1. When did the EPA take over operating the MPC facility?

On February 11, 2017, the EPA assumed temporary control and funding of wastewater treatment operations at the former Mississippi Phosphates Corporation (MPC) facility due to insufficient funding on the part of the MPC Environmental Trust, which owns the property.

2. Why did the EPA have to take this action?

MPC ceased fertilizer production at the facility in December 2014 after filing for Chapter 11 bankruptcy protection. Two entities were formed in 2015 as part of the bankruptcy: 1) An Environmental Trust to operate the wastewater treatment system and manage the gypstacks, and 2) a Liquidation Trust to market and sell the remaining real assets of the former facility.

Since October 2015, the Environmental Trust, under the direction of the Mississippi Department of Environmental Quality (MDEQ), has owned and operated the extensive gypstack system and the waste water treatment plant (WWTP) on a day-to-day basis. Similarly, in October 2015, the Liquidation Trust assumed control and ownership of the other portions of the former MPC facility, including the fertilizer production plants, commercial buildings, docks, and other marketable real estate. The purpose of the Liquidation Trust is to market and sell these marketable portions of the former MPC facility.

Prior to February 11, 2017, funding for the Environmental Trust came from a separate financial trust fund, originally established by MPC (and initially valued at about $11,500,000) and a one-time infusion of $500,000 from the State of Mississippi from the State's Pollution Emergency Fund. Those funds were exhausted by the Environmental Trust on February 10, 2017, and in order to continue wastewater treatment, the EPA Region 4 Superfund Removal Program assumed temporary control and funding of wastewater treatment operations at the facility.

3. What is difference between the way that the EPA operates wastewater treatment and how it was treated by the Environmental Trust?

With respect to wastewater treatment, nothing has changed operationally. EPA is employing the same contractor that operated the wastewater treatment system prior to February 11th.

4. How is the wastewater treated and how are the discharges monitored to ensure the environment is protected?

The existing mechanical wastewater treatment plant continues to run at the Site. The water is treated to reduce the nutrient loading and ammonia, and adjusted for pH before discharge. The system is monitored throughout the treatment process and water is discharged to Bayou Casotte after it meets existing permit requirements.

5. How much wastewater is stored on the property?

We estimate that about 700,000,000 gallons of wastewater is stored in the on-site ponds and ditches. Also, every one inch of rainfall generates about 9,000,000 gallons of rainwater that enters the ponds and ditches and must also be treated.

6. What is the objective of treating wastewater?

The EPA's overall objective is to treat enough water to maintain stable conditions at the Site to prevent the overtopping of the on-site ditches and ponds or a catastrophic breach of the pond/ditch system, while making preparations for long-term closure of the Site in the event that the facility is not acquired and returned to beneficial use. As it relates to water levels, under the former MPC facility permit, the target for water treatment was to maintain a site-wide surge capacity of 10.2"and a freeboard of 2.25'.

7. What is surge capacity?

Surge capacity is the amount of rainfall that the pond/ditch system can contain at any given time over the watershed of the system that does not impede into the safety freeboard.

8. What is freeboard?

Freeboard is a measure of how full the pond/ditch system is at any given time. For instance, a 2-foot freeboard means that a pond is within 2 feet of being completely full – 2 feet from the top. The Site has a permit implemented safety freeboard requirement of 2.25' to help prevent failures of pond/ditch system. This freeboard is associated with a 25 year, 24- hour rain event.

9. What is the current surge capacity and freeboard on the Site?

Current Surge Capacity is 2.3".

10. How much water are you treating now?

The actual daily amount varies. On average we treat wastewater at a rate of about 2,000,000 gallons per day.

11. Why can't you treat water more quickly?

The wastewater treatment plant at the Site originally built by MPC has a maximum treatment capacity of around 1.4 million gallons per day. However, additional treatment capacity has been gained by the Environmental Trust and EPA by treating directly into some of the on-site ponds and ditches (In-situ wastewater treatment plant).

12. What are the human health and environmental threats posed by the MPC Site?

The primary threat is that posed to Bayou Casotte (and Grand Bay) by a potential uncontrolled release of wastewater from the Site in the event of a breach or overtopping of one or more of the storage ponds. Prior to treatment, the wastewater at the facility contains elevated concentrations of ammonia and phosphate and is acidic (low pH). If a large volume of untreated wastewater was suddenly released to Bayou Casotte (i.e., an uncontrolled/catastrophic release) the pH could decrease in Bayou Casotte to toxic levels. Similarly, if a large volume of partially treated wastewater were to be released to surface water, the lowering of oxygen levels in the water (i.e., oxygen demand) could impact aquatic wildlife, or increase the risk of unionized ammonia toxicity.

13. Is the wastewater from the plant radioactive and, if so, what precautions are being taken to ensure the public and environment are protected?

Wastewater from the former MPC Site does contain slightly higher than background levels radium. The concentrations are well below human health and environmental risk standards. The discharged wastewater is sampled quarterly for isotopes to ensure the safety of the receiving waters of Bayou Casotte.

14. MPC had numerous releases/spills of wastewater in the past. What is the EPA doing to make sure that this will not happen in the future?

There are many reasons why releases of untreated or partially treated wastewater have occurred in the past. Most cases, including the more recent releases, were due to an unmanageable footprint. The facility can only hold so much water and if weather conditions exist to generate significant amounts of rainfall exceeding the surge capacity and freeboard safety requirements, releases may be needed to prevent catastrophic failures of the stack or berms. The EPA is drafting contingency plans with the help of MDEQ, the U.S. Coast Guard, and additional natural resource trustees to minimize and monitor any impacts to the receiving waters if a release of untreated or partially treated water does occur.

15. If there is a spill or release, will the community be notified and how?

Yes, we are currently drafting contingency plans which will include notification of the community and surrounding business if there is a release or spill.

16. How much is this costing?

The monthly amount varies, but approximately $800,000 to $1,000,000 per month is required to treat wastewater and maintain the ponds and ditches on the Site.

17. Where is this money coming from?

At this point, funding is coming from the EPA's Superfund program. The Superfund program is funded primarily through Congressional appropriations.

18. Why isn't MPC paying for this?

MPC is no longer a solvent, operating company capable of paying for water treatment at the Site. Due to its poor financial condition, MPC filed for Chapter 11 bankruptcy protection in October 2014. As part of the bankruptcy, the assets of MPC were divided into two Trusts. (1) An Environmental Trust to take title to the facility's gypsum stack system and wastewater treatment plant and fund response actions to the extent of its assets, and (2) a Liquidation Trust to market the sell the other valuable facility assets. Initially, the Environmental Trust was funded with approximately $11.5 million dollars which came from a financial assurance trust fund established by MPC. Due to the costs associated with treating on-site water, the Environmental Trust has become insolvent. Pending a successful sale of the Liquidation Trust property, additional funding may become available to the Environmental Trust.

19. What will eventually happen to the former MPC facility and property?

Ideally, the hope is that the property can be returned to productive and beneficial use by a company

that is capable of restarting fertilizer operations and running the plant in compliance with state and federal environmental laws. To that end, the EPA (with the U.S. Department of Justice) and MDEQ continue to work together with prospective purchasers regarding the sale of the facility. In parallel, the EPA has initiated the process to list the Site on the National Priorities List, which would provide funding through the Superfund Remedial Program to address long term environmental impacts. The measures taken by the EPA removal program are aimed at maintaining environmental stability at the MPC Site while these activities continue.

20. If the property is not sold, when will it go on the National Priorities List (NPL)?

The earliest the Site could be proposed to the NPL is in April of 2017. Once a site is proposed, EPA solicits public comment before the Site can be finalized on the list. The earliest the Site could be final on the NPL is September of 2017.

21. What would happen once the Site goes on the NPL?

Sites on the NPL are eligible to receive funding for a final, comprehensive cleanup action. There are intermediate steps prior to the cleanup, including Remedial Investigation/Feasibility Study (RI/FS) and Remedial Design. Assuming the availability of funding, EPA would start the RI/FS as soon as the Site is proposed to the NPL.