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## Air Enforcement: Mississippi Commission on Environmental Quality and Naval Construction Battalion Center (Gulfport, Mississippi) Enter into Agreed Order

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The Mississippi Commission on Environmental Quality (“MCEQ”) and the Department of Navy – Naval Construction Battalion Center (Gulfport, Mississippi)(“Naval Center”) entered into a March 17th Agreed Order (“AO”) addressing alleged air violations.

The alleged violations occurred at the Naval Construction Battalion Center in Harrison County, Mississippi.

The alleged violations include:

- Failure to perform the required vapor balance testing and submit the Notification of Compliance as required in the Synthetic Minor Source Permit No. 1020-00080 Condition S-1 which states:

The permittee shall submit a Notification of Compliance Status to the applicable EPA Regional Office and the MDEQ, as specified in 40 CFR 63.13, within 60 days of the applicable compliance date.

- Failure to demonstrate initial compliance of the vapor balance system by achieving a 95% reduction as required in Synthetic Minor Source Permit No. 1020-00080, Designation AA-005, Condition T-9(1) which states:

The permittee shall demonstrate initial compliance by conducting an initial performance test on the vapor balance system to demonstrate that the vapor balance system achieves 95 percent reduction.

The Naval Center agrees to a civil penalty of \$60,000. However, the AO states that the settlement of the matter does not constitute an admission of liability in any administrative or judicial proceeding, nor shall evidence of settlement be admissible in any such proceeding. AO further states that settlement of the matter does not constitute or should be considered a waiver of federal sovereign immunity, or an admission of such a waiver, or an admission that the United States is liable to pay administrative or civil penalties or fines assessed by the Commission.

[A copy of the AO can be downloaded here.](#)