



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, INTERIM EXECUTIVE DIRECTOR

February 6, 2020

CERTIFIED MAIL #7012 2920 0000 4177 1610

Mr. James (Jim) Ward
Choctaw Generation Limited Partnership Red Hills Generation Facility
2391 Pensacola Road
Ackerman, MS 39735

**Re: Choctaw Generation Limited Partnership Red Hills Generation Facility
Agreed Order No. 7022 20**

Dear Mr. Ward:

Enclosed you will find a copy of Agreed Order No. 7022 20, which has been executed by the Interim Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, 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 Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Charity Rockingham at (601) 961-5722.

Sincerely,

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

Chris Sanders, P.E., BCEE
Director, Office of Pollution Control

Enclosure
cc: Charity Rockingham

Agency Interest No. 677
ENF20200001

OFFICE OF POLLUTION CONTROL
Post Office Box 2261 Jackson, Mississippi 39225-2261 · Tel: (601) 961-5171 · Fax: (601) 354-6612 · www.mdeq.ms.gov
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BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **7022 20**

CHOCTAW GENERATION LIMITED PARTNERSHIP
RED HILLS GENERATION FACILITY
2391 PENSACOLA ROAD
ACKERMAN, MISSISSIPPI 39735

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 Choctaw Generation Limited Partnership, Red Hills Generation Facility, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated May 15, 2019 and July 17, 2019, Respondent was contacted by Complainant and notified of the following violations of NPDES Permit No. MS0053881 at its facility located at 2391 Pensacola Road, Ackerman, Mississippi in Choctaw County:

- A. Violation of the Chloride (Cl) Monthly Average milligram per liter (mg/L) effluent limitations for February and May of 2019.
- B. Violation of the Chloride (Cl) Daily Maximum milligram per liter (mg/L) effluent limitations for February and May of 2019.

- C. Violation of the Total Recoverable Selenium Monthly Average milligram per liter (mg/L) effluent limitations for February and May of 2019.
- D. Violation of the Total Recoverable Selenium Daily Maximum milligram per liter (mg/L) effluent limitations for February and May of 2019.

By letter dated January 24, 2020, Respondent asserted that the facility is in compliance with NPDES Permit No. MS0053881. Additionally, Respondent plans to reduce the chance of future noncompliance by reducing the amount of ash contact water from flowing into the Ash Management Unit sedimentation basin.

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 \$18,750. 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: Accounts Receivable
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 6th day of February, 2020.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
INTERIM EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 5th day of February, 2020.

CHOCTAW GENERATION LIMITED PARTNERSHIP,
RED HILLS GENERATION FACILITY

BY: Keith J. Cuevas

TITLE: Plant Manager

STATE OF Mississippi

COUNTY OF Choctaw

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Keith J. Cuevas who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Manager of Choctaw Generation Limited Partnership, Red Hills Generation Facility and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 5th day of February, 2020.

[Signature]
NOTARY PUBLIC

My Commission expires: July 8, 2023

