



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

July 13, 2017

HAND DELIVERED

Mr. Jeffrey Gifford
Genesis Rail Services LLC, Natchez Terminal
919 Milam, Suite 2100
Houston, TX 77002

**Re: Genesis Rail Services LLC, Natchez Terminal
Agreed Order No. 6769 17**

Dear Mr. Gifford:

Enclosed you will find a copy of Agreed Order No. 6769 17, 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 Laura James at (601) 961-5675.

Sincerely,

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

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

Enclosure
cc: Laura James

Agency Interest No. 154
ENF20160003

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

RECEIVED

JUL 10 2017

Dept. of Environmental Quality

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6769 17

GENESIS RAIL SERVICES, LLC
919 MILAM STREET, SUITE 2100
HOUSTON, TEXAS 77002

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 Genesis Rail Services, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 29, 2016, Respondent was contacted by Complainant and notified of the following violations at its facility located at 120 L E Barry Road, Natchez, Mississippi in Adams County:

- A. The pH and total residual chlorine reported on the DMRs were tested outside of the allowed holding time by the laboratory after the sample arrived which is a violation of Condition T-18 of the facility's National Pollutant Discharge Elimination System (NPDES) Permit No. MS0047422.
- B. Facility failed to submit a copy of the Storm Water Pollution Prevention Plan

RECEIVED

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U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

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(SWPPP) to MDEQ's Permits Division within 180 days of issuance as required in Condition S-3 of the facility's NPDES Permit No. MS0047422.

Respondent submitted the revised SWPPP on March 14, 2016, made the appropriate changes to the sampling procedures, and is now in compliance with all applicable regulations.

2.

In lieu of a formal enforcement hearing concerning the violation(s) 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 \$21,000. 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: Jennifer Parish
P.O. Box 2339
Jackson, MS 39225

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.

6.

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.

ORDERED, this the 12 day of July, 2017.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 27th day of June, 2017.

GENESIS RAIL SERVICES, LLC

BY: 

TITLE: Vice President of HSSF

STATE OF Texas

COUNTY OF Harris

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Jeffrey Gifford who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the V.P. - HSSE of Genesis Rail Services, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 27th day of June, 2017.

Sheila Pavlica
NOTARY PUBLIC

My Commission expires: 07/22/2018

