



STATE OF MISSISSIPPI  
PHIL BRYANT  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
GARY C. RIKARD, EXECUTIVE DIRECTOR

April 1, 2015

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Ms. Amy Tuck, Vice-President for Campus Services  
Mississippi State University  
PO Box 5208  
Mississippi State, MS 397625208

**Re: Mississippi State University  
Agreed Order No. 6511 15**

Dear Ms. Tuck:

Enclosed you will find a copy of Agreed Order No. 6511 15, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, 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 Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Tyler Hardy at (601) 961-5154.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders".

Chris Sanders, P.E.  
Chief, Environmental Compliance and Enforcement Division

Enclosure  
cc: Tyler Hardy

Agency Interest No. 1080  
ENF20140002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6511 15

MISSISSIPPI STATE UNIVERSITY  
PO BOX 5208  
MISSISSIPPI STATE, MISSISSIPPI 39762-5208

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 Mississippi State University (MSU), Respondent, in the above captioned cause and agree as follows:

1.

By letter dated October 14, 2014, Respondent was contacted by Complainant and notified of the following violations at its facility located at 600 Russell Street, Mississippi State, MS in Oktibbeha County:

- A. Permit Condition 5.B.8 of Air Title V Operating Permit No. 2060-00038 requires Respondent to demonstrate compliance with carbon monoxide and nitrogen oxides emission limitations for Emission Point AA-005 while firing natural gas and separately while firing fuel oil by stack testing in accordance with EPA Reference Methods 10 and 20, respectively, once per permit term. Respondent conducted the required testing on Emission Point AA-005, a 13 Megawatt, gas or oil fired turbine. The results of the stack testing were in excess of the nitrogen oxides emissions limitation of Permit Condition 3.B.10 while burning natural gas and also while burning fuel oil. These exceedances are

violations of Permit Condition 3.B.10, which incorporates the nitrogen oxides emission standard of New Source Performance Standards, Subpart GG at 40 CFR 60.332(a)(2).

- B. The failed stack test was uncovered during a compliance evaluation inspection on July 10, 2014. Respondent failed to promptly provide notification of the above deviations. Notification of the May 1, 2014, deviations was submitted by letter dated July 31, 2014. This is a violation of Permit Condition 5.A.5, which requires notification within five (5) days of the time the deviation began.

The July 31, 2014, deviation report indicates that Emission Point AA-005 was shut down on May 1, 2014, following the failed tests, and was not restarted until the turbine manufacturer arrived onsite to begin evaluations and corrective actions in late May 2014. Performance testing was conducted on June 16, 2014, and the results showed compliance with the nitrogen oxides emission limitations.

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 \$9,500.00 for the matters addressed herein. The penalty shall be paid as follows:
1. Respondent shall pay by check or money order \$2,375.00 to MDEQ within forty-five (45) days after the date of this Agreed Order is executed by the MDEQ Executive Director or their designee (the "Effective Date"). Payment shall be submitted to the following address:  
  
Mississippi Department of Environmental Quality  
Attn: Jennifer Parish  
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 penalty in the amount of \$7,125.00. Respondent shall complete a Supplemental Environmental Project (SEP) which consists of replacing the cast iron boilers in Giles Hall and Etheredge Hall with three (3) new high efficiency condensing units. The projects shall be completed by May 31, 2015. Within thirty (30) days of completing the boiler replacement project proposed in the SEP, Respondent shall provide MDEQ with written documentation of the completion of the project, including receipts of purchase and installation.

- B. Any public statement, oral or written, in print, film, or other media, made by the Respondent making reference to the payment described in paragraph 2.A.2 above shall include the following language: "This contribution was made in connection with the settlement of an environmental enforcement action taken by the Mississippi Department of Environmental Quality."
- C. If Respondent fails to carry out either of the projects in the SEP described above in 2.A.2 or should the amount necessary for the projects in the SEP be less than \$7,125.00, any balance remaining of the civil penalty shall be immediately due and payable to MDEQ.

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.

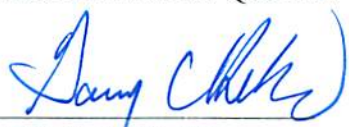
5.

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.

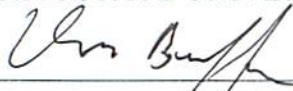
ORDERED, this the 1<sup>st</sup> day of April, 2015.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY:   
GARY C. RIKARD  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

MISSISSIPPI STATE UNIVERSITY

BY: 

TITLE: Don Buffum  
Director of Procurement & Contracts

STATE OF Mississippi  
COUNTY OF Choctaw

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Don Buffum who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Director of Procurement & Contracts of

Mississippi State University and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 23<sup>rd</sup> day of March, 2015.

Brandy L. Moss  
NOTARY PUBLIC

My Commission expires: August 15, 2015

