

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6868 18

JOHNSTON-TOMBIGBEE FURNITURE MANUFACTURING COMPANY
P.O. BOX 2128
COLUMBUS, MISSISSIPPI 39704-2128

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 Johnston-Tombigbee Furniture Manufacturing Company, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated June 22, 2016, and June 8, 2017, Respondent was contacted by Complainant and notified of the following alleged violations at its facility located at 1503 Johnston Street, Columbus, Mississippi in Lowndes County:

- A. Air-Title V Operating Permit No. 1680-00024: Permit Condition 5.B.17, Item III.C of the CAM Plan: Facility's onsite visible emissions observations (VEE) observer failed the recertification test in April 2016. There were no other onsite personnel certified to perform VEE observations.
Per Respondents July 14, 2016 response, facility personnel passed the certification test on July 8, 2016, and is now qualified to perform visible emissions observations.
- B. Air-Title V Operating Permit No. 1680-00024: Permit Condition 3.D.8: Facility failed to route all emissions from conventional air spray guns to a functioning control

device.

Per Respondents July 14, 2016 response, compliant air spray guns were installed February 26, 2016.

C. Hazardous Waste-11 Miss. Admin. Code Pt. 3, R.1. [40 C.F.R. § 262.34(c)(1)(ii)]:

- a. Facility failed to label a 5-gallon bucket, used to collect spent acetone, in the Flat Line area.

Per Respondents June 29, 2017 response, facility placed a hazardous waste label on the container immediately after the inspection on March 22, 2017.

- b. Facility failed to label a 55-gallon drum, used as a satellite accumulation container, for the acetone waste in the Flat Line area.

Per Respondents June 29, 2017 response, facility placed a hazardous waste label on the 55-gallon drum immediately after the inspection on March 22, 2017.

- c. Facility failed to label 55-gallon drum equipped with fluorescent tube crusher in the maintenance office.

Per Respondents June 29, 2017 response, facility placed a hazardous waste label on the 55-gallon drum immediately after the inspection on March 22, 2017. Additionally, instructions regarding proper use of the bulb crusher have been issued to maintenance personnel.

D. Hazardous Waste-11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.34(c)(1)(i)]:

- a. Facility failed to keep 55-gallon drum sealed in the Flat Line area.

Per Respondents June 29, 2017 response, facility placed a bolted locking ring on the drum immediately after the inspection on March 22, 2017, and purchased and installed a safety drum funnel.

- b. Facility failed to keep two 55-gallon drums sealed in the paint mixing room.

Per Respondents June 29, 2017 response, facility has placed a bolted locking ring on the drum and purchased and installed a safety drum funnel.

- c. Facility failed to keep fluorescent tube crusher sealed when not in use.

Per Respondents June 29, 2017 response, the bulb crusher was immediately sealed during the inspection on March 22, 2017. Additionally, instructions

regarding proper use of the bulb crusher have been issued to maintenance personnel.

- E. Hazardous Waste-11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.34(a)(2)]: Facility failed to indicate the date of accumulation on either container in the paint mixing room.

Per Respondent's June 29, 2017 response, now only one (1) 55-gallon drum for satellite accumulation is in the paint mixing room.

- F. Hazardous Waste-11 Miss. Admin. Code Pt. 3, R. 1.11 [40 C.F.R. § 265.35]: Facility failed to maintain aisle space in the 90-day accumulation area.

Per Respondent's June 29, 2017 response, the drums have been rearranged in the 90-day accumulation area into single rows that are accessible.

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 allegations 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 the full resolution of the violations alleged 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 alleged 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 \$14,290.00. Respondent shall pay this penalty to MDEQ within ninety (90) 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 29th day of JUNE, 2018.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 25 day of JUNE, 2018.

JOHNSTON-TOMBIGBEE FURNITURE MANUFACTURING COMPANY

BY: J. R. Berry

TITLE: PRESIDENT

STATE OF Mississippi

COUNTY OF Lowndes

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named J. R. Berry who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Johnston Tombigbee Furniture Company, Columbus Plant Number 2 and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 25 day of June, 2018.

Carolyn S. Esler
NOTARY PUBLIC

My Commission expires: _____

