



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

October 25, 2017

CERTIFIED MAIL #7010 0780 0001 9992 7480

Mr. James Faison
Mar Jac Poultry MS LLC
650 Ford Avenue
Jackson, MS 39209

**Re: Mar Jac Poultry MS LLC
Agreed Order No. 6802 17**

Dear Mr. Faison:

Enclosed you will find a copy of **Agreed Order No. 6802 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 Zach Savell at (601) 961-5192.

Sincerely,

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

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

Enclosure
cc: Zach Savell

Agency Interest No. 1091
ENF20170001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6802 17

MAR JAC POULTRY MS, LLC
650 FORD AVENUE
JACKSON, MISSISSIPPI 39209

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 Mar Jac Poultry MS, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated April 7, 2017, Respondent was contacted by Complainant and notified of the following alleged violation at its facility located at 1301 James Street, Hattiesburg, Mississippi in Forrest County:

- A. Violation of the Total Suspended Solids (TSS) monthly average limitations of Permit No. MSP090547 from June 2016 through May 2017.

Respondent installed a lime slurry system to maintain compliance with Pretreatment Permit No. MSP090547. MDEQ verified that the lime slurry system was implemented and working properly during a Compliance Evaluation Inspection that was conducted on September 5, 2017.

2.

The Respondent believes these exceedances were due to an ongoing problem with peracetic acid that is used during poultry processing to aid in improving food safety and to meet the current

USDA-FSIS Salmonella and Campylobacter Standards in sanitation.

3.

In lieu of a formal enforcement hearing concerning the alleged 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 \$15,750. 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

4.

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.

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.

7.

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 matters set forth above were violations of the environmental laws, regulations and/or permits applicable to Respondent.

ORDERED, this the 24TH day of OCTOBER, 2017.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 18 day of October, 2017.

MAR JAC POULTRY MS LLC

BY: James Faison (JAMES FAISON)

TITLE: Regulatory Compliance Manager

STATE OF Mississippi

COUNTY OF Hinds

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named James Faison who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Regulatory Compliance Manager of Mar Jac Poultry MS, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 18 day of October, 2017.

Brandon Jones
NOTARY PUBLIC

My Commission expires: May 12 2018

