



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

May 17, 2016

CERTIFIED MAIL 7010 1870 0003 4946 9913

Mr. Mike Smith
Tyson Farms Inc.
3865 Highway 35 North
Carthage, MS 39051

**Re: Tyson Farms Inc.
Agreed Order No. 6646 16**

Dear Mr. Smith:

Enclosed you will find a copy of Agreed Order No. 6646 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) 961-5184.

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. 2443
ENF20160002

**BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY**

**MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY**

COMPLAINANT

ORDER NO. 6646 16

VS.

**TYSON FARMS, INC.
3865 HIGHWAY 35 NORTH
CARTHAGE, MS 39051**

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 Tyson Farms, Inc., Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates the Carthage Processing Plant (Carthage Plant) located at 3865 Highway 35 North, Carthage, Leake County, Mississippi. Respondent holds NPDES Permit No. MS0026140 for effluent discharges from its wastewater treatment operations at the Carthage Plant (referred to herein as "the NPDES Permit"). On October 1, 2015 and November 30, 2015, Respondent notified MDEQ of leaks from the anaerobic lagoon that contacted waters of the State in Pickens Creek. On February 1, 2016, MDEQ issued a notice of violation (NOV) to Respondent relating to the NPDES Permit violations caused by the unpermitted discharges of wastewater that had contacted waters of the state in Pickens Creek (referred to herein as "Unpermitted Discharges"). Respondent has since provided notification to MDEQ of additional Unpermitted Discharges.

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 \$65,000. Respondent shall pay this penalty to MDEQ within forty-five (45) days after the date of this Agreed Order has been executed by the MDEQ Executive Director or his designee (referred to herein as “the Effective Date”). The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
ATTN: Jennifer Parish
P. O. Box 2339
Jackson, MS 39225

- B. By May 2, 2016, Respondent shall submit to MDEQ the plans and specifications for modifications to the wastewater treatment operations at the Carthage Plant.
- C. The modifications to the wastewater treatment operations at the Carthage Plant as detailed in the plans and specifications submitted to MDEQ shall be completed by April 1, 2017.
- D. From and after the Effective Date until Respondent provides written confirmation to MDEQ that the modifications to the wastewater treatment operations at the Carthage Plant as detailed in the plans and specifications submitted to MDEQ have been completed, the following provisions apply:
- 1) Respondent shall monitor the perimeter of the anaerobic lagoon, as well as the waste pond and the storm water pond that are part of the wastewater treatment system at the Carthage Plant on a daily basis to locate any

potential additional Unpermitted Discharges. Respondent shall document each inspection and all findings.

- 2) Where Unpermitted Discharges are found or otherwise known to be occurring, Respondent shall install and maintain an engineered containment structure and pump system to prevent Unpermitted Discharges. The containment structure shall be of sufficient height, structural integrity, and permeability to prevent Unpermitted Discharges from and storm water intrusion into the containment structure. The pump system shall be adequately sized to handle any wastewater and/or comingled wastewater collected in the containment structure to prevent an Unpermitted Discharge. Containment structure and pump system details shall be provided to MDEQ by May 15, 2016.
- 3) In the event that physical limitations and/or safety reasons prohibit construction of a containment structure as described above, Respondent shall follow the recommendation of a third party engineer, registered in the state of Mississippi, as the most suitable alternative. A copy of the engineering report and recommendation shall be provided to MDEQ by May 15, 2016.
- 4) In the event of any additional Unpermitted Discharge from the wastewater treatment operations at the Carthage Plant, Respondent shall provide MDEQ with twenty-four (24) hour verbal notification, followed by a five (5) day written notification, from the date of discovery/occurrence.
- 5) Respondent shall provide MDEQ monthly written reports for each month that the modifications to wastewater treatment operations are ongoing at the Carthage Plant. The monthly report shall also contain a summary of inspection findings as required in Paragraph 2.D.1. of this Agreed Order.

The report shall be submitted on or before the seventh day of the following month.

3.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Complainant 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 Complainant 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. Section 49-17-31 and that it has made an informed waiver of that right.

ORDERED, this the 6th day of MAY, 2016.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

AGREED, this the 28th day of April, 2016

TYSON FARMS, INC.

By: *Kevin J. Iagi*
Title: SVP/Chief Environmental Officer

STATE OF ~~MISSISSIPPI~~ Arkansas

COUNTY OF Washington

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Kevin Iagi who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the SVP/Chief Environmental Officer of Tyson Farms, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 28th day of April, 2016.

Brandy S. Bildeback
NOTARY PUBLIC

My Commission Expires:
9/23/2024

