



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

June 18, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Betty Ruth Fox, Esq.
Watkins & Eager, PLLC
400 East Capitol Street
Jackson, Mississippi 39201

**Re: Inca Presswood Pallets Ltd
Agreed Order No. 6269 13**

Dear Ms. Fox:

Enclosed you will find a copy of Agreed Order No. 6269 13, 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 Chris Wells at (601) 961-5545.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders".

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

Enclosure
cc: Chris Wells

Agency Interest No. 8610
ENF20130001

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 269 13

INCA PRESSWOOD-PALLETS LTD
PO BOX 129
SARDIS, MISSISSIPPI 38666

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 Inca Presswood-Pallets Ltd, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated March 22, 2012, Respondent was contacted by Complainant and notified of the following alleged violations at its facility located at 2333 South Frontage Road, Sardis, Mississippi in Panola County:

- A. (GP-Baseline –Condition No. T-3 (4) ACT 5) – Facility failed to update monthly list of significant spills and leaks of toxic or hazardous pollutants that have occurred at the facility.**
- B. (GP-Baseline-Condition No. T-6 (5) ACT 5) – Facility failed to maintain good housekeeping.**
- C. (GP-Baseline-Condition No. T-7 (7) ACT 5) – Facility failed to conduct and document storm water related employee training to personnel responsible for implementing and/or complying with the requirements of the SWPPP at least annually.**
- D. (GP-Baseline-Condition No. S-1 (4) ACT 7) – Facility failed to amend SWPPP and**

submit it to MDEQ within 30 days of amendment.

- E. (GP-Baseline-Condition No. L-1 (1) ACT 10)** – Facility failed to keep storm water discharges free from debris, oil, scum, and other floating materials other than in trace amounts.
- F. (GP-Baseline-Condition No. L-1 (3) ACT 10)** – Facility failed to keep storm water discharges free from suspended solids, turbidity and color at levels inconsistent with the receiving waters.
- G. (GP-Baseline-Condition No. T-3 ACT14)** – Facility failed to take all reasonable steps to minimize or prevent any discharge in violation of this permit which is likely to adversely affect human health or the environment.
- H. (GP-Baseline-Condition No. T-8 ACT14)** – Facility failed to properly operate and maintain all facilities and systems of treatment and control.
- I. (GP-Baseline-Condition No. T-18 (2) ACT14)** – Facility failed to notify MDEQ orally within 24 hours and in writing within five working days from the time he/she becomes aware of unanticipated non-compliance.

Subsequent to the November 30, 2011, Compliance Evaluation Inspection, Respondent submitted correspondence describing corrective actions taken address the alleged violations listed above. Respondent asserts that the alleged violations have been satisfactorily addressed.

2.

In lieu of a formal enforcement hearing concerning the alleged 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 \$15,000. Of this amount, Respondent shall pay \$10,000 to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director (the “Effective Date”). This settlement payment shall be submitted to:

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

B. Complainant shall hold in abeyance, and Respondent shall not be required to pay, the remaining balance of \$5,000 (the “Abeyance Amount”), pending Respondent’s compliance with the following conditions:

- 1. No later than ninety (90) days after the Effective Date, Respondent shall conduct a full self-evaluation of its operations as they relate to Respondent’s compliance with environmental statutes, regulations and permits, including but not limited to all requirements of GP-Baseline Coverage No. MSR000494.**
- 2. Following the self-evaluation referenced in Paragraph 2.B.1. above, no later than one hundred fifty (150) days after the Effective Date, Respondent shall develop and submit to MDEQ for review an Environmental Management System (“EMS”) to include, at a minimum, written policies and procedures designed to ensure Respondent’s compliance with the environmental statutes, regulations and/or permits applicable to Respondent’s operations. Respondent shall implement the EMS within thirty (30) days thereafter. Respondent may request that all or a portion of the EMS be held confidential in accordance with Miss. Code Ann. §49-17-39.**
- 3. Further, Respondent shall have no further violations of GP-Baseline Coverage No. MSR000494 for a period of twelve (12) months from the Effective Date.**

C. Should Respondent fail to comply with any of the conditions of Paragraph 2.B. above, the Abeyance Amount shall become immediately due and payable upon Respondent’s receipt of written demand from Complainant. Should Respondent comply with the conditions of Paragraph 2.B. above, Complainant shall, at Respondent’s request, provide a letter to Respondent that documents compliance with Paragraph 2.B., provides the Abeyance Amount is no longer applicable and provides that all requirements of this Agreed Order have been satisfied.

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, and that it has made an informed waiver of that right. Respondent neither admits nor denies the violations alleged herein.

ORDERED, this the 10 day of June, 2013.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 22 day of May, 2013.

INCA PRESSWOOD PALLETS LTD

BY: Dale R Hart

TITLE: PLANT Manager

STATE OF Mississippi

COUNTY OF Panola

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Dale R Hart who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Manager of Inca Presswood Pallets Ltd and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 22nd day of May, 2013.

Johnnie C Merriman
NOTARY PUBLIC

My Commission expires: _____

