

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **7190 22**

MTD PRODUCTS COMPANY  
P.O. BOX 1720  
VERONA, MISSISSIPPI 38879

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

1.

By letters dated April 30, 2021, June 21, 2021, September 21, 2021, November 23, 2021, December 6, 2021, and January 24, 2022, Respondent was contacted by Complainant and notified of the following violations of Pretreatment Permit No. MSP090126 at its facility located at 5485 Highway 145 South, Verona, Mississippi in Lee County:

- A. Respondent exceeded the effluent Oil and Grease concentration monthly average limitations on outfall 001 during the months of February 2021, March 2021, April 2021, June, 2021, July 2021, and September 2021.
- B. Respondent exceeded the effluent Oil and Grease concentration daily maximum limitations on outfall 001 during the months of February 2021, March 2021, April 2021, June 2021, July 2021, and September 2021.
- C. Respondent reported a NODI Code E – Failed to Sample/Required Analysis Not

Conducted, for the effluent Total Toxic Organics concentration and loading limitations on outfall 001 and 003 for the January through June 2021 monitoring period.

By letters dated February 22, 2022 and March 28, 2022, Respondent documented the corrective actions taken to address the above violations to Pretreatment Permit No. MSP090126.

Additionally, the Respondent asserted to Complainant in correspondence dated March 28, 2022, that it has returned to compliance with Pretreatment Permit No. MSP090126.

2.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth herein, Respondent does not admit any of the violations listed above and nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as full resolution of the violations above. The parties further agree that the Commission continues to assert that the matters set forth above were violations of the environmental laws, regulations and/or permits applicable to Respondent.

3.

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 \$8,800.00. 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

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 13<sup>th</sup> day of May, 2022.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

MISSISSIPPI DEPARTMENT OF  
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 26 day of APRIL, 2022.

MTD PRODUCTS COMPANY

BY: [Signature]

TITLE: INTERIM PLANT MANAGER

STATE OF MISSISSIPPI

COUNTY OF LEE

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Rob Fox who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Interim Plant Manager of MTD Products Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 26<sup>th</sup> day of April, 2022.

[Signature]  
NOTARY PUBLIC

My Commission expires:



Handwritten text, possibly a date or reference number, located in the upper middle section of the page.

