



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

May 1, 2014

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Charles Oldham  
PSL North America, LLC  
13092 Sea Plane Road  
Bay St. Louis, MS 39520

**Re: PSL North America, LLC  
Agreed Order No. 6409 14**

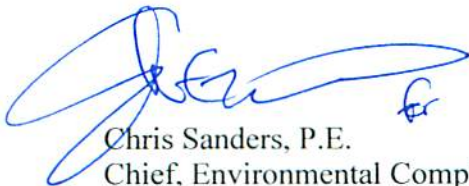
Dear Mr. Oldham:

Enclosed you will find a copy of Agreed Order No. 6409 14, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, 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 Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Mohammad Yassin at (601) 961-5195.

Sincerely,



Chris Sanders, P.E.  
Chief, Environmental Compliance and Enforcement Division

Enclosure  
cc: Mohammad Yassin

Agency Interest No. 35940  
ENF20140002

OFFICE OF POLLUTION CONTROL

POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • [www.deq.state.ms.us](http://www.deq.state.ms.us)

AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6409 14

PSL NORTH AMERICA, LLC  
PO BOX 4590  
BAY ST. LOUIS, MISSISSIPPI 39520

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 PSL North America, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 18, 2014, Respondent was contacted by Complainant and notified of the following violations at its facility located at 13092 Sea Plane Road, Bay St. Louis, Mississippi in Hancock County:

1. Condition T-25 of Synthetic Minor Operating Permit No. 1000-00052:

*For renewal of this permit the applicant shall make application not less than one-hundred eighty (180) days prior to the expiration date of the permit substantiated with current emissions data, test results or reports or other data as deemed necessary by the Mississippi Environmental Quality Permit Board.*

The renewal application was due on or before September 1, 2012 and was received by Complainant on February 27, 2013. The previous permit expired on February 28, 2013 and the current permit was issued July 1, 2013. Therefore, Respondent operated its facility without a permit from February 28, 2013 to July 1, 2013.

2. Condition T-3 (4) GP-Baseline Stormwater Permit No. MSR002129

*MINIMUM SWPPP COMPONENTS/DESCRIPTION OF POTENTIAL POLLUTANT SOURCES: Each plan shall identify all activities and significant materials which may potentially pollute storm water discharges, including:*

*A monthly updated list of significant spills and leaks of toxic or hazardous pollutants that have occurred at the facility. If no spills have occurred, indicate this in the SWPPP*

A list of significant spills updated monthly was not being kept onsite.

3. Condition T-8 (9) GP-Baseline Stormwater Permit No. MSR002129

*MINIMUM SWPPP COMPONENTS/DESCRIPTION OF STORM WATER MANAGEMENT CONTROLS: The coverage recipient shall describe appropriate storm water management controls addressing identified potential pollution sources and implement such controls.*

*The description shall include a schedule for implementing the following minimum components:*

***Routine Visual Site Inspections.** The purpose of conducting visual site inspections is to make sure storm water discharges are free from objectionable characteristics (i.e., pollutants you can see, such as turbidity, color, sheen, etc.). The SWPPP shall describe the policy and procedures for routine visual site inspections, including frequencies and areas to be inspected. Areas to be inspected must include all industrial activities exposed to storm water identified in ACT5, T-2 (1). These areas must be checked for evidence of pollutants entering the storm water drainage system and also identify conditions which may give rise to contamination of storm water runoff.*

*The frequency of inspections shall be performed as often as needed but no less than once monthly. If feasible, the inspections should be conducted during or after storm events. As part of the inspection, storm water should be collected in a clean, clear jar and examined in a well lit area. The SWPPP should outline procedures consistent with the requirements of ACT8, S-1 to investigate, correct and document instances in which visible pollutants are observed. [WPC-1]*

Record of routine visual site inspections was not being kept onsite.

By letter dated March 3, 2014, Respondent alleged to have implemented corrective action measures that have resulted in a return to compliance with the applicable permits.

2.

In lieu of a formal enforcement hearing concerning the violation(s) listed above, Complainant and Respondent agree to settle this matter as follows:

Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$7,000. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality  
Attn: Jennifer Parish  
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 30 day of April, 2014.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY  
BY:   
TRUDY D. FISHER  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 21<sup>st</sup> day of April, 2014.

PSL NORTH AMERICA, LLC

BY: Mike Biggs *Mike Biggs*

TITLE: General Manager

STATE OF MS

COUNTY OF Hancock

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Mike Biggs who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the General Manager of PSL North America, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 21 day of April, 2014.

*Marianne L. Weaver*  
NOTARY PUBLIC

My Commission expires: April 12 2017

