



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

January 25, 2019

**CERTIFIED MAIL #7012 2920 0000 4177 0736**

Mr. Jared Istre  
Borden Dairy Company of Alabama LLC  
7572 US Highway 49 North  
Hattiesburg, MS 39402

**Re: Borden Dairy Company of Alabama LLC  
Agreed Order No. 6924 19**

Dear Mr. Istre:

Enclosed you will find a copy of Agreed Order No. 6924 19, 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 Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Charity Rockingham at (601) 961-5722.

Sincerely,

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

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

Enclosure  
cc: Charity Rockingham

Agency Interest No. 1082  
ENF20180005

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

**6924 19**

VS.

ORDER NO. \_\_\_\_\_

BORDEN DAIRY COMPANY OF ALABAMA, LLC  
7572 HIGHWAY 49 NORTH  
HATTIESBURG, MISSISSIPPI 39402

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 Borden Dairy Company of Alabama, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated August 7, 2018, September 6, 2018, October 8, 2018, and January 15, 2019, Respondent was contacted by Complainant and notified of the following violations of Pretreatment Permit No. MSP091493 at 7572 Highway 49 North in Hattiesburg, Mississippi 39402 in Forrest County:

- A. Violation of the 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>) Monthly Average milligram per liter (mg/L) effluent limitation for June, August, and September 2018.
- B. Violation of the 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>) Daily Maximum milligram per liter (mg/L) effluent limitation for June, August, and September 2018.

- C. Violation of the 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>) Monthly Average pounds per day (lbs/day) effluent limitation for June, August, and September 2018.
- D. Violation of the Total Suspended Solids (TSS) Monthly Average milligram per liter (mg/L) effluent limitations for June, July, August, and September 2018.
- E. Violation of the Total Suspended Solids (TSS) Daily Maximum milligram per liter (mg/L) effluent limitations for June, July, August, and September 2018.
- F. Violation of the Total Suspended Solids (TSS) Monthly Average pounds per day (lbs/day) effluent limitation for June, August, and September 2018.
- G. Violation of the Total Suspended Solids (TSS) Daily Maximum pounds per day (lbs/day) effluent limitations for September 2018.

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 \$18,750. 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: Accounts Receivable  
P.O. Box 2339  
Jackson, MS 39225

- B. On or before March 31, 2019, Respondent shall remove, collect, and dispose of a portion of the grease cap on the anaerobic lagoon.
- C. Respondent agrees to comply with the following interim limits for 5-Day Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS) beginning upon execution of this Agreed Order until April 30, 2019.

Pollutant	Monthly Average Loading Limit	Daily Maximum Loading Limit	Monthly Average Concentration Limit	Daily Maximum Concentration Limit
BOD <sub>5</sub>	1100 lbs/day	1100 lbs/day	900 mg/L	1000 mg/L
TSS	2000 lbs/day	2200 lbs/day	2300 mg/L	2500 mg/L

- D. Respondent agrees to comply with the following interim limits for 5-Day Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS) beginning May 1, 2019, until September 30, 2019.

Pollutant	Monthly Average Loading Limit	Daily Maximum Loading Limit	Monthly Average Concentration Limit	Daily Maximum Concentration Limit
BOD <sub>5</sub>	550 lbs/day	550 lbs/day	450 mg/L	500 mg/L
TSS	1000 lbs/day	1100 lbs/day	1150 mg/L	1250 mg/L

- E. During the times interim limits are applicable, Respondent agrees to pay and Complainant agrees to accept a stipulated penalty of \$250.00 per violation of an interim limit listed in Paragraphs 2.C. or 2.D., due within forty-five (45) days of written notification by MDEQ that such payment became due.
- F. Complainant and Respondent agree all other requirements of Pretreatment Permit No. MSP091493 shall remain in full force and effect during this time.

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 29<sup>th</sup> day of JANUARY, 2019.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the 17 day of January, 2019.

BORDEN DAIRY COMPANY OF ALABAMA, LLC

BY: Jared Istre

TITLE: Plant Manager

STATE OF Mississippi

COUNTY OF Forrest

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Jared Istre who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant Manager of Borden Dairy Company of Alabama, LLC and is authorized to sign and enter this Agreement.

\_\_\_\_\_ SWORN AND SUBSCRIBED BEFORE ME, this the 17 day of Jan, 2019.

John Hutchison  
NOTARY PUBLIC

My Commission expires: 05/09/2021

