

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **7069** **20**

GOLD COAST COMMODITIES, INC.  
817 NORTH COLLEGE STREET  
BRANDON, MISSISSIPPI 39042

RESPONDENT

ORDER

The above captioned cause came before the Executive Director of the Mississippi Department of Environmental Quality (MDEQ) this day for ex parte consideration under the authority of Miss. Code Ann. § 49-2-13, and the Executive Director, having heard and considered the evidence herein, and having determined that an Order should issue prefatory to any evidentiary hearing and without making any final adjudication of fact or law, finds as follows:

1.

The Respondent is subject to the Mississippi Air and Water Pollution Control Law, Miss. Code Ann. §§ 49-17-1 et seq., and the rules and regulations of the Mississippi Commission on Environmental Quality (Commission), including Wastewater Regulations for National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations, and Water Quality Certification, 11 Miss. Admin. Code Pt. 6, Ch. 1; Air Emission Regulations for the Prevention Abatement, and Control of Air Contaminants, 11 Miss. Admin. Code Pt. 2, Ch. 1; and Ambient Air Quality Standards, 11 Miss. Admin. Code Pt. 2, Ch. 4.

2.

On October 6, 2016, MDEQ received a complaint that Respondent was discharging industrial wastewater into the City of Brandon's municipal sewer system from its industrial facility located at 817 North College Street, Brandon, Mississippi, without a permit. On March 31, 2017, MDEQ initiated an enforcement action through the issuance of a Notice of Violation related to this discharge and other storm water discharge violations discovered during MDEQ's investigation of the complaint.

During the investigation of the unpermitted discharges into the City of Brandon's municipal sewer system, MDEQ discovered that Respondent was also discharging industrial wastewater into the City of Pelahatchie's municipal sewer system from its industrial facility located at 817 North College Street, Brandon, Mississippi without a permit. On May 7, 2019, MDEQ issued a Notice of Violation for these discharges.

On October 24, 2017, MDEQ inspected Rebel High Velocity Sewer Services located at 333 Wilmington Street, Jackson, Mississippi. This inspection revealed that the facility was receiving industrial wastewater from Respondent and disposing of it into the City of Jackson's municipal sewer system. On October 27, 2017, the Commission issued Order No. 6805-17 directing Respondent to cease and desist sending its wastewater to Rebel High Velocity Sewer Services. Order No. 6805-17 also prohibited Respondent from disposing of its wastewater at any facility located within the state of Mississippi that could not demonstrate the ability to properly and legally process and dispose of such wastewater. Order No. 6805-17 specifically prohibited Respondent from disposing of its wastewater at any facility located within the state of Mississippi without written approval from MDEQ approving such disposal. Furthermore, Order No. 6805-17 required Respondent to maintain and submit documentation of the proper disposal of their wastewater.

On December 20, 2017, MDEQ issued a Notice of Violation to Respondent for inadequate, late, and missing submittals of the documentation of the proper disposal of their wastewater. On October 31, 2019, MDEQ issued an Amended and Combined Notice of Violation summarizing all of the violations listed above. None of the above enforcements have been fully resolved.

3.

On April 18, 2018, Respondent submitted an Application for a State Operating Permit to MDEQ requesting the issuance of a permit for a wastewater treatment site in Rankin County, Mississippi (the "Rankin County Wastewater Treatment Site"). Respondent submitted a letter dated January 15, 2019, in response to a MDEQ-issued information request. Respondent subsequently submitted a revised permit application on August 5, 2019. Maps and a series of calculations dated August 2, 2019, were included with this revised permit application. The letter dated January 15, 2019; the August 2, 2019, attachments; and the August 5, 2019, revised permit application are collectively known as the "Land Application Plan." The Land Application Plan provided for wastewater from Respondent's industrial facility in Brandon, Mississippi, to be disposed of at the Rankin County Wastewater Treatment Site in an aerated lagoon at an average rate of 15,000 gallons per day followed by irrigation at a rate of 270,000 gallons per week during the months of June through October. On August 13, 2019, the Mississippi Environmental Quality Permit Board issued Permit No. MSU218003 to Respondent.

On October 4, 2019, an inspection of the Rankin County Wastewater Treatment Site revealed storm water violations occurring during the construction of the lagoon. On October 15, 2019, MDEQ issued a Notice of Violation for these storm water violations.

An inspection by MDEQ staff on June 12, 2020, of the Rankin County Wastewater Treatment Site revealed that Respondent had not installed the electrical lines to the aerators; that Respondent had not installed and was not operating the aerators; and that Respondent had not installed the required depth markers in the lagoon. MDEQ further noted the detection of odors from the lagoon both on- and off-site. On July 20, 2020, MDEQ issued a Notice of Violation for these violations.

On July 20, 2020, after eight months of disposing wastewater into the unaerated lagoon, Respondent began operation of the aerators at the Rankin County Wastewater Treatment Site, an operation that should have begun at or near the time wastewater was first introduced to the lagoon. Emergency personnel responded to the scene when persons present during the initiation of aerator operation became ill. An investigation revealed that those individuals were exposed to hydrogen sulfide gas coming from the lagoon. Upon information and belief, at least one person was transported to the hospital. At the request of MDEQ, Respondent began monitoring the site and



surrounding area for hydrogen sulfide gas. On or about July 21, 2020, the air monitors detected hydrogen sulfide gas at concentrations as high as 58 ppm near the lagoon, which exceeds the 10 minute-Emergency Exposure Guidance Level of 50 ppm. MDEQ has required Respondent to alter its operations to mitigate these occurrences.

MDEQ also received odor complaints and/or MDEQ staff noted strong odors coming from the Rankin County Wastewater Treatment Site on at least eleven occasions in 2020: May 8, June 11, June 18, July 13, July 20, July 31, August 3, August 24, August 26, August 27, and September 8. On August 12, 2020, MDEQ issued a Notice of Violation for violation of the nuisance odor regulation (11 Miss. Admin. Code, Pt. 2, Ch. 4). In addition, MDEQ has received complaints of an increase in flying insects around the lagoon and surrounding properties. None of the above enforcements have been fully resolved.

Finally, on August 30, 2020, the Mississippi Emergency Management Agency notified MDEQ that Respondent had released approximately 418,000 gallons of wastewater from the Rankin County Wastewater Treatment Site. This release traveled onto neighboring properties and into nearby creeks, resulting in a fish kill. On September 2, 2020, MDEQ issued a Water Contact Advisory for Dry Creek in Rankin County as a result of this discharge.

The events at the Rankin County Wastewater Treatment Site described above resulted in the following violations:

- A. Respondent did place or cause to be placed wastes in a location where they are likely to cause pollution of any waters of the state in violation of Miss. Code Ann. § 49-17-29(2)(a).
- B. Respondent did discharge wastewater from the facility into waters of the state in violation of condition T-2 of its State Operating Permit MSU218003.
- C. Respondent did have an unauthorized bypass in violation of condition T-13 of its State Operating Permit.
- D. Respondent did apply wastewater during times of rainfall, when heavy rainfall was expected, or after soil had reached saturation in violation of condition T-1 of its State Operating Permit.
- E. Respondent failed to operate its land application system in accordance with the Land Application Plan in violation of condition T-2 of its State Operating Permit.

F. Respondent failed to operate properly its aerators for a period of eight months in violation of condition T-9 of its State Operating Permit.

G. Respondent failed to halt, reduce or otherwise control discharge of wastewater into the lagoon when the primary source of power to the aerators was unavailable in violation of condition T-15 of its State Operating Permit.

H. Respondent has failed to control odors from the site in violation of 11 Miss. Admin. Code Pt. 2, R. 1.3.C. and 11 Miss. Admin. Code Pt. 2, Ch. 4.

4.

Premises considered, the Executive Director finds that the Respondent is in violation of Miss. Code Ann. § 49-17-29, the conditions of its Permit as outlined above, 11 Miss. Admin. Code Pt. 2, R. 1.3.C. and 11 Miss. Admin. Code Pt. 2, Ch. 4. The Executive Director further finds Respondent has demonstrated an apparent inability or lack of willingness to comply with its Permit, as well as applicable laws and regulations, and the inability or lack of willingness to operate properly the permitted facility.

IT IS, THEREFORE, ORDERED, under the authority of Miss. Code Ann. § 49-2-13, that Respondent shall immediately **cease and desist** sending its wastewater to the Rankin County Wastewater Treatment Site until such time that MDEQ issues written approval for Respondent to resume disposal of Respondent's wastewater at the Site.

IT IS, THEREFORE, FURTHER ORDERED, under the authority of Miss. Code Ann. § 49-2-13, that Respondent shall not irrigate its wastewater at the Rankin County Wastewater Treatment Site without scheduling such irrigation activities and receiving approval from MDEQ's Environmental Compliance and Enforcement Division.

IT IS, THEREFORE, FURTHER ORDERED, under the authority of Miss. Code Ann. § 49-2-13, that Respondent shall, within two (2) weeks of the date of this Order, submit to MDEQ for review and approval a plan to profile the wastewater in the lagoon. This plan should address the constituents present in the lagoon and their concentrations at various locations and depths of the lagoon.

IT IS, THEREFORE, FURTHER ORDERED, under the authority of Miss. Code Ann. § 49-2-13, that Respondent shall, within two (2) weeks of the date of this Order, submit to MDEQ



for review and approval a vector control plan.

IT IS, THEREFORE, FURTHER ORDERED, under the authority of Miss. Code Ann. § 49-2-13, that Respondent shall, within two (2) weeks of the date of this Order, submit to MDEQ for review and approval a supplemental odor control plan. This plan should address additional measures that can be added to the system to eliminate nuisance odors (i.e., additional and/or different types of aerators/diffusers, chemical and/or biological additives, removal of wastewater from site, etc.).

IT IS, THEREFORE, FURTHER ORDERED, under the authority of Miss. Code Ann. § 49-2-13, that Respondent shall, within two (2) weeks of the date of this Order, install a depth marker in the lagoon as required by its Permit. The depth marker shall provide a visible indication of the available freeboard. In addition, Respondent shall, within two (2) weeks of the date of this Order, submit to MDEQ a drawing of the as-built lagoon indicating the estimated volume of the water contained in the lagoon at every foot of depth.

IT IS, THEREFORE, FURTHER ORDERED, under the authority of Miss. Code Ann. § 49-2-13, that Respondent shall maintain a sufficient freeboard, but at no time less than three feet, to ensure no discharge shall occur from the lagoon.

IT IS, THEREFORE, FURTHER ORDERED, under the authority of Miss. Code Ann. § 49-2-13, that the terms of Order No. 6805-17 remain in effect. Respondent shall not dispose of their wastewater at any facility located within the state of Mississippi that cannot demonstrate the ability to properly and legally process and dispose of such wastewater. Such demonstration shall include written approval from MDEQ explicitly approving disposal of Respondent's wastewater. Documentation of the proper disposal of such wastewater shall be maintained by the Respondent and submitted to MDEQ on the first day of each calendar month.

5.


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

6.

If aggrieved by this Order, Respondent may request a hearing before the Commission by filing a sworn petition with the Commission within thirty (30) days after the date of this Order by the manner set forth in Miss. Code Ann. § 49-17-41.

ORDERED, this the 11th day of September, 2020.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY:   
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CHRIS WELLS  
INTERIM EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT OF  
ENVIRONMENTAL QUALITY