



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

May 18, 2015

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. James Waits
Water Valley Poultry LLC
507 Lafayette Street
Water Valley, MS 38965

**Re: Water Valley Poultry LLC
Agreed Order No. 6524 15**

Dear Mr. Waits:

Enclosed you will find a copy of Agreed Order No. 6524 15, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, 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 Kenny LaFleur at (601) 961-5192.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders" with "for" written below it.

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

Enclosure
cc: Kenny LaFleur

Agency Interest No. 1081
ENF20150002

OFFICE OF POLLUTION CONTROL

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BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6524 15

WATER VALLEY POULTRY LLC
507 LAFAYETTE STREET
WATER VALLEY, MISSISSIPPI 38965

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 Water Valley Poultry LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 2, 2015, Respondent was contacted by Complainant and notified of the following violations at its facility located at 507 Lafayette Street, Water Valley, Mississippi, in Yalobusha County:

- A. Respondent violated the Total Ammonia Nitrogen discharge limitations of Pretreatment Permit No. MSP090177 during July, August, September, October, November, and December 2014.

2.

In lieu of a formal enforcement hearing concerning the violation(s) 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 \$45,500. Respondent shall pay \$22,750 to MDEQ within forty-five

(45) days after the date by which this Agreed Order has been executed by the MDEQ Executive Director (the "effective date"). The remaining balance of \$22,750 shall be paid to MDEQ within ninety (90) days after the effective date.

The settlement payments shall be submitted to:

Mississippi Department of Environmental Quality

Attn: Jennifer Parish

P.O. Box 2339

Jackson, MS 39225

- B. Respondent agrees to retain the services of a Professional Engineer, registered in Mississippi, to evaluate the performance of Respondent's wastewater treatment system and submit a report to Complainant by June 1, 2015 summarizing findings and recommendations to bring the system into compliance with the ammonia nitrogen discharge limitations. The engineer's recommendations shall include an implementation schedule for needed improvements.
- C. Upon review and written approval by Complainant, Respondent agrees to implement the engineer's recommendations. Respondent further agrees that the agreed upon implementation schedule shall become an enforceable part of this order.
- D. By March 31, 2016, Respondent shall have complied with the Total Ammonia Nitrogen effluent limitations in its NPDES permit for three (3) consecutive calendar months. Respondent shall demonstrate compliance through the submission of monthly Discharge Monitoring Reports (DMRs). Respondent agrees to a stipulated penalty payable to Complainant, due immediately upon notification from MDEQ, in the amount of \$10,000 in the event that Respondent fails to comply with this paragraph. Respondent shall also pay \$5,000 per month until compliance with this Paragraph is achieved.

3.

Until such time that Respondent demonstrates compliance with its NPDES permit limitations for Total Ammonia Nitrogen as per paragraph 2.D. above, but no later than March 31, 2016, Respondent shall comply with an interim monthly average limit of 40 mg/l and a

maximum daily average effluent limitation of 60 mg/l for Total Ammonia Nitrogen. During the period that the interim limitations are applicable, Respondent agrees to pay to Complainant a stipulated penalty of \$2,500 for each violation of an interim limitation.

4.

Notwithstanding the provision by this Agreed Order for stipulated penalties to accrue in certain circumstances, the Commission reserves the right to conduct a separate enforcement action concerning any violation by Respondent of this Agreed Order or of the laws or regulations within the jurisdiction of the Commission. If the Commission conducts a separate enforcement action concerning a violation for which stipulated penalties are provided in this Agreed Order, the Commission will be deemed to have waived the right to collect stipulated penalties in lieu of the right to conduct the separate enforcement action. In that separate enforcement action, the Commission may seek penalties, injunctive relief, or other appropriate relief different from or in the excess of the amount of stipulated penalties included in this Agreed Order, up to and including the statutory maximum penalty.

5.

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.

6.

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.

7.

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 15th day of MAY, 2015.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: Gary C. Rikard
GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 27 day of April, 2015.

WATER VALLEY POULTRY LLC

BY: James Waits

TITLE: Plant Manager

STATE OF MISSISSIPPI

COUNTY OF Yalobusha

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named JAMES WAITS who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the MANAGER of Water Valley Poultry LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 27 day of April, 2015.

Vivian S. Snider
NOTARY PUBLIC

My Commission expires: May 14, 2016

