



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

January 21, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Donald Merten
Essmueller Company
334 Avenue A Airbase
Laurel, Mississippi 39441

**Re: Essmueller Company
Agreed Order No. 6376 14**

Dear Mr. Merten:

Enclosed you will find a copy of Agreed Order No. 6376 14, 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, appearing to read "Chris Sanders".

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

Enclosure
cc: Mohammad Yassin

Agency Interest No. 6786
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6376 14

ESSMUELLER COMPANY
334 AVENUE A AIRBASE
LAUREL, MISSISSIPPI 39441

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

1.

By letter dated December 16, 2013, Respondent was contacted by Complainant and notified of the following violation at its facility located at 334 Avenue A Airbase, Laurel, Mississippi in Jones County:

- A. An apparent violation of air Title V Operating Permit No. 1360-00082 (the "Permit"), Condition 1.16, which requires that, for renewal of the Permit, the applicant shall make application not less than one-hundred eighty (180) days prior to the expiration date of the Permit substantiated with current emission data, test results or reports or other data as deemed necessary by the Mississippi Environmental Quality Permit Board. The renewal application for the Respondent's Permit was due on June 30, 2013 and was received on July 31, 2013. The Permit expires on December 31, 2013.

2.

In lieu of a formal enforcement hearing concerning the violation 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 \$12,000.00. 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

- B. Until the Mississippi Environmental Quality Permit Board or its designee acts on the renewal application for Respondent's Permit, Respondent shall comply with the terms and conditions of Title V Operating Permit No. 1360-00082, issued January 28, 2009.

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 13 day of January, 2014.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

AGREED, this the 30TH day of DECEMBER, 2013.

Essmueller Company

BY: Donald R. Merten

TITLE: EXECUTIVE VICE-PRESIDENT

STATE OF Mississippi

COUNTY OF Jones

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Donald R Merten who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Executive Vice President of Essmueller Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 30th day of December, 2013.

Debra S. Burgess
NOTARY PUBLIC



My Commission expires: July 19, 2016