



STATE OF MISSISSIPPI  
TATE REEVES  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHRIS WELLS, EXECUTIVE DIRECTOR

October 9, 2024

CERTIFIED MAIL # 7019 1120 0000 4785 6483

Mr. Chris Osgood  
Wis-Pak of Hattiesburg, LLC  
PO Box 18919  
Hattiesburg, Mississippi 39404

**Re: Wis-Pak of Hattiesburg, LLC  
Agreed Order No. 7364 24**

Dear Mr. Osgood:

Enclosed you will find a copy of Agreed Order No. 7364 24, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, 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 Geoffrey Martin at (601) 961-5024.

Sincerely,

A handwritten signature in blue ink that reads "Michelle Clark".

Michelle Clark, P.E., BCEE, Chief  
Environmental Compliance and Enforcement Division

Enclosure  
cc: Geoffrey Martin

Agency Interest No. 55244  
ENF20240002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7364 24

WIS-PAK OF HATTIESBURG, LLC  
2 W L RUNNELS INDUSTRIAL DRIVE  
HATTIESBURG, MISSISSIPPI 39401

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 Wis-Pak of Hattiesburg, LLC, Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates a soft drink bottling/canning facility (the Facility) located at 2 W L Runnels Industrial Drive, Hattiesburg, Mississippi in Forrest County. Respondent is permitted to discharge process wastewater from the facility to the City of Hattiesburg's sanitary sewer system in accordance with Pretreatment Permit No. MSP092288.

By letter dated November 4, 2022, Respondent was contacted by Complainant and notified of the following alleged violations of the Permit:

- A. Respondent exceeded the monthly average Flow limitation (0.15 MGD) during the June through August 2022 monitoring periods.
- B. Respondent exceeded the maximum pH limitation (9.5 SU) during the July and August 2022 monitoring periods.

By letter dated February 2, 2023, Respondent was contacted by Complainant and notified of the following alleged violations of the Permit:

- C. Respondent exceeded the monthly average Flow limitation (0.15 MGD) during the September and November 2022 monitoring periods.
- D. Respondent exceeded the maximum pH limitation (9.5 SU) during the September through December 2022 monitoring periods.

Additionally, Complainant was notified of the following alleged violations of Mississippi's Wastewater Pollution Control Regulations:

- E. Respondent discharged non-domestic wastewater into the City of Hattiesburg's sewer system in violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.4.M incorporating 40 C.F.R. § 403.5(b)(2) which prohibits the introduction into a POTW of "[p]ollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with a pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges."
- F. Respondent discharged non-domestic wastewater into the City of Hattiesburg's sewer system in violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.4.M incorporating 40 C.F.R. § 403.5(b)(4) which prohibits the introduction into a POTW of "[a]ny pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW."
- G. Respondent discharged non-domestic wastewater into the City of Hattiesburg's sewer system without notification to MDEQ in violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.4.M incorporating 40 C.F.R. § 403.12(f) which states, "All categorical and non-categorical Industrial Users shall notify [MDEQ] immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined in § 403.5(b), by the Industrial User."
- H. Respondent discharged non-domestic wastewater into the City of Hattiesburg's sewer system without notification to MDEQ in violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.4.M incorporating 40 C.F.R. § 403.12(j) which states, "All Industrial Users shall promptly notify [MDEQ] in advance of any substantial change in the volume or character of pollutants in their Discharge, including the listed or

characteristic hazardous wastes for which the Industrial User has submitted initial notification under paragraph (p) of this section.”

- I. Respondent discharged non-domestic wastewater into the City of Hattiesburg’s sewer system without notification to MDEQ in violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.4.M incorporating 40 C.F.R. § 403.12(p) which states, “The Industrial User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261.”
- J. Respondent discharged non-domestic wastewater into the City of Hattiesburg’s sewer system in violation of Miss. Code Ann. § 49-17-29(2)(a) which states, “Except as in compliance with paragraph (b) of this subsection, it is unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state. It is also unlawful to . . . violate any applicable pretreatment standards or limitations . . . established by the commission.”

By letter dated March 3, 2023, Respondent asserted the pH neutralization system was inadvertently off-line for the period of July through December 2022. As a result, Respondent collected compliance samples from a pH neutralization chamber that was off-line. Respondent asserted that the results reported on Discharge Monitoring Reports (DMRs) for the July through December 2022 monitoring periods were not representative of the actual wastewater discharged from the Facility. Additionally, Respondent asserted that the pH neutralization system was returned to service on January 3, 2023.

By letter dated April 20, 2023, Respondent was contacted by Complainant and notified of the following alleged violations of the Permit:

- K. Respondent failed to notify MDEQ orally within 24 hours or in writing within 5 days from the time it became aware of the pH exceedances in violation of Condition No. S-3 which states, “The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within

24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and/or prevent recurrence of the noncompliance.”

- L. Respondent failed to notify MDEQ orally within 24 hours or in writing within 5 days from the time it became aware of the bypass in violation of Condition No. S-6 which states, “The permittee shall submit notice of an unanticipated bypass as required by the twenty-four hour reporting requirements set forth in this permit.”

By letter dated May 31, 2023, Respondent was contacted by Complainant and notified of the following alleged violations of the Permit:

- M. Respondent exceeded the monthly average Flow limitation (0.15 MGD) during the January through March 2023 monitoring periods.
- N. Respondent exceeded the daily maximum Biochemical Oxygen Demand limitation (5,000 mg/L) during the January 2023 monitoring period.
- O. Respondent diverted wastewater around its pH neutralization system from July 2022 to December 2022 in violation of Condition No. T-30 which states, “Bypass is prohibited, and the Commission may take enforcement action against a permittee...”
- P. Respondent failed to monitor its discharge of process wastewater from July 2022 to December 2022 in violation of the Effluent Limitations and Monitoring Requirements section of the Permit which states, “Such discharges shall be limited and monitored by the permittee as specified below.”

By letter dated December 19, 2023, Respondent was contacted by Complainant and notified of the following alleged violations of the Permit:

- Q. Respondent exceeded the monthly average Flow limitation (0.15 MGD) during the April, May, June, and August 2023 monitoring periods.

On April 15, 2024, the Mississippi Environmental Quality Permit Board reissued Pretreatment Permit No. MSP092288 to Respondent. The Permit increased the monthly average Flow limitation from 0.15 MGD to 0.25 MGD.

By letter dated July 22, 2024, Respondent was contacted by Complainant and notified that the following alleged violations had been rescinded:

- A. The violations of the maximum pH limitation (9.5 SU) during the July through December 2022 monitoring periods, which were cited on November 4, 2022 and February 2, 2023.
- B. The violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.4.M incorporating 40 C.F.R. § 403.5(b)(2), which was cited on February 2, 2023.
- C. The violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.4.M incorporating 40 C.F.R. § 403.5(b)(4), which was cited on February 2, 2023.
- D. The violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.4.M incorporating 40 C.F.R. § 403.12(f), which was cited on February 2, 2023.
- E. The violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.4.M incorporating 40 C.F.R. § 403.12(j), which was cited on February 2, 2023.
- F. The violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.4.M incorporating 40 C.F.R. § 403.12(p), which was cited on February 2, 2023.
- G. The violation of Miss. Code Ann. § 49-17-29(2)(a), which was cited on February 2, 2023.

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 \$22,500.00. 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.

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 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.

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 9th day of October, 2024.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]  
CHRIS WELLS  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 5th day of October, 2024.

WIS-PAK OF HATTIESBURG, LLC

BY: [Signature]  
CHRIS OSGOOD  
DIRECTOR OF ENVIRONMENTAL, HEALTH SAFETY AND SECURITY

STATE OF Kentucky  
COUNTY OF Mason

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named CHRIS OSGOOD, who first being duly sworn, did state upon his oath and acknowledge to me that he is the DIRECTOR OF ENVIRONMENTAL, HEALTH SAFETY AND SECURITY at WIS-PAK OF HATTIESBURG, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 5 day of October, 2024.

[Signature]  
NOTARY PUBLIC

My Commission expires: Aug 23rd 2026

