



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

July 19, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Gary Burge  
DuPont DeLisle Facility  
7685 Kiln DeLisle Road  
Pass Christian, MS 39571

**Re: DuPont DeLisle Facility  
Agreed Order No. 6152 12**

Dear Mr. Burge:

Enclosed you will find a copy of Agreed Order No. 6152 12, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, 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 Jan Patton at (601) 961-5782.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders" with "for" written below it.

Chris Sanders, P.E.  
Chief, Environmental Compliance and Enforcement Division

Enclosure  
cc: Jan Patton

Agency Interest No. 1832  
ENF20120006

OFFICE OF POLLUTION CONTROL

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BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 152 12

DUPONT DELISLE FACILITY  
7685 KILN DELISLE ROAD  
PO BOX 430  
PASS CHRISTIAN, MISSISSIPPI 39571

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 DuPont DeLisle Facility (“DuPont”), Respondent, in the above captioned cause, and agree as follows:

1.

By letter dated October 21, 2011, Respondent was contacted and notified by Complainant of the following alleged violations of Title V Operating Permit (TVOP) 1020-00115 for its facility located at 7685 Kiln DeLisle Road, Pass Christian, Mississippi in Harrison County:

- A. Failure of Emission Point AF-102 to comply with opacity emission limitation (TVOP Condition 3.A.1), determined via stack test on March 2, 2011. The TVOP limitation for opacity is 40% and the stack test indicated the actual opacity emission was 69.2%.

By letter dated December 16, 2011, Complainant notified Respondent of the following alleged violation of Construction Permit 1020-00115 ("Export Capacity Project" Permit):

- A. Failure to submit a timely Certification of Construction for Emission Point AC-201 ( Page 16 of 26 of the "Export Capacity Project" Permit). Construction on AC-201 was completed on March 24, 2011; Respondent submitted the Certification of Construction on December 20, 2011.

By letter dated April 12, 2012, Complainant notified Respondent of the following alleged violation of TVOP 1020-00115:

- A. Failure to demonstrate compliance in a timely manner (TVOP Condition 5.B.1). The facility was required to demonstrate compliance with submittal of a stack test by September 22, 2011. The test demonstrating compliance occurred on January 11-13, 2012.

2.

While the Complainant neither admits nor denies the aforementioned alleged violations, they and Respondent agree to settle these matters, in lieu of a formal enforcement hearing, as follows:

Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$117,000.00. Respondent shall pay this penalty to Complainant within 45 days after this Agreed Order has been executed by the MDEQ Executive Director or her designee and shall submit the payment to the following address:

Mississippi Department of Environmental Quality  
ATTN: Mona Varner  
P.O. Box 2339  
Jackson, MS 39255

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.

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. Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 19 day of July, 2012.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 9<sup>th</sup> day of JULY, 2012.

DUPONT DELISLE FACILITY

BY: Gary Burge

TITLE: PLANT MANAGER

STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named GARY BURGE who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the PLANT MANAGER of DuPont DeLisle Facility and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 9<sup>th</sup> day of JULY, 2012.



Monica Choate Naguin  
NOTARY PUBLIC

My Commission expires: JANUARY 31, 2016