



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

July 6, 2015

CERTIFIED MAIL 7010 1870 0003 4948 0109

Mr. John Brodowski
Mars Food US, LLC
1098 North Broadway
Greenville, MS 38701

**Re: Mars Food US, LLC
Agreed Order No. 6544 15**

Mr. John Brodowski:

Enclosed you will find a copy of Agreed Order No. 6544 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 William Rider at (601) 961-5184.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders".

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

Enclosure
cc: William Rider

Agency Interest No. 896
ENF20150002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6544 15

MARS FOOD US, LLC
1098 NORTH BROADWAY STREET
GREENVILLE, MISSISSIPPI 38701

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 Mars Food US, LLC, Respondent, in the above captioned cause and agree as follows:

1.

On September 26, 2014, Respondent provided MDEQ with information concerning Respondent's discovery of delays in performing stack testing on certain emission points (i.e., AC-007, AC-013, AC-014, AC-018, and AF-001) at Respondent's facility located at 1098 North Broadway Street, Greenville, Mississippi. Respondent indicated that based on this discovery testing had been scheduled for the emission points and the results would be submitted to MDEQ following completion of the testing. Respondent tested these emission points on September 29, 2014, through October 1, 2014, and on November 3, 2014. The stack test reports were submitted to MDEQ on December 24, 2014.

By letter dated January 27, 2015, Respondent was contacted by Complainant and notified of the following violation(s) at Respondent's facility located at 1098 North Broadway Street, Greenville, Mississippi:

- A. Failure to timely stack test emission points AC-007, AC-013, AC-014, AC-018, and AF-001 as required by Condition 5.B.5 of Title V Permit No. 2800-00113 issued on September 16, 2008.

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 \$38,000. Respondent shall pay this penalty to MDEQ within forty-five (45) 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

- B. Respondent shall stack test Emission Points AC-007, AC-013, AC-014, AC-018, and AF-001 as required in the Title V Permit No. 2800-00113 issued on August 9, 2013. These stack tests shall be performed no earlier than July 1, 2016, but prior to permit expiration on July 31, 2018. Stack test reports shall be submitted to MDEQ within 45 days of completion of stack tests, or by the expiration date of the permit, whichever is sooner.

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.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth herein, Respondent does not admit any of the allegations listed above and nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as the full resolution of the violations alleged above. The parties further agree that the Commission continues to assert that the matter set forth above were violations of the environmental laws, regulations, and/or permits applicable to Respondent.

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 1st day of JULY, 2015.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 19 day of JUNE, 2015.

MARS FOOD US, LLC

BY: [Signature]

TITLE: DIRECTOR OF MANUFACTURING

STATE OF MS

COUNTY OF WASH

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named JAIR COLE who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Director of Manufacturing of Mars Food US, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 19th day of June, 2015.

Matthew Hansell Chancery Clerk
NOTARY PUBLIC
By Matthew Spitz Clerk

My Commission expires: My Commission Expires January 1, 2016

