

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6842 18

CHANNEL CHEMICAL COMPANY
P.O. BOX 2216
GULFPORT, MISSISSIPPI 39505

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 Channel Chemical Company, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 24, 2017, Respondent was contacted by Complainant and notified of the following violations discovered during a Compliance Evaluation Inspection (CEI) conducted on June 15, 2017, at its facility located at 14373 Seaway Road, Gulfport, Mississippi in Harrison County:

- A. Respondent failed to label "Used Oil Containers."
11 Miss. Admin. Code Pt. 3, R. 1.22 [40 C.F.R. §279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."
Per the Notice of Violation Response dated August 8, 2017, the oil drums were stenciled with a "Used Oil" label on June 16, 2017, and the shed was properly labeled "Used Oil" on July 6, 2017.
- B. Respondent failed to label 4 totes of hazardous waste in the less than 90-day area.
11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. §262.34(a)(3)], a generator is required

to label or clearly mark each container and tank accumulating hazardous waste on-site with the words: "Hazardous Waste."

Per the Notice of Violation Response dated August 8, 2017, the totes were marked with "Hazardous Waste" labels and dated on the same day as the inspection, June 15, 2017.

- C. Respondent failed to date 4 totes of hazardous waste in the less than 90-day area. 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. §262.34(a)(2)], a generator is required to ensure that the date upon which each period of accumulation begins is clearly marked and visible on each container.

Per the Notice of Violation Response dated August 8, 2017, the totes were marked with "Hazardous Waste" labels and dated on the same day as the inspection, June 15, 2017.

- D. Respondent failed to make waste determinations on approximately 121 drums and 2 totes in the Gas Station Terminal (GST) area.

11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 261.2], must determine if that waste is a hazardous waste following the methods articulated in 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.11].

- E. Respondent failed to dispose of hazardous waste stored in the GST area in less than 90 days.

11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.34(b)], a Large Quantity Generator (LQG) who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 11 Miss. Admin. Code Pt. 3, R. 1.7 and 1.11 [40 C.F.R. Parts 264, and 265] and the permit requirements of 11 Miss. Admin. Code Pt. 3, R. 1.11 [40 C.F.R. Part 270].

- F. Respondent failed to maintain 4 hazardous waste drums in good condition in the GST area.

11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.34(a)(1)(i)], which incorporates 11 Miss. Admin. Code Pt. 3, R. 1.11 [40 C.F.R. § 265.171], if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must

transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements.

Per the Notice of Violation Response dated August 8, 2017, drums found to be in poor condition have been repackaged into new drums or totes.

- G. Respondent failed to keep a drum of hazardous waste closed in the GST area. 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.34(a)(1)(i)], which incorporates 11 Miss. Admin. Code Pt. 3, R. 1.11 [40 C.F.R. § 265.173(a)], a generator is required to keep containers of hazardous waste closed when waste is not being added or removed.

Per the Notice of Violation Response dated August 8, 2017, the open drum was pumped to a tote with waste from the same stream and the tote was properly closed.

By letters dated September 6, 2017, October 4, 2017, and October 11, 2017, Respondent was contacted by Complainant and notified of the following discharge limitation violations of NPDES Permit No. MS0034878, at its facility located at 14373 Seaway Road, Gulfport, Mississippi in Harrison County:

- H. Violations of Total Suspended Solids (TSS) milligram per liter (mg/L) monthly average limitation of 30 mg/L for the following: November 2016, January 2017, April 2017, June 2017, July 2017, and August 2017.
- I. Violations of Total Suspended Solids (TSS) milligram per liter (mg/L) daily maximum limitation of 45 mg/L for the following: November 2016, January 2017, June 2017, and August 2017.

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 \$77,500.00. Respondent shall pay this penalty to MDEQ after this Agreed Order has been executed by the MDEQ Executive Director or his designee (the

“Execution Date”). The penalty shall be paid in six (6) monthly installments in accordance with the following schedule:

- (1) \$12,500 due on or before May 31, 2018.
- (2) \$12,500 due on or before June 30, 2018.
- (3) \$12,500 due on or before July 31, 2018.
- (4) \$12,500 due on or before August 31, 2018.
- (5) \$12,500 due on or before September 30, 2018.
- (6) \$15,000 due on or before October 31, 2018.

The settlement payments shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Accounts Receivable
P.O. Box 2339
Jackson, MS 39225

- B. On or before April 30, 2018, Respondent shall remove and properly dispose of the waste located in the GST area and referenced in paragraphs 1.D., 1.E., and 1.F. The documentation of completion shall also be submitted by April 30, 2018 to:

Mississippi Department of Environmental Quality
Attn: Chief, Enforcement Branch
P.O. Box 2261
Jackson, MS 39225

- C. On or before April 30, 2018, Respondent shall install, per response dated February 13, 2018, a concrete trough with a 6” curb to control sediment and algae from flowing to the collection sump, and replace the collection sump with a concrete sump. The documentation of completion shall also be submitted by April 30, 2018 to:

Mississippi Department of Environmental Quality
Attn: Chief, Enforcement Branch
P.O. Box 2261
Jackson, MS 39225

- D. On or before December 31, 2018, Respondent shall, per response dated February 13, 2018, make the required modification(s) to the retention pond pump filtration piping

and install a larger filter housing and filter. The documentation of completion shall also be submitted by December 31, 2018 to:

Mississippi Department of Environmental Quality
Attn: Chief, Enforcement Branch
P.O. Box 2261
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.

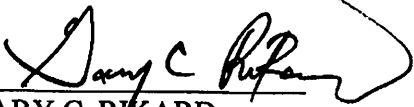
Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

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 5th day of APRIL, 2018.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 29 day of March, 2018.

CHANNEL CHEMICAL COMPANY

BY: Timothy H. Reid
TITLE: Director of Operations

STATE OF Mississippi
COUNTY OF Harrison

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Timothy H. Reid who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Director of Operations of Channel Chemical Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 29th day of March, 2018.

Doreen A. Thornton
NOTARY PUBLIC

My Commission expires: 09-27-2020

