



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

January 31, 2019

CERTIFIED MAIL #7012 2920 0000 4177 0750

First Chemical Corporation
Attn: Mr. Greg Hust
P. O. Box 1005
Pascagoula, MS 39568

**Re: First Chemical Corporation
Amendment to Agreed Order No. 6762 17**

Dear Mr. Hust:

Enclosed you will find a copy of the Amendment to Agreed Order No. 6762 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 Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Felisa Keyes at (601) 961-5319.

Sincerely,

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

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

Enclosure
cc: Felisa Keyes

Agency Interest No. 1477
ENF20170002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

AMENDMENT TO **6762 : 17**
AGREED ORDER NO. _____

FIRST CHEMICAL CORPORATION
1001 INDUSTRIAL ROAD
PASCAGOULA, MISSISSIPPI 39581

RESPONDENT

AGREED ORDER AMENDMENT

Mississippi Commission on Environmental Quality Order No. 6762 17, previously issued on May 26, 2017, in the above captioned matter, came on this day for reconsideration upon the joint request of the Mississippi Commission on Environmental Quality, Complainant, and First Chemical Corporation, Respondent, and the Executive Director of the Mississippi Department of Environmental Quality having received additional information in this cause, finds that the requirements outlined in the above-referenced Order should be amended as follows:

1.

Through correspondence dated May 22, 2017, MDEQ notified Respondent of a violation of its Title V Permit with respect to the matters referenced herein ("NOV"). The Parties acknowledged that the entry into Order 6762 17, previously issued on May 26, 2017, would not resolve any enforcement issues with respect to the NOV, and each party specifically reserved all rights and defenses thereto. The Parties acknowledged that execution of that Order imposed interim requirements on Respondent's startup of the Nitric Acid Plant, and agreeing to the terms and conditions set forth, Respondent acknowledged that it had exceeded the 39.42 TPY NOx annual

0205 173

rolling average limit of its Title V Permit for EP AO-001.

Respondent has complied with all conditions referenced in Paragraph 2 of Agreed Order 6762 17 issued on May 26, 2017.

2.

In lieu of a formal enforcement hearing concerning the violation referenced in Agreed Order 6762 17, 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 \$45,000.00. 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

3.

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. Respondent consents to entry of this Agreed Order, which the parties agree shall serve as full resolution of the violations alleged above.

ORDERED, this the 31st day of JANUARY, 2019.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 25th day of January, 2019.

FIRST CHEMICAL CORPORATION

BY: Greg Hust

TITLE: Plant Manager

STATE OF Mississippi

COUNTY OF Jackson

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Gregory Hust who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Site manager of First Chemical Corporation and is authorized to sign and enter this agreement.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 25th day of January, 2019.

Cheri K Brown
NOTARY PUBLIC

MY COMMISSION EXPIRES: Feb. 22, 2022

