



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

March 31, 2016

CERTIFIED MAIL 7010 1870 0003 4948 4510

Mr. Keith Tollett
Peco Foods Inc
PO Box 319
Sebastopol, MS 39359

**Re: Peco Foods Inc
Agreed Order No. 6635 16**

Dear Mr. Tollett:

Enclosed you will find a copy of Agreed Order No. 6635 16, 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) 961-5682.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders".

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

Enclosure
cc: William Rider

Agency Interest No. 1029
ENF20150003

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY order
N

COMPLAINANT

VS.

ORDER NO. 6635 16

PECO FOODS INC.
PO BOX 319
SEBASTOPOL, MISSISSIPPI 39359

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 Peco Foods Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated June 17, 2015, Respondent was contacted by Complainant and notified of the following violations at its facility located at 15292 Mississippi Highway 21 South, Sebastopol, Mississippi in Scott County:

- A. Violations of NPDES Permit No. MS0002615, Outfall 001, for Total Nitrogen, Total Phosphorus, and Carbonaceous Biochemical Oxygen Demand (5-day). Violations began in March 2015, after Phase II limitations came into effect. Phase II limitations were placed in NPDES Permit No. MS0002615 to comply with TMDLs for Tuscolameta, Tallabogue, and Shockaloo Creeks.

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 \$10,000. 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. On or before May 15, 2016, Respondent shall complete construction of the capital improvements needed to comply with the total nitrogen and total phosphorus limitations of the NPDES Permit.
- C. On or before December 31, 2016, Respondent shall demonstrate compliance with the total nitrogen and total phosphorus limitations of the NPDES Permit for three consecutive calendar months. Respondent shall demonstrate compliance through the submission of monthly discharge monitoring reports.
- D. Respondent agrees to a stipulated penalty in the amount of \$25,000 in the event that Respondent fails to document three consecutive calendar months of compliance prior to December 31, 2016. Stipulated penalties shall be payable to Complainant, due within thirty (30) days of notification by MDEQ.
- E. Until Respondent restores compliance as specified in paragraph 2.C., but no later than October 1, 2016, the following interim limitations shall apply for total nitrogen and total phosphorus:

Pollutant	Loading Monthly Average	Loading Daily Max	Concentration Monthly Average	Concentration Daily Max
Total Nitrogen	621.5 lbs./day	932.3 lbs./day	68.5 mg/L	102.8 mg/L
Total Phosphorus	302.2 lbs./day	453.3 lbs./day	33.3 mg/L	49.9 mg/L

All other limitations, terms, and conditions for NPDES Permit No. MS0002615 shall remain in effect.

- F. Respondent agrees to pay a stipulated penalty to Complainant, due within thirty

(30) days of notification from MDEQ, in the amount of \$500 per violation of the interim limitations specified in paragraph 2.E. Stipulated penalties shall be payable to Complainant, due within thirty (30) days of notification by MDEQ.

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 30th day of MARCH, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 23 day of March, 2016.

PECO FOODS INC

BY: Charles Peacock

TITLE: Director of Processing

STATE OF Alabama

COUNTY OF Pickens

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Charles Peacock who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the DIRECTOR OF PROCESSING of Peco Foods Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 23 day of March, 2016.

Kathryn B. Dyer
NOTARY PUBLIC

My Commission expires: 8/9/17

MY COMMISSION EXPIRES 8/9/17





BY COMMISSION EXLIES ONLY