

2020 6712
Recorded in the Above
Deed Book & Page
06-25-2020 08:43:47 AM
Timothy A Keller
Hancock County

Instrument Prepared by
and Return to:

Balch & Bingham LLP
Attn: Mark E. Bond
MS Bar # 103992
1310 25th Avenue
Gulfport, MS 39501
(228) 864-9900

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

AFFIDAVIT OF WILLIAM V. CORK

AFFIANT:

William V. Cork, Chief Executive Officer
Hancock County Port and Harbor Commission
854 Highway 90
Bay St. Louis, MS 39520
(228) 467-9231

Indexing Instructions: Part of Lot 49, Parcel B of the Port Bienville
Subdivision Plat recorded in Plat Book 5, page 2 in the official land
records of Hancock County, Mississippi

AFFIDAVIT OF BILL CORK

STATE OF MISSISSIPPI

COUNTY OF HANCOCK

This date personally appeared before me, the undersigned authority at law in and for the jurisdiction aforesaid, the within named William V. Cork, who being by me first duly sworn according to law states on oath:

1. My name is William V. Cork. I am a resident of Mississippi, over the age of twenty-one and competent to make this affidavit. The facts in this affidavit are based upon my personal knowledge.

2. I am employed at the Hancock County Port and Harbor Commission ("HCPHC") as the Chief Executive Officer ("CEO").

3. In my capacity as CEO, I am familiar with the records of the HCPHC. Based upon my position, personal knowledge and my review of certain business records pertaining to this matter, I am familiar with the facts contained herein.

4. Hancock County, Mississippi owns real property at Port Bienville in Hancock County, Mississippi, which is known as the Former Calgon Coal Site. From time to time, this property is leased by HCPHC, acting for and on behalf of Hancock County, Mississippi, to third parties. This property is more specifically described as follows:

Part of Lot 49, Parcel B of the Port Bienville Subdivision Plat recorded in Plat Book 5, page 2 in the official land records of Hancock County, Mississippi.

5. The HCPHC had a Phase I Report completed for the Former Calgon Coal Site on March 21, 2019 and a Phase II Report completed for the Calgon Coal Site on June 10, 2019.

6. The Mississippi Department of Environmental Quality reviewed the Phase I and Phase II Reports and sent a letter to the HCPHC indicating that no further action is required at

the Former Calgon Coal Site at this time. This no further action letter has been attached hereto as Exhibit A.

7. I declare under penalty of perjury that the foregoing is true and correct.

Further affiant sayeth not.



William V. Cork

SWORN TO AND SCRIBED before me, this the 25th day of June, 2020.





Notary Public

EXHIBIT "A"

No Further Action Letter from MDEQ to HCPHC dated May 28, 2020 re Calgon Site



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

May 28, 2020

Mr. William V. Cork, CEO
Hancock County Port & Harbor Commission
14054 Fred and Al Key Rd.
Kiln, MS 39556

RE: Calgon Site
Port Bienville Phase I and Phase II Coal Pit Environmental Site Assessment
Hancock County

Dear Mr. Cork:

The Mississippi Department of Environmental Quality (MDEQ) has reviewed the above referenced reports. MDEQ requires no further action at this site at this time. If clean-up standards change or additional data becomes available, MDEQ will notify the appropriate parties for any additional investigation or remedial actions that may be necessary. Should a change in land use be pursued for residential use in the future, please contact MDEQ prior to any activities in the field. If you have any further questions, please contact me at 601-961-5240 or TWallace@mdeq.ms.gov.

Sincerely,

Thomas L. Wallace, P.E.
Branch Chief, GARD I



Hancock County
I certify this instrument was filed on
06-25-2020 08:43:47 AM
and recorded in Deed Book
2020 at Pages 6712 - 6716
Timothy A Kellar

June 10, 2019

Mr. Beau Gex
Port Director
Port Bienville
14054 Fred & Al Key Road
Kiln, MS 39556

RE: Cost Estimate and Scope of Work
Phase II Environmental Site Assessment
Calgon Coal Storage Site at Port Bienville

Dear Mr. Gex:

As requested, Cypress Environmental Science & Engineering hereby submits a proposal to perform a Phase II Environmental Site Assessment on the former Calgon coal storage site in Port Bienville, Mississippi, to determine if recognized environmental conditions exist onsite.

The proposal includes completion of a Phase II Environmental Site Assessment following ASTM E1903-11.

Cypress appreciates the opportunity to provide this proposal. If you have any questions or require additional information, please feel free to contact Marc Foster at 228-596-1580 or Cynthia Henderson at 228-596-2708.

Sincerely,



Cynthia J. Henderson, PE

Enclosures

PROPOSED SCOPE OF WORK

Cypress will provide professional services to perform the following:

- I. A limited ASTM E1903-II Supplemental Phase II Environmental Site Assessment on the approximately 3.7-acre Calgon coal Storage site in Port Bienville, Mississippi.

Task I: Phase II ESA

The study will be conducted and signed by a registered professional engineer licensed in the State of Mississippi. Field sampling will be supervised by a professional geologist licensed in the State of Mississippi. Field investigation methods will include soil sampling and groundwater sampling in areas designated as RECs during the previous Phase I investigation to investigate the previously identified RECs. Field investigations will occur according to the requirements of the standard. All methods will be documented per ASTM standards.

Sampling for this Phase II will include:

- (i) completion of two borings with soil sample collection on two-foot depth intervals to a depth of approximately 25 feet below ground surface (ft bgs) or until the first permeable water-bearing zone is encountered, with the borings converted to temporary monitor wells;
- (ii) soil sampling at three additional boring locations to an estimated depth of 10 ft bgs on two-foot depth intervals (e.g. 0-2, 2-4, 4-6, 6-8, and 8-10 ft bgs);
- (iii) surface soil sampling at five locations;
- (iv) groundwater sampling at the two temporary monitoring wells; and
- (v) borings and monitor well plugging and abandonment.

Boreholes will be completed utilizing a direct push technology (DPT) drilling rig. Soil samples will be collected, field-screened with a photoionization detector (PID) and logged to characterize the lithology of the soil. Cypress will subcontract a driller licensed in the state of Mississippi, to perform the borings and monitor well installations and plugging and abandonment services in accordance with MDEQ requirements.

Laboratory analysis will include:

- Polycyclic aromatic hydrocarbons (SW 846 Method 8270);
- Volatile organic compounds (VOCs; SW 846 Method 8260);
- Polychlorinated biphenyls (PCBs; SW 846 Method 8082) and
- Appendix III and IV (40 CFR 257) Constituents
 - Boron, calcium, antimony, arsenic, barium, beryllium, cadmium, chromium, cobalt, fluoride, lead, lithium, mercury, molybdenum, selenium, thallium (SW 846 Method 6020)
 - Chloride (SM 4500 CL-E; groundwater only)
 - Fluoride (EPA 300.0; groundwater only)
 - pH (EPA 150.1; groundwater only)
 - Sulfate (ASTM D516-90,02; groundwater only)
 - Total dissolved solids (TDS; SM2540C; groundwater only)

Soil cuttings from borings and purge water will be containerized and representative samples will be submitted for laboratory analysis for waste characterization and disposal. This cost estimate does not include disposal costs for investigation-derived waste, which will remain onsite until disposed of following characterization of the material.

PROVIDED BY CLIENT

- Access to the site and right-of-entry

PROJECT DELIVERY

Report will be delivered on a normal timeline.

- Task I: Phase II ESA will be delivered within 30 days from following receipt of laboratory results.

AUTHORIZATION TO PROCEED

Cypress will obtain your approval before proceeding with the proposed work. If this cost estimate meets with your approval, please sign the enclosed agreement. Retain one copy for your files and return the second copy to our office.

REPORTING, INVOICING, AND PAYMENT SCHEDULE

If you are in agreement with the proposed scope of work and payment schedule, please return one signed copy of this agreement to our office (contact information below signatures) and retain the other copy for your records. Upon receipt of authorization to proceed, Cypress will begin work.

This document constitutes a legal contract under the laws of the State of Mississippi. The undersigned parties have reviewed this document and agree to the scope of work to be provided and the terms of the contract.

PRICING

Task I: Total \$39,422

DATE: June 10, 2019

Cypress Environmental Science & Engineering



Cynthia Henderson, PE, PWS
President

DATE:

**Hancock County Port and Harbor
Commission**

CYPRESS

Environmental Science & Engineering

906 DeSoto St.

Ocean Springs, MS 39564

T: 228-596-2708 F: 800-507-6306

www.cypress-environmental.com

March 21, 2019

Mr. Beau Gex
Port Director
Port Bienville
14054 Fred & Al Key Road
Kiln, MS 39556

RE: Cost Estimate and Scope of Work
Phase I Environmental Site Assessment
Calgon Coal Storage Site at Port Bienville

Dear Mr. Gex:

As requested, Cypress Environmental Science & Engineering hereby submits a proposal to perform a Phase I Environmental Site Assessment on the former Calgon coal storage site in Port Bienville, Mississippi.

The proposal includes completion of a Phase I Environmental Site Assessment and USEPA All Appropriate Inquiries Rule following ASTM E1527-13.

Cypress appreciates the opportunity to provide this proposal. If you have any questions or require additional information, please feel free to contact Marc Foster at 228-596-1580 or Cynthia Henderson at 228-596-2708.

Sincerely,



Cynthia J. Henderson, PE

Enclosures

CYPRESS

Environmental Science & Engineering

906 DeSoto St.

Ocean Springs, MS 39564

T: 228-596-2708 F: 800-507-6306

www.cypress-environmental.com

PROPOSED SCOPE OF WORK

Cypress will provide professional services to perform the following ASTM E1527-13 Phase I Environmental Site Assessment and USEPA All Appropriate Inquiries Rule on:

- Approximate 3.7 acre portion of the Port Bienville Industrial Park site, formerly used as a coal transfer and storage location by Calgon

This cost proposal is based on the assumption that the site being investigated via a Phase I ESA is a portion of a single parcel and includes no more than one parcel number.

The study will be conducted and signed by a registered professional engineer licensed in the state of Mississippi. Field investigation methods will include auto and foot depending on individual parcel accessibility. Field investigations will occur according to the requirements of the standard. All methods will be documented per ASTM standards.

PROVIDED BY CLIENT

- Property owner contact information and/or a site manager knowledgeable about the site history and use
- Access to the site and right-of-entry
- GIS shapefiles delineating the parcel boundaries or a written statement that the maps developed by Cypress constitute the boundary of the property to be included in the Phase I ESA

PROJECT DELIVERY

Anticipated delivery of final product will be 60 days following receipt of the executed contract. Delivery will be via electronic files for the report and supporting documentation.

INSURANCE

Cypress carries \$2,000,000 aggregate in general and professional liability insurance. A certificate of insurance can be provided on request.

AGREEMENT AND AUTHORIZATION TO PROCEED
Phase I Environmental Site Assessment per ASTM E1527-13
Calgon coal site, Port Bienville, Mississippi

Reporting, Invoicing, and Payment Schedule

Cypress Environmental Services, LLC, (hereinafter referred to as Cypress), will invoice the project at project completion and submittal of the report.

All unpaid balances beyond 30 days after receipt of invoice will be subject to a finance charge at the maximum rate allowed by law. Client agrees to pay all fees incurred by Cypress for the collection of any unpaid balance, including without limitation, attorney's fees and all other reasonable costs for the collection process.

Authorization to Proceed

If you are in agreement with the proposed scope of work and payment schedule, please return one signed copy of this agreement to our office (contact information below signatures) and retain the other copy for your records. Upon receipt of authorization to proceed, Cypress will begin work in accordance with the project scope.

This document constitutes a legal contract under the laws of the State of Mississippi. The undersigned parties have reviewed this document and agree to the scope of work to be provided and the terms of the contract.

Delivery Schedule

Delivery time will occur in 60 days following receipt of an executed contract.

Cost

Cost: \$5845

DATE: 3/21/2019

Cypress Environmental Services, LLC



Cynthia Henderson, PE

DATE:

Name:

Project Manager

Title:

Email to: chenderson@cypress-environmental.com

Fax to: 800-507-6306

Mail to: Post Office Box 1168, Biloxi, MS 39533