



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. 6939 19**

Dear Mr. Carroll:

Enclosed you will find a copy of Agreed Order No. 6939 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, appearing to read "Tim Aultman".

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

Enclosure
cc: Felisa Keyes

Agency Interest No. 7045
ENF20160003

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **6939 19**

HUNT SOUTHLAND REFINING COMPANY
177 HANEY ROAD
HEIDELBERG, MISSISSIPPI 39439

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 August 19, 2016, March 7, 2017, June 1, 2017, October 11, 2017, January 22, 2018 and April 26, 2019. Respondent was contacted by Complainant and notified of the following violations of NPDES Permit No. MS0001686 at its facility located at 177 Haney Road, Heidelberg, Mississippi 39439:

- A. Respondent exceeded the effluent Total Recoverable Aluminum concentration limitations during the months of June 2016, January 2017, April 2017, August 2017, October 2017, November 2017, January 2018, February 2018, March 2018, April 2018, May 2018, July 2018, September 2018, November 2018, December 2018, January 2019, and March 2019.
- B. Respondent exceeded the effluent Total Recoverable Aluminum loading limitations during the months of June 2016, August 2016, January 2017, April 2017, August

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2017, October 2017, November 2017, January 2018, February 2018, March 2018, April 2018, May 2018, July 2018, September 2018, November 2018, December 2018, January 2019, and March 2019.

- C. Respondent exceeded the effluent BOD5 loading limitation during the month of January 2018.
- D. Respondent exceeded the effluent Total Ammonia Nitrogen loading limitations during the month of January 2018.
- E. Respondent exceeded the effluent Total Suspended Solids loading limitations during the months of March 2018 and July 2018.
- F. Respondent exceeded the effluent Total Suspended Solids concentration limitations during the months of July 2018 and August 2018.
- G. Respondent exceeded the effluent Total Phenolic Compounds concentration limitations during the month of October 2018.
- H. 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 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 \$30,000.00. 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

B. By April 30, 2020, Respondent shall submit a modification application for its NPDES Permit No. MS0001686.

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 | 1.33 mg/L |

During the period that the interim limitations are applicable, Respondent agrees to pay Complainant a stipulated penalty of \$1,000.00 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: 

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. CAMILL 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

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