



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

May 8, 2019

CERTIFIED MAIL #7012 2920 0000 4177 0880

Mr. David Carroll
Hunt Southland Refining Company
PO Box 038995
Tuscaloosa, AL 35403-8995

**Re: Hunt Southland Refining Company
Agreed Order No. 6940 19**

Dear Mr. Carroll:

Enclosed you will find a copy of Agreed Order No. 6940 19, 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 that reads "Tim Aultman".

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

Enclosure
cc: Felisa Keyes

Agency Interest No. 979
ENF20190001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6940 19

HUNT SOUTHLAND REFINING COMPANY
7539 HIGHWAY 11 NORTH
LUMBERTON, MISSISSIPPI 39455

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 Hunt Southland Refining Company, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated December 30, 2016, June 1, 2017, January 22, 2018, and April 26, 2019. Respondent was contacted by Complainant and notified of the following violations of NPDES Permit No. MS0001678 at 7539 Highway 11 North, Lumberton, Mississippi 39455:

- A. Respondent exceeded the effluent Total Recoverable Aluminum concentration limitation during the second, third and fourth quarters of 2016; the first, second, and third quarters of 2017; the first, second, third, and fourth quarters of 2018; and the first quarter of 2019.
- B. Respondent did not meet the effluent Dissolved Oxygen concentration minimum limitation during the month of July 2018.

In December 2018, the United States Environmental Protection Agency (EPA) revised the

91 0498

Aquatic Life Ambient Water Quality Criteria for Aluminum in Freshwaters. Respondent is working with MDEQ's Environmental Permits Division (EPD) to address the Aluminum using the revised criteria.

2.

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 \$18,750. 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

- B. By April 30, 2020, Respondent shall submit a modification application for NPDES Permit No. MS0001678 or apply for coverage under Mississippi's Baseline Storm Water General NPDES Permit, if applicable.

- C. Respondent shall comply with the following interim limitations for Total Recoverable Aluminum until the Mississippi Environmental Quality Permit Board or its designee acts on the modification application referenced in paragraph 2.B. All other permit limits and requirements of NPDES Permit No. MS0001686 remain in effect.

- i. Total Recoverable Aluminum Loading Monthly Average Report Only
- ii. Total Recoverable Aluminum Loading Daily Maximum Report Only
- iii. Total Recoverable Aluminum Concentration Monthly Average Report Only
- iv. Total Recoverable Aluminum Concentration Daily Maximum 1.95 mg/L

During the period that the interim limitations are applicable, Respondent agrees to pay Complainant a stipulated penalty of \$1,000 for each violation of an interim parameter limitation. Stipulated penalties shall be payable to Complainant, due within thirty (30) days of written notification by MDEQ.

3.

Notwithstanding the provision by this Agreed Order for stipulated penalties to accrue in certain circumstances, the Commission reserves the right to conduct a separate enforcement action concerning any violation by Respondent of this Agreed Order or of the laws or regulations within the jurisdiction of the Commission. If the Commission conducts a separate enforcement action concerning a violation for which stipulated penalties are provided in this Agreed Order, the Commission will be deemed to have waived the right to collect stipulated penalties in lieu of the right to conduct the separate enforcement action. In that separate enforcement action, the Commission may seek penalties, injunctive relief, or other appropriate relief different from or in the excess of the amount of stipulated penalties included in this Agreed Order, up to and including the statutory maximum penalty.

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 6th day of MAY, 2019.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
BY: [Signature]
GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

AGREED, this the 29th day of APRIL, 2019.

HUNT SOUTHLAND REFINING COMPANY

BY: [Signature]

TITLE: SECRETARY

STATE OF ALABAMA

COUNTY OF TUSCALOOSA

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named David L. Camell who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the secretary of Hunt Southland Refining Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 29th day of April, 2019.

[Signature]
NOTARY PUBLIC

My Commission expires: 2/4/2023