

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

6737 17

VS.

ORDER NO. 6737 17

DEPARTMENT OF THE NAVY
NAVAL CONSTRUCTION BATTALION CENTER
2401 UPPER NIXON AVENUE
GULFPORT, MISSISSIPPI 39501-5001

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 US Navy, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated December 21, 2015 and July 6, 2016, Respondent was contacted by Complainant and notified of the following violations at the Naval Construction Battalion Center in Harrison County:

- A. 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."
- B. 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”

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 settlement payment in the amount of \$60,000.00. Respondent shall pay this amount to MDEQ within ninety (90) 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: Jennifer Parish
P.O. Box 2339
Jackson, MS 39225

3.

Settlement of this matter shall not constitute an admission of liability in any administrative or judicial proceeding, nor shall evidence of settlement be admissible in any such proceeding. Furthermore, settlement of this matter shall not constitute or 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.

4.

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.

5.

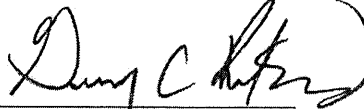
Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

6.

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

ORDERED, this the 17th day of MARCH, 2017.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 6th day of MARCH, 2017.

DEPARTMENT OF THE NAVY
NAVAL CONSTRUCTION BATTALION CENTER

BY: C M Hansen

TITLE: CAPT, CEC, USN
Commanding Officer, NCBC GULFPORT

STATE OF MS

COUNTY OF HANCOCK

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Cheryl Hansen who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Commanding Officer of US Navy and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 6th day of MAR, 2017.

Raymond D. Allen
NOTARY PUBLIC

My Commission expires: 1 May 2020

