



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

November 4, 2019

CERTIFIED MAIL #7012 2920 0000 4177 1375

Mr. Phil Witter, Environmental Manager
Canfor Southern Pine
101 Dauphon Street, Suite 600
Mobile, Alabama 36602

**Re: NSLC Southern Inc.
Agreed Order No. 6997 19**

Dear Mr. Witter:

Enclosed you will find a copy of Agreed Order No. 6997 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. 3833
ENF20190001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6997 19

NSLC SOUTHERN, INC.
P.O. BOX 70
HERMANVILLE, MISSISSIPPI 39086

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 NSLC Southern Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated September 12, 2018, Respondent was contacted by Complainant and notified of the following violation of Air – Title V Operating Permit (TVOP) No. 0420-00004 at its facility located at 11167 Pattison Hermanville Road, Hermanville, Mississippi in Claiborne County:

- A. Title V Operating Permit Condition No. 3.B.1: For Emission Points AA-003, AA-004, and AA-008, emissions of ash and/or particulate matter for combination boilers burning a combination of combustibles as, but not limited to, fossil fuels plus bark, oil plus bark, or spent wood, or water treatment by-products sludge shall not exceed an emission rate of 0.30 grains per standard dry cubic foot (gr/dscf).

On May 24, 2018, Respondent conducted emissions testing on Emission Point AA-008 and reported average particulate matter emissions of 0.429 gr/dscf, an exceedance of the

1000000000

limit by approximately 43 percent.

On July 23, 2018, Respondent re-tested Emission Point AA-008 and demonstrated compliance with the particulate emissions permit limitation at a heat input that did not meet the 80% of rated capacity as required by Permit Condition 5.B.4. By letter dated September 12, 2018, MDEQ conditionally accepted the re-test. However, if the unit operates at or above 110% of the as-tested firing rates, prior to the next regularly scheduled test sequence, Respondent must immediately notify MDEQ and schedule another compliance test. The firing rating triggering the additional testing for Emission Point AA-008 is 18.90MMBTUH.

2.

In lieu of a formal enforcement hearing concerning the violation 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 40,000.00. 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.

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.

ORDERED, this the 4TH day of NOVEMBER, 2019.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

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

NSLC SOUTHERN INC.

BY: Phil Witter

TITLE: Env. Manager

STATE OF Alabama

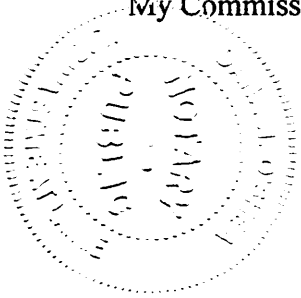
COUNTY OF Mobile

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Phil Witter who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Env. Manager of NSLC Southern Inc. and is authorized to sign and enter this Agreement.

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

Diana D'Shea
NOTARY PUBLIC

My Commission expires: My Commission Expires
April 8, 2020



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of Commission (b) 2
April 8, 1950

