

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

7264 23

DELTA-ENERGY NATCHEZ, LLC
61 CARTHAGE POINT ROAD
NATCHEZ, MISSISSIPPI 39120

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 Delta-Energy Natchez, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated February 12, 2021, and June 20, 2022, Respondent was contacted by Complainant and notified of the following violations of Synthetic Minor Operating Permit No. 0040-00059 at its facility located in Adams County:

- A. Condition 5.7(a): Respondent failed to install a device to monitor gas flow to the flare at Emission Point AA-002.
- B. Condition A.11: Respondent placed two storage tanks into service prior to the modification of the permit.
- C. Condition 6.2: Respondent failed to submit a certified 2021 Annual Monitoring Report by January 31, 2022.

2.

- A. By letter dated December 14, 2021, Respondent asserted that the device required by

Condition 5.7(a) to monitor gas flow to the flare was installed during June 2021.

- B. On or about April 28, 2021, Respondent requested to modify Synthetic Minor Operating Permit No. 0040-00059 to include the additional storage tanks. The Mississippi Environmental Quality Permit Board modified the permit on September 16, 2021.
- C. On or about March 31, 2022, Respondent submitted a certified 2021 Annual Monitoring Report.

3.

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

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.

MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

ORDERED, this the 28th day of July, 2023.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 26th day of July, 2023.

DELTA-ENERGY NATCHEZ, LLC

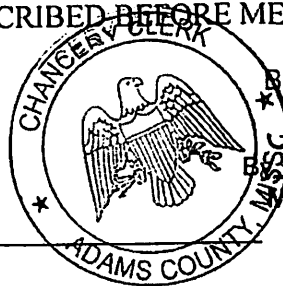
BY: [Signature]
ROBERT GENOVESE
PRESIDENT

STATE OF MISSISSIPPI

COUNTY OF ADAMS

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Robert Genovese who first being duly sworn, did state upon his oath and acknowledge to me that he is the President of Delta-Energy Natchez, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 26th day of July, 2023.



BRANDI B. LEWIS, Chancery Clerk
EX-Officio Notary Public
[Signature] D.C.
My Commission Expires Jan. 01, 2024

My Commission expires: _____