



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

March 20, 2017

CERTIFIED MAIL #7010 0780 0001 9992 7237

Mr. Eric Pollan, Senior VP of Power Generation and Supply
Greenwood Utilities, Henderson Station
P O Box 866
Greenwood, MS 38935

**Re: Greenwood Utilities, Henderson Station
Agreed Order No. 6736 17**

Dear Mr. Pollan:

Enclosed you will find a copy of Agreed Order No. 6736 17, 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 "Tim Aultman".

Tim Aultman, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Tyler Hardy

Agency Interest No. 4007
ENF20160001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **6736 17**

GREENWOOD UTILITIES, HENDERSON STATION
PO BOX 866
GREENWOOD, MISSISSIPPI 38935

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 Greenwood Utilities, Henderson Station, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated November 6, 2014, Respondent was contacted by Complainant and notified of violations at 2107 West River Road Extended, Greenwood, Mississippi in Leflore County. Subsequently, additional violations were identified. The following is a list of all the violations being addressed by this action:

- A. Respondent exceeded the limit of Total Residual Chlorine daily max listed in their NPDES Permit No. MS0001058, which is 0.20 mg/l, for Outfall 001-A every monthly monitoring period from March 2012 through August 2014 and October 2014, excluding the monthly monitoring periods of July and November 2012 and October 2013.
- B. Respondent exceeded the maximum limit of pH listed in their NPDES Permit No. MS0001058, which is 9.0, for Outfall 001-A for the monthly monitoring period of June 2013. Respondent exceeded the limits of pH listed in their NPDES Permit

No. MS0001058, which is 9.0, for Outfall 003-A for the monthly monitoring periods of August and September 2014. Respondent exceeded the maximum limit of pH listed in their NPDES Permit No. MS0001058, which is 9.0, for Outfall 007-A for the monthly monitoring period of July 2013 and July 2015. Respondent exceeded the maximum limit of pH listed in their NPDES Permit No. MS0001058, which is 9.0, for Outfall 008-A for the monthly monitoring period of July 2015.

- C. Respondent exceeded the limit of Total Suspended Solids monthly average listed in their NPDES Permit No. MS0001058, which is 30 mg/l, for Outfall 005-A for the monthly monitoring period of June 2014. Respondent exceeded the limit of Total Suspended Solids monthly average listed in their NPDES Permit No. MS0001058, which is 30 mg/l, for Outfall 001-A for the monthly monitoring period of October 2014.
- D. Respondent exceeded the daily maximum limit and monthly average of Total Recoverable Zinc listed in their NPDES Permit No. MS0001058, which is 1.0 mg/l for both parameters, for Outfall 108-A (previously Outfall 008) for the monthly monitoring period of August 2015.
- E. Respondent exceeded the daily maximum limit and monthly average of Total Recoverable Chromium listed in their NPDES Permit No. MS0001058, which is 0.20 mg/l for both parameters, for Outfall 108-A (previously Outfall 008) for the monthly monitoring period of August 2015.
- F. Respondent violated Permit Condition No. S-5 of their NPDES Permit No. MS0001058 which requires oral notification to MDEQ within 24 hours after becoming aware of noncompliance, and to provide a written explanation of the noncompliance within 5 days. There is no record of the required notifications to MDEQ of any of the exceedances of the NPDES Permit No. MS0001058 listed above.
- G. Respondent conducted stack emissions testing on December 30, 2013, January 2, 2014, and January 7, 2014 for Emission Points AA-002, AA-005 through AA-012 which did not meet the requirements to retest for nitrogen oxides within 24

months of the previous testing. The test reports were submitted to MDEQ late (more than 60 days after the test date). Also, Emission Point AA-002 was not tested initially for nitrogen oxides within 18 months of permit issuance. These are violations of Permit Condition 5.B.5 of the Title V Operating Permit No. 1560-00048.

- H. Respondent conducted stack emissions testing on December 30, 2013, January 2, 2014, and January 7, 2014 for Emission Points AA-005 through AA-012 which did not meet the requirements to retest for carbon monoxide within 24 months of the previous testing. The test reports were submitted to MDEQ late (more than 60 days after the test date). These are violations of Permit Condition 5.B.65 of the Title V Operating Permit No. 1560-00048.
- I. Respondent conducted stack emissions testing on December 30, 2013, January 2, 2014, and January 7, 2014 for Emission Points AA-005 through AA-012 which did not meet the requirements to retest for particulate matter within 24 months of the previous testing. The test reports were submitted to MDEQ late (more than 60 days after the test date). Also, Emission Points AA-005 through AA-012 were not tested initially for particulate matter within 18 months of permit issuance. These are violations of Permit Condition 5.B.75 of the Title V Operating Permit No. 1560-00048.

The Respondent indicated through written and oral correspondence, including meetings and conference calls, that actions taken to correct the above noted non-compliance with the discharge limitations of NPDES Permit No. MS0001058 have been successful as demonstrated by subsequent discharge monitoring reports indicating compliance with those discharge 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 \$55,000. Respondent shall pay this penalty to MDEQ within forty-five

(45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality

Attn: Jennifer Parish

P.O. Box 2339

Jackson, MS 39225

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 17th day of MARCH, 2017.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 10th day of March, 2017.

GREENWOOD UTILITIES, HENDERSON STATION

BY: Eric Pollan

TITLE: SR VP GENERATION

STATE OF Mississippi

COUNTY OF Leflore

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Eric Pollan who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the SR, V/P Generation of Greenwood Utilities, Henderson Station and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 10th day of March, 2017.

Cathy L. Curry
NOTARY PUBLIC

My Commission expires: August 1, 2019

