

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

6696 16

VS.

ORDER NO. _____

CROWN CORK AND SEAL USA INC
195 CROWN ROAD
BATESVILLE, MISSISSIPPI 38606

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 Crown Cork and Seal USA Inc, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated May 23, 2016, Respondent was contacted by Complainant and notified of the following violations of Water - Pretreatment Permit NO. MSP090321, at its facility located at 195 Crown Road, Batesville, Mississippi in Panola County:

- A. Samples were taken in the middle of the treatment process and not at the nearest accessible point after final treatment. This is a violation of condition L-1 of the Pretreatment Permit, which states: *Samples taken in compliance with the monitoring requirements specified in this permit shall be taken at the nearest accessible point after final treatment but prior to actual discharge into the POTW collection system or mixing with non-regulated waste streams.*
- B. Sulfuric and Nitric acids were added to the wastewater samples after collecting the samples, which is not allowed or required since preservatives are already included in the sampling containers provided by the laboratory. This is a violation

of condition T-17 of the Pretreatment Permit, which states: *Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored wastewater.*

By letter dated June 2, 2016, Respondent alleged to have implemented measures that have resulted in a return to compliance with the applicable permit conditions.

2.

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

Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$75,000.00. 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: Jennifer Parish
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.

RECEIVED

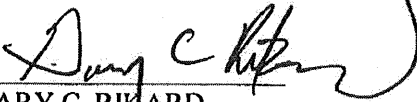
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5.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 18th day of OCTOBER, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 13 day of October, 2016.

CROWN CORK AND SEAL USA INC

BY: Kevin Dallman

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 Kevin Dallman who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Manager of Crown Cork and Seal USA Inc and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 13 day of October, 2016.

Pamella S. Comer
NOTARY PUBLIC

