

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

In re:)	
)	
MISSISSIPPI PHOSPHATES)	
CORPORATION, et al.)	CASE NO. 14-51667-KMS
)	Chapter 11
)	Jointly Administered
Debtors)	
_____)	

JOINDER OF THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY TO THE EMERGENCY MOTION OF THE UNITED STATES OF AMERICA, ON BEHALF OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, FOR AN EXTENSION OF THE DEADLINE FOR INVESTIGATION TERMINATION DATE, OBJECTIONS, AND CHALLENGE PERIOD UNDER INTERIM DIP ORDER. (Relates to Docket No. 391)

COMES NOW, the Mississippi Department of Environmental Quality (“MDEQ”), on behalf of the Mississippi Commission on Environmental Quality (“Commission”), and files this Joinder to the Motion of the United States for an Extension of Deadline for completing the investigation and for challenging or objecting to the validity, perfection, enforceability, or priority of the Agent’s and Pre-Petition Lenders’ security interests in and liens on the Pre-Petition Collateral or the amount and allowance of the Pre-Petition Indebtedness, or for otherwise asserting any claims or causes of action against the Agent or pre-Petition Lenders (a Challenge) until February 10, 2015. (Dkt# 391) (“Motion of the U.S.” or “Motion of the United States”).

1. As detailed in the Motion of the U.S., extremely voluminous documents have been produced, and continue to be produced, for inspection by MDEQ and the United States. More time is needed to review the tens of thousands of pages included in these documents to investigate and evaluate the validity and amount of the Pre-Petition Lenders’ claim and secured

status. Therefore, MDEQ joins the United States in its request for an extension of the challenge period by approximately 3 weeks to February 10, 2015.

2. MDEQ cannot review and evaluate information that it has not yet received and it is still reviewing materials that it received last week and just this week. It is not possible to complete our investigation to determine whether a challenge on any grounds is appropriate and to file such a challenge by January 19, 2015.

3. MDEQ is charged with regulatory responsibility to protect public health and the environment under state environmental statutes that pertain to Debtor's facility, including the Mississippi Air and Water Pollution Control Law (Miss. Code Ann. §§ 49-17-1, *et seq.*) and the Solid Wastes Disposal Law of 1974 (Miss Code Ann. §§ 17-17-1, *et seq.*). These statutes and similar statutes under federal law are designed, *inter alia*, to ensure that owners of facilities using hazardous substances or generating hazardous waste take necessary steps to protect the public and the environment from environmental hazards.

4. There are extensive environmental obligations and liabilities at Debtors' manufacturing facility that must be addressed in order to protect the environment, human health, and the public interest. Therefore, MDEQ has a strong interest in determining the validity of the Pre-Petition Lenders' asserted claim of \$58.2 million.

5. Accordingly, MDEQ respectfully requests that the deadline for challenges to the Agent's and Pre-Petition Lenders' security interests be extended to February 10, 2015.

PRAYER FOR RELIEF

WHEREFORE, MDEQ, on behalf of the Commission, joins in the Motion of the United States (Dkt # 391) and respectfully requests that the Court extend the deadline for MDEQ to complete its investigation and the challenge period under the Interim DIP Order to February 10,

2015. MDEQ also requests, if necessary, an emergency telephonic hearing be scheduled by no later than Friday, January 16, 2015.

RESPECTFULLY SUBMITTED, this the 14th day of January, 2015

By: /s/ Roy Furrh
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CERTIFICATE OF SERVICE

I certify that the foregoing pleading was filed electronically through the Court's ECF system and served electronically on all parties enlisted to receive service electronically.

SO CERTIFIED, this the 14 day of January, 2015.

/s/ Roy Furrh
Roy Furrh