

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6896 18

BLUE MOUNTAIN PRODUCTION COMPANY
31 COUNTY ROAD 827
BLUE MOUNTAIN, MISSISSIPPI 38610

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 Blue Mountain Production Company, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated November 14, 2017, Respondent was contacted by Complainant and notified of the following violations of Title V Operating Permit ("TVOP") No. 2620-00003 discovered during a Compliance Evaluation Inspection (CEI) conducted on August 24, 2017 at the Taylor and Plant Property Mine facility located at 31 County Road 827, Blue Mountain, Tippah County, Mississippi:

- A. Failure to comply with Condition 5.D.1 (CAM plan for Emission Point AA-001):
The CAM plan for the facility's RVM dryer and scrubber requires that scrubber pressure-drop and water flow rate be monitored continuously.
"Active Factory" is utilized by the facility to achieve this continuous monitoring; however, the program was not functioning properly at the time of the CEI.
- B. Failure to comply with Condition 5.D.2 (CAM plan for Emission Points AA-002,

AA-003, AA-004, and AA-005): The CAM plan for the facility's four baghouses requires that the pressure differential across the baghouses be measured once daily. The CEI revealed that pressure drop readings could not be provided for June 2015 to August 2017, and continuous monitoring resumed September 18, 2017.

- C. Failure to comply with Condition 5.A.3 (Recordkeeping requirement): "Except where a longer duration is specified in an applicable requirement, the permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibrations and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit."

Respondent provided documentation dated December 7, 2017 and July 25, 2018 of changes implemented to address the above violations and asserts that the facility has returned to compliance with its TVOP No. 2620-00003.

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 \$44,875.00. 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 3rd day of OCTOBER, 2018.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 26th day of Sept., 2018.

BLUE MOUNTAIN PRODUCTION COMPANY, TAYLOR AND PLANT PROPERTY MINE

BY: Tracy Smithy

TITLE: Plant MGR

STATE OF MS

COUNTY OF Tippah

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Tracy Smithy who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Mgr of Blue Mountain Production Company, Taylor and Plant Property Mine and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 26th day of September, 2018.

Rhonda K. Barnes
NOTARY PUBLIC

My Commission expires: June 21, 2020

