



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

June 20, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. David Hicks  
Williams Machine Works Inc, Facility Number 2  
PO Box 8640  
Moss Point, MS 39562-8640

**Re: Williams Machine Works Inc, Facility Number 2  
Agreed Order No. 6274 13**

Dear Mr. Hicks:

Enclosed you will find a copy of Agreed Order No. 6274 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 Mohammad Yassin at (601) 961-5195.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders" with a stylized flourish below it.

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

Enclosure

cc: Mohammad Yassin

Agency Interest No. 52915  
ENF20130001

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6 274 13

WILLIAMS MACHINE WORKS INC  
AND  
WILLIAMS MACHINE WORKS, LLC  
P.O. BOX 8640  
MOSS POINT, MS 39562

RESPONDENTS

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 Williams Machine Works Inc. and Williams Machine Works, LLC, collectively "Respondents," in the above captioned cause and agree as follows:

1.

Respondent Williams Machine Works, LLC is the successor in interest to Respondent Williams Machine Works, Inc. in regard to two industrial facilities. The first is located at 5624 Main Street, Moss Point, MS 39562 and operates under Synthetic Minor Air Operating Permit ("SMOP") No. 128000139 and Baseline Industrial Storm Water General Permit ("Baseline GP") Coverage No. MSR001943. The second industrial facility at issue is located at 5309 Industrial Road, Pascagoula, MS 39581 and operates under SMOP No. 128000111 and Baseline GP Coverage No. MSR000103.

Respondents, by and through their mutual registered agent for service of process, Mr. David C. Hicks, have been contacted by Complainant and notified of the following violations:

- A. In violation of SMOP conditions S-1, S-2, S-3, and S-6, Respondents failed to submit 2010 and 2011 annual reports for both of the above-referenced industrial facilities by January 31 of the following years. The reports were received by Complainant on May 21, 2013.
- B. In violation of Baseline GP ACT11, condition S-1, Respondents failed to submit the required Annual Comprehensive Site Inspection reports and SWPPP Evaluations for both of the above-referenced facilities for 2010 and 2011 by January 28 of the following years. These reports have now been received by MDEQ.
- C. A file review conducted on March 7, 2013, revealed that Respondents were in violation of SMOP conditions S-1, S-2, S-3, and S-6, for failing to submit the 2012 annual reports for both of the above-referenced industrial facilities by January 31, 2013. The reports were submitted on May 21, 2013.
- D. A file review conducted March 7, 2013, revealed that Respondents were in violation of 40 CFR 63.11519(a)(2) and SMOP condition S-5(b), for failing to submit the initial notifications of compliance status that was due by November 22, 2011, for both of the above-referenced industrial facilities. The notifications were submitted on April 9, 2011.
- E. A file review conducted on March 7, 2013, revealed that Respondents were in violation of 40 CFR 63.11519(b) and SMOP condition S-6(b)(1), for failing to submit the first annual certifications and compliance reports covering the period from the compliance date through December 31, 2011, for both of the above-referenced industrial facilities. The certifications and compliance reports were due January 31, 2012. They were received by complainant on May 21, 2013.
- F. A file review conducted on March 7, 2013, revealed that Respondents were in violation of 40 CFR 63.11519(b) and SMOP condition S-6(b)(2), for failing to submit the annual certifications and compliance reports for 2012 for both of the above-referenced industrial facilities. The reports were due by January 31, 2013. They were received by



complainant on May 21, 2013.

2.

In lieu of a formal enforcement hearing concerning the violations listed above, Complainant and Respondents agree to settle this matter as follows:

- A. Respondents agree to pay, jointly and/or severally, and Complainant agrees to accept a civil penalty in the amount of \$5,000.00. Respondent(s) 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 Respondents fail 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 Respondents for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

5.

Respondents understand and acknowledge that they are entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. Section 49-17-31 (Rev. 2003), and that they

have made an informed waiver of that right.

ORDERED, this the 20 day of June, 2013.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 14<sup>th</sup> day of June, 2013.

WILLIAMS MACHINE WORKS INC.

BY: [Signature]

TITLE: PRESIDENT

STATE OF Mississippi

COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named David C. Hicks who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the PRESIDENT of Williams Machine Works Inc, and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 14<sup>th</sup> day of June, 2013.

[Signature]  
NOTARY PUBLIC

My Commission expires: January 23, 2014



AGREED, this the 14<sup>th</sup> day of June, 2013.

WILLIAMS MACHINE WORKS, LLC

BY: [Signature]

TITLE: Sole member

STATE OF Mississippi

COUNTY OF JACKSON

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named DAVID C. HICKS who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the SOLE member of Williams Machine Works, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 14<sup>th</sup> day of June, 2013.

[Signature]  
NOTARY PUBLIC

My Commission expires: January 23, 2014

