



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

September 11, 2024

CERTIFIED MAIL #7019 1120 0000 4785 6339

Mr. Matt White
Amite BioEnergy LLC
1500 North 19th Street
Suite 501
Monroe, Louisiana 71201

**Re: Amite BioEnergy LLC, Wood Pellet Manufacturing Facility
Agreed Order No. 7354 24**

Dear Mr. White:

Enclosed you will find a copy of Agreed Order No. 7354 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 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 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,

A handwritten signature in blue ink that reads "Michelle Clark".

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

Enclosure
cc: Geoffrey Martin

Agency Interest No. 57796
ENF20240002

B/EFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7354 24

AMITE BIOENERGY LLC
1500 NORTH 19TH STREET, SUITE 501
MONROE, LOUISIANA 71201

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 Amite BioEnergy LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated March 14, 2023, June 21, 2023, and January 8, 2024, Respondent was contacted by Complainant and notified of the following alleged violations of Permit to Construct Air Emissions Equipment (PTC) No. 0080-00031 (the Permit) at its facility located at 1763 Georgia Pacific Number 2, Gloster, Mississippi in Amite County:

- A. Respondent exceeded the Rolling 12-Month Total Individual Hazardous Air Pollutant (HAP) limit of 9.0 tons per year (tpy) with respect to Methanol during the 12-month periods ending March 2022 to December 2023 and the Rolling 12-Month Total HAPs limit of 24.0 tpy during the 12-month periods ending April 2022 to November 2023 at Emission Point AA-000 (Facility-Wide) in violation of Condition 3.5.
- B. Respondent failed to timely conduct a subsequent performance test at Emission Point

AA-301 within twenty-five (25) months following the initial performance test conducted on July 7, 2021, in violation of Condition 5.8. The subsequent performance test was required to be conducted no later than August 31, 2023. Respondent conducted the performance test on October 13, 2023.

- C. Respondent failed to document, maintain, and provide the required inspection log records at Emission Points AA-300 and AA-400 for the period of March 9, 2021 to March 2023 in violation of Condition 5.18. MDEQ observed the required records maintained by Respondent from March 2023 to November 2023 during MDEQ's Compliance Evaluation Inspection on November 9, 2023.
- D. Respondent failed to monitor the effective life of the catalytic media in the regenerative catalytic oxidizer (RCO) no later than sixteen (16) months after initial startup as required by PTC No. 0080-00031; specifically, by failing to determine the apparent density (in grams per cubic centimeter) and percent saturation in violation of Condition 5.21. Respondent was required to conduct this analysis by November 1, 2022.

By letter dated January 24, 2024, Respondent submitted the results of the analysis required by Condition 5.21 of the Permit. The analysis was conducted on November 22, 2023.

By letter dated July 19, 2024, Respondent submitted the first half of 2024 Semiannual Monitoring Report required by the Permit. The report contained monthly HAPs totals emitted from Emission Point AA-000. The report demonstrated compliance with the limits required by Condition 3.5 from January 2024 through June 2024.

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 \$225,000.00. Respondent shall pay this penalty as follows:
 - 1. Respondent shall pay to MDEQ by corporate check, certified check or money order a penalty in the amount of \$150,000.00 within forty-five (45) days after

this Agreed Order has been executed by the MDEQ Executive Director or his designee (the “Effective Date”). The payment shall be submitted to:

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

2. In accordance with the provisions of this Agreed Order between Complainant and Respondent, Complainant shall allow Respondent credit as follows toward payment of the civil penalty in the amount of \$75,000.00:
 - i. Within one hundred twenty (120) days of the Effective Date, Respondent shall have retained a consultant and completed the design of a dust suppression screen to be installed on the southeast side of the facility’s property near the truck dump. The dust suppression screen shall be designed to reduce the escape of wind-borne small wood particles from the facility’s perimeter. Respondent shall submit the final design of the dust suppression screen to MDEQ at the address below:

Mississippi Department of Environmental Quality
Attn: Manager, ECED Enforcement Branch
P.O. Box 2261
Jackson, MS 39225
 - ii. Within three hundred (300) days of the Effective Date, Respondent shall have completed construction of the dust suppression screen in accordance with the final plans referenced herein. Respondent shall submit documentation of the project’s completion and the associated costs to MDEQ at the address provided in Section 2.A.2.i.
3. Respondent is responsible for the satisfactory completion of the project described in Section 2.A.2. above. Complainant will consider the project to be satisfactorily complete when Respondent has completed construction of the dust suppression screen in accordance with this Agreed Order and spent at least \$75,000.00.

4. If Respondent fails to complete construction of the dust suppression screen in accordance with Section 2.A.2., \$75,000.00 shall be immediately due and payable to MDEQ.
 5. Should the amount necessary for the project described in Section 2.A.2. be less than \$75,000.00, any balance remaining of the civil penalty shall be immediately due and payable to MDEQ.
- B. Respondent further understands and agrees that as part of the referenced settlement, Respondent shall comply with the following:
1. Any public statement, oral or written, in print, film or other media, made by Respondent referring to the project described in Section 2.A.2. of this Agreed Order shall include the following language: *“This project was completed in connection with the settlement of an environmental enforcement action taken by the Mississippi Department of Environmental Quality.”*
 2. Respondent shall not deduct any Supplemental Environmental Project expenditures from its state or federal income taxes or receive any state or federal credit for these expenditures as current operating expenses in 2024. Respondent may capitalize the SEP expenditures.

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.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth herein, Respondent does not admit any of the allegations listed above and

nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as the full resolution of the violations alleged above. The parties further agree that the Commission continues to assert that the matters set forth above were violations of the environmental laws, regulations and/or permits applicable to Respondent.

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.

ORDERED, this the 11th day of September, 2024.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 9 day of September, 2024.

AMITE BIOENERGY LLC

BY: 

MATT WHITE
SENIOR VICE PRESIDENT

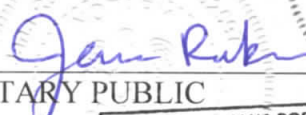
STATE OF Louisiana

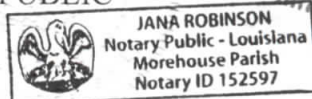
COUNTY OF Ouachita

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named MATT WHITE, who first being duly sworn, did state upon his oath and acknowledge to me that he is the SENIOR VICE PRESIDENT of AMITE BIOENERGY LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 9 day of September, 2024.


NOTARY PUBLIC



My Commission expires: life