May 4, 2012, that alleges violations A and B have been corrected.

An additional violation was identified through a file review conducted on April 18, 2012 in conjunction with the review of Respondent's stack test submitted on January 24, 2012. Respondent was contacted by Complainant and notified, by letter dated August 1, 2012, of the following violation of the Title V Operating Permit (TVOP) 2780-00015:

- A. **Failure to comply with HAP metals emission limitation (TVOP Condition 3.B.4)** determined via stack test on January 21, 2011. The TVOP limitation for HAP metals states that for Emission Point AA-003, the lime kiln, the permittee shall not exceed particulate matter concentrations in excess of 0.095 grains/dscf corrected to 10% oxygen. Respondent exceeded said limit during testing conducted on January 21, 2011 with an as tested PM emission rate of 0.102 grains/dscf, 7.4% above their TVOP limit.

Emission Point AA-003 tested in compliance with the permit limit during emission testing conducted on December 6, 2011.

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 \$38,250. Respondent shall pay this penalty 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

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 28th day of SEPTEMBER, 2012.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

 TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 17th day of September, 2012.

INTERNATIONAL PAPER, VICKSBURG MILL

BY: Thom J. Ostad

TITLE: Mill Manager

STATE OF Mississippi

COUNTY OF Warren

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Thomas J. Ostad who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Mill Manager of International Paper, Vicksburg Mill and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 17 day of September 2012.

Patricia R. Greene
NOTARY PUBLIC

My Commission expires: May 11, 2015

