



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

July 26, 2016

CERTIFIED MAIL #7010 0780 0001 9992 6735

Mr. Nolan "Ben" Johnson
Drexel Chemical Company
PO Box 13327
Memphis, TN 38113-0327

**Re: Drexel Chemical Company
Order No. 6673 16**

Dear Mr. Johnson:

Enclosed you will find a copy of Order No. 6673 16, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, 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 Jaricus Whitlock at (601) 961-5303.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Aultman".

Tim Aultman, P.E., BCEE
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Jaricus Whitlock

Agency Interest No. 2074
ENF20160001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6673 16

DREXEL CHEMICAL COMPANY
1099 DREXEL DRIVE
TUNICA, MS 38676

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

1.

By letter dated December 7, 2015 (titled "*Administrative Conference Letter*"), Respondent was contacted by Complainant and notified of the following violations documented during a Compliance Evaluation Inspection (CEI) conducted on June 30, 2015 at its facility located at Tunica Industrial Park, Tunica, Mississippi in Tunica County:

- A. Respondent failed to maintain an up-to-date Storm Water Pollution Prevention Plan (SWPPP) at the facility and to submit any revisions of the SWPPP to Complainant as required by Condition T-14 within NPDES Permit No. MS0037261;

- B. Respondent failed to adequately monitor the “*Chemical Oxygen Demand*” during the second quarter of 2012 as required by Conditions L-3 and T-17 of NPDES Permit No. MS0037261;
- C. Respondent failed to adhere to the effluent limitations promulgated for Outfall 004 within Condition T-15 of NPDES Permit No. MS0037261 by allowing an unpermitted waste water stream to co-mingle with storm water and discharge through Outfall 004;
- D. Respondent failed to develop and implement adequate best management practices (BMPs) in order to minimize the potential contamination of storm water and prevent contaminated storm water from migrating off-site as required by Condition T-14 within NPDES Permit No. MS0037261.

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: Ms. Jennifer Parish
P.O. Box 2339
Jackson, MS 39225

By letter dated February 11, 2016, Respondent has detailed actions taken and practices implemented to correct alleged non-compliance.

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. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 19th day of July, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 19th day of July, 2016.

DREXEL CHEMICAL COMPANY

BY: Nolan Ben Johnson

TITLE: PRESIDENT & COO

STATE OF Tennessee

COUNTY OF Shelby

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Nolan Ben Johnson who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President & COO of Drexel Chemical Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 19th day of July, 2016.

Suzanne Kay Burlew
NOTARY PUBLIC

My Commission expires: 3/19/2019

