



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

May 3, 2024

CERTIFIED MAIL # 7019 1120 0000 4785 6162

Mr. Victor Santos
Natureplex
11085 Airport Road
Olive Branch, Mississippi 38654

**Re: Natureplex
Agreed Order No. 7323 24**

Dear Mr. Santos:

Enclosed you will find a copy of Agreed Order No. 7323 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 first 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. All future installment payments should be mailed 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,

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

Enclosure
cc: Geoffrey Martin

Agency Interest No. 56183
ENF20230002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

7323 24

VS.

ORDER NO. _____

NATUREPLEX
11085 AIRPORT ROAD
OLIVE BRANCH, MISSISSIPPI 38654

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 Natureplex, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated August 23, 2021, November 7, 2022, and October 19, 2023, Respondent was contacted by Complainant and notified of the following violations at its facility in Desoto County:

- A. Respondent failed to submit Discharge Monitoring Reports (DMRs) by no later than the 28th day of the month following the completed reporting period in violation of Permit Condition No. S-2.
- B. Respondent discharged wastewater without an active permit following the expiration of Pretreatment Permit No. MSP092294 (the Permit) on May 31, 2022, in violation of Miss. Code Ann. § 49-17-29 (2)(b).
- C. Respondent failed to take samples at the nearest accessible point after final treatment but prior to actual discharge into the POTW collection system or mixing with non-regulated waste streams in violation of Permit Condition No. L-1.
- D. Respondent failed to submit an application for reissuance at least 180 days prior to

the expiration of the Permit on May 31, 2022, in violation of Permit Condition No. S-7.

- E. Respondent failed to collect samples that were representative of the volume and nature of the monitored wastewater in violation of Permit Condition No. T-18.
- F. Respondent failed to sample Isopropyl Acetate, n-Amyl Acetate, Acetone, and Ethyl Acetate during the January 1, 2023 to June 30, 2023 monitoring period, and input NODI Code E (Analysis Not Conducted/No Sample) for those parameters in NetDMR in violation of the Permit's Monitoring Requirements and Permit Condition No. T-24.
- G. Respondent failed to document the time of sampling or the location where sampling occurred in violation of Permit Condition No. R-1.

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 \$15,750.00. Respondent shall pay this penalty to MDEQ in three (3) equal installments of \$5,250.00 due within forty-five (45) days, one hundred twenty-five (125) days, and two hundred fifteen (215) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. The settlement payments shall be submitted to:

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

- B. By no later than August 31, 2024, Respondent shall submit to MDEQ a plan determining a sampling location that will comply with Condition No. L-1 of Pretreatment Permit No. MSP092294 issued on October 24, 2023, which states, "Samples taken in compliance with the monitoring requirements specified in this permit shall be taken at the nearest accessible point after final treatment but prior to actual discharge into the POTW collection system or mixing with non-regulated

waste streams.” Upon written approval of the plan by MDEQ, Respondent agrees to construct a new sampling location, if necessary. The plan shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Manager, ECED Water I Branch
P.O. Box 2261
Jackson, MS 39225

- C. By no later than December 31, 2024, Respondent shall complete construction of the project to relocate the sampling location to the agreed upon location referenced in Section 2.B. Following the completion of this project, Respondent shall provide written notification to the address in Section 2.B.
- D. If Respondent fails to comply with the requirements established in Section 2.B. or 2.C. of this Agreed Order, Respondent shall pay a stipulated penalty payable to Complainant, due within forty-five (45) days of written notification from MDEQ, in the amount of \$5,000.00. Respondent shall also pay an additional stipulated penalty in the amount of \$1,000.00 per month for each missed deadline until compliance with Sections 2.B. and 2.C. is achieved.

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 3rd day of May, 2024.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the _____ day of _____, 2024.

NATUREPLEX

BY: [Signature]
VICTOR J. SANTOS
PRESIDENT

STATE OF MS
COUNTY OF DeSoto

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named VICTOR J. SANTOS, who first being duly sworn, did state upon his oath and acknowledge to me that he is the PRESIDENT of NATUREPLEX and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 26 day of April, 2024.

[Signature]
NOTARY PUBLIC

My Commission expires: 3/22/27

