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

July 28, 2015

CERTIFIED MAIL 7010 1870 0003 4948 1830

Mr. Ashton Pearson
University Of Mississippi, The
PO Box 1848
University, MS 386771848

Re: University Of Mississippi, The
Agreed Order No. 6555 15

Mr. Pearson:

Enclosed you will find a copy of Agreed Order No. 6555 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 Thomas Tynes at (601) 961-5578.

Sincerely,

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

Enclosure
cc: Thomas Tynes

Agency Interest No. 13427
ENF20150003

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS. ORDER NO. 6555 15

UNIVERSITY OF MISSISSIPPI
PO BOX 1848
UNIVERSITY, MISSISSIPPI 38677-1848

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 the University Of Mississippi, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 23, 2015, Respondent was contacted by Complainant and notified of the following violations at its Oxford, MS campus in Lafayette County:

A. Title V Operating Permit No. 1420-00021, Condition 5.B.17 required a NOx and CO performance test to be conducted on at least one (1) unit from the group of Emission Points AA-001 through AA-003 and at least one (1) unit from the group of Emission Points AA-006 through AA-015. The tests were to be performed once per permit period and within eighteen (18) months of the permit issuance date. The permit was issued on September 19, 2011; therefore, the tests were to be conducted no later than March 19, 2013. As indicated in Respondent's letter dated May 2, 2014, NOx and CO testing was not conducted on a unit from AA-001 through AA-003, and NOx tested was not conducted on a unit from AA-006 through AA-015. On July 31, 2014, MDEQ received the final test report from the

delinquent NOx performance test conducted on Emission Point AA-006 on July 15, 2014. Failure to conduct testing on a unit from AA-001 through AA-003 and the late NOx testing of Unit AA-006 are violations of Condition 5.B.17. Emission Points AA-001 through AA-003 were decommissioned and rendered inoperable on April 28, 2014.

B. 11 Miss. Admin. Code Part 2 Chapter 2 Rule 2.5(D)(1) requires certification of construction upon completion of construction or installation of an approved stationary source or modification. By letter dated June 24, 2013, eight (8) boilers, each with a heat input of 8 MMBTUH, were approved under a minor modification submittal. On March 27, 2014, a compliance evaluation inspection found six (6) new boilers had been installed and were in operation. A subsequent file review revealed that a certification of construction form was not submitted for the six (6) new boilers. A certification of construction form for the boilers was received on March 12, 2015.

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 $13,300.00. The penalty shall be paid as follows:

1. Respondent shall pay by check or money order $5,800.00 to MDEQ within forty-five (45) days after the date 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 $7,500.00.

Respondent shall complete a Supplemental Environmental Project (SEP) which consists of upgrading the existing lighting system throughout the Martindale Student Services Building. The project shall be completed by December 31, 2015. Within thirty (30) days of completing the 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 the SEP project described in 2.A.2 or should the amount necessary for the project in the SEP be less than $7,500.00, 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 24TH day of JULY, 2015.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the _____ day of _____, 2015.

UNIVERSITY OF MISSISSIPPI

BY: ASHTON C. PEARSON

TITLE: DIRECTOR - FACILITIES MANAGEMENT

STATE OF MISSISSIPPI

COUNTY OF LAFAYETTE

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named ASHTON C. PEARSON who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the DIRECTOR- FACILITIES MANAGEMENT of University Of Mississippi and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 13th day of July, 2015.

Katherine Jones
NOTARY PUBLIC

My Commission expires: 4/13/2018

STATE OF MISSISSIPPI
NOTARY PUBLIC
ID # 108579
KATHERINE JONES
Commission Expires
April 13, 2018
YALOBUSHA COUNTY