

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6830 18

HOWARD INDUSTRIES
P.O. BOX 1588
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 Howard Industries, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated March 13, 2017, May 18, 2017, August 11, 2017, October 5, 2017, and November 9, 2017, Respondent was contacted by Complainant and notified of the following violations of their NPDES Pretreatment Permit No. MSP090204 at its facility located at 3225 Pendorff Road, Laurel, Mississippi in Jones County:

- A. Violations of the Total Recoverable Cadmium pound per day (lb/day) monthly average limitation of 0.0015 lb/day for the following: January 2017, February 2017, March 2017, June 2017, July 2017, August 2017, and September 2017.
- B. Violations of the Total Recoverable Cadmium pound per day (lb/day) daily maximum limitation of 0.0036 lb/day for the following: January 2017, February 2017, March 2017, June 2017, July 2017, and August 2017.
- C. Violations of the Total Recoverable Cadmium milligram per liter (mg/L) monthly

average limitation of 0.0014 mg/L for the following: January 2017, February 2017, March 2017, June 2017, July 2017, and August 2017.

- D. Violations of the Total Recoverable Cadmium milligram per liter (mg/L) daily maximum limitation of 0.0035 mg/L for the following: January 2017, February 2017, March 2017, June 2017, July 2017, and August 2017.
- E. Violation of the Oil and Grease pound per day (lb/day) daily maximum limitation of 200 lbs/day for August 2017.

2.

In lieu of a formal enforcement hearing concerning the 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 \$25,000.00. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. The settlement payment shall be submitted to:

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

- B. On or before July 31, 2018, Respondent agrees to complete the following at its facility located at 3225 Pendorff Road, Laurel, Mississippi in Jones County:
 - 1. Conduct an engineering study to evaluate the cause(s) of the total recoverable cadmium exceedances at the Respondent's wastewater treatment system and submit a copy of the final report to Complainant.
 - 2. Implement the engineering study's recommendations and submit documentation of completion to Complainant within 10 days of completion, but no later than July 31, 2018.

- C. If Respondent fails to comply with any of the requirements established in paragraph

2.B. of this Agreed Order, Respondent shall pay a stipulated penalty payable to Complainant, due within thirty (30) days of notification from MDEQ, in the amount of \$10,000.00. Respondent shall also pay an additional stipulated penalty in the amount of \$100.00 per day until compliance with Paragraph 2.B. is achieved.

3.

Notwithstanding the provision by this Agreed Order for stipulated penalties to accrue in certain circumstances, the Commission reserves the right to conduct a separate enforcement action concerning any violation by Respondent of this Agreed Order or of the laws or regulations within the jurisdiction of the Commission. If the Commission conducts a separate enforcement action concerning a violation for which stipulated penalties are provided in this Agreed Order, the Commission will be deemed to have waived the right to collect stipulated penalties in lieu of the right to conduct the separate enforcement action. In that separate enforcement action, the Commission may seek penalties, injunctive relief, or other appropriate relief different from or in the excess of the amount of stipulated penalties included in this Agreed Order, up to and including the statutory maximum penalty.

4.

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.

5.

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.

6.

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 8th day of FEBRUARY, 2018.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY



AGREED, this the 2 day of February, 2018.

HOWARD INDUSTRIES

BY: Jack Deik

TITLE: Exec Vice Pres

STATE OF Miss.

COUNTY OF Jones

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

SWORN AND SUBSCRIBED BEFORE ME, this the 2nd day of Feb., 2018.

My Commission expires: 06/11/2018

