



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

April 20, 2017

CERTIFIED MAIL #7010 0780 0001 9992 7381

Mr. Dean Kiker
Freshwater Farms Products LLC
PO Box 850
Belzoni, MS 39038

**Re: Freshwater Farms Products LLC
Agreed Order No. 6748 17**

Dear Mr. Kiker:

Enclosed you will find a copy of Agreed Order No. 6748 17, 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) 961-5056.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Aultman".

Tim Aultman, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: William Rider

Agency Interest No. 1435
ENF20160001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6748 17

FRESHWATER FARMS PRODUCTS LLC
PO BOX 850
BELZONI, MISSISSIPPI 39038

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 Freshwater Farms Products LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated August 4, 2015, Respondent was contacted by Complainant and notified of the following violation at its facility located at 4554 State Highway 12 East, Belzoni, Mississippi in Humphreys County:

- A. Violation of NPDES Permit No. MS0048551, Outfall 001, for total phosphorus. Violation began in May 2015, after Phase II limitations came into effect. Phase II limitations were placed in NPDES Permit No. MS0048551 to comply with the TMDL for Selected Large Rivers in the Delta in the Yazoo River Basin. The TMDL is in the process of being re-evaluated which may result in a new Wasteload Allocation for Respondent, at which time a new permit will be issued with revised limits.

2.

In lieu of a formal enforcement hearing concerning the violation 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 \$5,000. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. The settlement payment shall be submitted to:

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

- B. Until a revised permit is issued, but no later than September 30, 2021, the following interim limitations shall apply for total phosphorus:

Pollutant	Monthly Average (lbs./day)	Daily Max (lbs./day)	Monthly Average (mg/L)	Daily Max (mg/L)
Total Phosphorus	73.1 lbs./day	109.6 lbs./day	60.0 mg/L	90.0 mg/L

- C. Notwithstanding Paragraph 2.B., all other limitations, terms, and conditions of NPDES Permit No. MS0048551 shall remain in effect.
- D. Respondent agrees to pay a stipulated penalty to Complainant in the amount of \$100 per violation of the interim limits specified in 2.B. 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

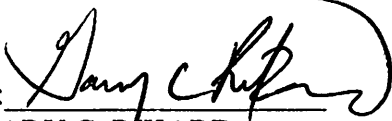
addressed herein and for future violations of environmental laws, rules, and regulations.

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 19th day of MARCH, 2017.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 17th day of April, 2017.

FRESHWATER FARMS PRODUCTS LLC

BY: 

TITLE: General Manager

STATE OF Ms

COUNTY OF Humphreys

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named DEAN KIKER who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the GENERAL MANAGER of Freshwater Farms Products LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 17th day of April, 2017.

David McMorrough
NOTARY PUBLIC

My Commission expires: _____

