



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

June 20, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Mike Myrick
Anderson Tully Lumber Company, Waltersville Lumber Mill
PO Box 38
Vicksburg, MS 39181

**Re: Anderson Tully Lumber Company, Waltersville Lumber Mill
Agreed Order No. 6279 13**

Dear Mr. Myrick:

Enclosed you will find a copy of Agreed Order No. 6279 13, 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 Chris Wells at (601) 961-5545.

Sincerely,

Chris Sanders
CS

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

Enclosure
cc: Chris Wells

Agency Interest No. 1536
ENF20120002

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY
COMPLAINANT

VS.

ORDER NO. 6 279 13

ANDERSON TULLY LUMBER COMPANY, WALTERSVILLE LUMBER MILL
PO BOX 38
VICKSBURG, MISSISSIPPI 39181

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 Anderson Tully Lumber Company, Waltersville Lumber Mill, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated October 30, 2012 and January 8, 2013, Respondent was contacted by Complainant and notified of alleged violations of its Air Title V Operating Permit (TVOP) No. 2780-00004. The following alleged violations were the result of MDEQ's review of emission test reports for emission unit AA-002, 94.8MMBTU/hr wood waste boiler, located at 1725 North Washington Street, Vicksburg, Mississippi in Warren County:

- A. Failure to comply with CO emission limitation (TVOP Condition 3.B.2), determined via stack test on July 30, 2012. The TVOP limitation for CO is 23.20 lbs/hr. (as established in the Permit to Construct issued May 24, 1988 and modified September 17, 1999). The average CO emissions for AA-002, during the non-compliant stack test performed on July 30, 2012, was 44.49 lbs/hr.

- B. Failure to demonstrate compliance in a timely manner (TVOP Condition 5.B.5). The facility was required to demonstrate compliance with submittal of a stack test by August 30, 2012. The test demonstrating compliance was received on November 14, 2012.**

2.

In lieu of a formal enforcement hearing concerning the alleged violations listed above, Complainant and Respondent agree to settle this matter as follows:

- A. Respondent shall pay, and Complainant shall accept, a civil penalty in the amount of \$50,000 in accordance with the following terms:**

- 1. Respondent shall pay \$39,500 by check or money order to the MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director. This payment shall be submitted to:**

**Mississippi Department of Environmental Quality
Attn: Mona Varner
P.O. Box 2339
Jackson, MS 39225**

- 2. Complainant shall hold in abeyance, and Respondent shall not be required to pay, the remaining penalty balance of \$10,500 (the “Abeyance Amount”), pending Respondent’s full compliance with the terms and conditions of paragraph 2.B. of this Agreed Order. Should Respondent fail to meet any of the agreed upon terms in paragraph 2.B., including any deadlines established in accordance therewith, the Abeyance Amount shall become immediately due and payable upon Respondent’s receipt of written notification from Complainant.**

- B. Respondent has agreed to make certain repairs and upgrades to the emission point**

AA-002 boiler to modernize it, make it more efficient and reduce air pollutant emissions from it. Respondent shall:

- 1) On or before December 31, 2013, implement the following repairs and upgrades to the emission point AA-002 boiler:
 - a. replace condensate tank with new tank with 50 % more capacity;
 - b. install new excess oxygen probe and transmitter; and
 - c. replace existing deaerator tank with new tank with greater allowable working pressure.
- 2) On or before December 31, 2014, install an upgrade to the existing boiler control system to a PC-based Wellons computerized boiler control system.
- 3) On or before March 1, 2015, provide MDEQ with verification and documentation of the implementation and/or installation of the repairs and upgrades listed in paragraphs 2.B.1 and 2.B. 2 above and that the value of such repairs and upgrades was no less than \$200,000.

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. Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 20 day of June, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 13 day of June, 2013.

ANDERSON TULLY LUMBER COMPANY

BY: Mike Myrick

TITLE: DIRECTOR HUMAN RESOURCES

STATE OF Mississippi

COUNTY OF Warren

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Mike Myrick who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Director Human Resources of Anderson Tully Lumber Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 13 day of June, 2013.

Sandra R. Oakes
NOTARY PUBLIC

My Commission expires: 10-10-2016

