



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

May 31, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. David Slone
Babcock and Wilcox Company, The
PO Box 1297
West Point, MS 397731297

**Re: Babcock and Wilcox Company, The
Agreed Order No. 6128 12**

Dear Mr. Slone:

Enclosed you will find a copy of Agreed Order No. 6128 12, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, 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 Mohammad Yassin at (601) 961-5195.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders", with a long horizontal flourish extending to the right.

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

Enclosure
cc: Mohammad Yassin

Agency Interest No. 1372
ENF20120003

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

ORDER NO.

6128 12

THE BABCOCK AND WILCOX COMPANY
PO BOX 1297
WEST POINT, MISSISSIPPI 39773-1297

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 Babcock & Wilcox Power Generation Group, Inc.,
formerly known as The Babcock and Wilcox Company, Respondent, in the above captioned
cause and agree as follows:

1.

By letter dated March 12, 2012 and April 4, 2012, Respondent was contacted by
Complainant and notified of the following violations at its facility located at 900 B & W Drive,
West Point, Mississippi in Clay County:

A. Condition S-2 of the Synthetic Minor Operating Permit No. 0480-00003:
*Except as otherwise specified herein, the permittee shall submit a certified annual
synthetic minor monitoring report, due annually, by the 31st of January for
preceding calendar year. This report shall address any required monitoring
specified in the permit. [APC-S-2 H.B(11)]*

Respondent submitted the annual monitoring report for 2010 on January 30, 2012. This
report was due on January 31, 2011.

B. Condition S-1 of the NPDES Permit No. MS0001953:

Monitoring results obtained during the previous reporting period shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1) POSTMARKED NO LATER THAN THE 28TH DAY OF THE MONTH FOLLOWING THE COMPLETED REPORTING PERIOD. Copies of these, and all other reports required herein, shall be signed in accordance with Chapter One Sections II.C. and II.E. of the Mississippi Wastewater Permit Regulations, and shall be submitted to the Mississippi Environmental Quality Permit Board at the following address:

*Mississippi Department of Environmental Quality
Office of Pollution Control*

P.O. Box 2261

Jackson, Mississippi 39225. [WPC-1 Chapter One Section IV.A(15)c(1)]

Respondent failed to sample and submit the quarterly Discharge Monitoring Report for the period of July - September 2011.

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 \$7,080. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality

Attn: Mona Varner

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.

The parties agree that Respondent does not, by executing this Agreed Order, admit liability for the violations alleged in Part 1 above. Complainant continues to assert that Respondent's acts and/or omissions constitute violations of applicable environmental laws, regulations and permits. This Agreed Order resolves only Respondent's liability for the violations and facts alleged in this Agreed Order, Part 1 above. 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.

6.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 29 day of May, 2012.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 23rd day of June, 2012.

BABCOCK & WILCOX POWER GENERATION GROUP, INC. (F/K/A THE BABCOCK AND WILCOX COMPANY)

BY: David Stone

TITLE: Plant Manager

STATE OF MS

COUNTY OF Clay

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named David Stone who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Manager of The Babcock and Wilcox Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 23 day of May, 2012.



Tiffany G. Allen
NOTARY PUBLIC

My Commission expires: _____



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

May 21, 2012

CERTIFIED MAIL: 7004 1160 0003 4139 3413

Mr. David Slone
Babcock and Wilcox Company
PO Box 1297
West Point, Mississippi 39773-1297

Re: Babcock and Wilcox Company
West Point, Clay County
Air-Synthetic Minor Operating Permit No. 048000003

Dear Mr. Slone:

Enclosed please find an Agreed Order that reflects our understanding of agreements reached to resolve certain environmental issues with your company.

If you concur with this Agreed Order, please sign the order before a Notary Public in the appropriate space and return the original water-marked order in the enclosed, self-addressed envelope to MDEQ Attn: Kim Smith, PO Box 2261 Jackson, MS 39225. Do not submit any penalty payment at this time. You will receive specific penalty payment instructions at a later date after the MDEQ Executive Director has executed the order.

If you have any questions, please contact me at (601) 961-5195.

Sincerely,

Mohammad Yassin, PhD, PE, BCEE
Metal and Metal Fabricators Branch
Chief Environmental Compliance and Enforcement
Division

Enclosure

Agency Interest No. 1372
ENF20120003

ECED