



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, INTERIM EXECUTIVE DIRECTOR

August 17, 2020

CERTIFIED MAIL #7012 2920 0000 4177 1887

Mr. Rodger Chisolm
Heartland Catfish Company, Inc.
55001 Highway 82 West
Itta Bena, MS 38941

**Re: Heartland Catfish Company Inc.
Agreed Order No. 7062 20**

Dear Mr. Chisolm:

Enclosed you will find a copy of Agreed Order No. 7062 20, which has been executed by the Interim Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, 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 that reads "Michelle Clark".

Michelle Clark, P.E., BCEE, Chief
Environmental Compliance and Enforcement Division

Enclosure
cc: Charity Rockingham

Agency Interest No. 1218
ENF20200003

OFFICE OF POLLUTION CONTROL
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BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

7062 20

VS.

ORDER NO. _____

HEARTLAND CATFISH COMPANY, INC.
55001 HIGHWAY 82 WEST
ITTA BENA, MISSISSIPPI 38941

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Interim Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and Heartland Catfish Company, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letters dated December 19, 2019, February 13, 2020, and July 23, 2020, Respondent was contacted by Complainant and notified of the following violations of NPDES Permit MS0051098 at its facility located at 55001 Highway 82 West, Itta Bena, Mississippi in Leflore County:

- A. Violation of the 5-day Biochemical Oxygen Demand (BOD₅) Monthly Average milligram per liter (mg/L) effluent limitation for August 2019 and October 2019 through February 2020.
- B. Violation of the 5-day Biochemical Oxygen Demand (BOD₅) Monthly Average pounds per day (lbs/day) effluent limitation for October 2019 and February 2020.
- C. Violation of the 5-day Biochemical Oxygen Demand (BOD₅) Daily Maximum

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milligram per liter (mg/L) effluent limitation for October through December 2019, and February 2020.

- D. Violation of the Total Suspended Solids (TSS) Monthly Average milligram per liter (mg/L) effluent limitation for August through September of 2019.
- E. Violation of the Total Suspended Solids (TSS) Monthly Average pounds per day (lbs/day) effluent limitation for August through September of 2019.
- F. Violation of the Total Suspended Solids (TSS) Daily Maximum milligram per liter (mg/L) effluent limitation for September of 2019.
- G. Violation of the Total Suspended Solids (TSS) Daily Maximum pounds per day (lbs/day) effluent limitation for September of 2019.
- H. Violation of Fecal Coliform Daily Average effluent limitation for August 2019.
- I. Violation of Fecal Coliform Daily Maximum effluent limitation for August 2019.
- J. Violation of Total Phosphorus Yearly Average pounds per day (lbs/day) effluent limitation for 2019.
- K. Violation of Total Phosphorus Daily Maximum pounds per day (lbs/day) effluent limitation for 2019.
- L. Violation of Ammonia (as Nitrogen) Monthly Average milligrams per liter (mg/L) effluent limitation for January 2020.
- M. Violation of E. Coli effluent limitation for January 2020.

By letter dated June 2, 2020, Respondent outlined the corrective actions taken and reported that the facility is back in compliance with the permit limits of NPDES Permit MS0051098. In addition, on June 16, 2020, Respondent submitted a request for modification of NPDES permit MS0051098 to the Environmental Permits Division of MDEQ.

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 \$22,500.00. 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. Respondent agrees to comply with the following interim limits for 5-Day Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS) beginning upon execution of this Agreed Order until such time that the current NPDES Permit is modified by MDEQ.

Pollutant	Monthly Average Loading Limit	Daily Maximum Loading Limit	Monthly Average Concentration Limit	Daily Maximum Concentration Limit
BOD ₅	574 lbs/day	1150 lbs/day	98 mg/L	196 mg/L
TSS	1425 lbs/day	2750 lbs/day	243 mg/L	469 mg/L

- C. During the time interim limits are applicable, Respondent agrees to pay and Complainant agrees to accept a stipulated penalty of \$1,000.00 per violation of an interim limit listed in Paragraph 2.B., due within forty-five (45) days of written notification from MDEQ that such payment became due.
- D. Complainant and Respondent agree all other requirements of NPDES Permit No. MS0051098 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.

Notwithstanding the provision by this Agreed Order for stipulated penalties to accrue in certain circumstances, in the event Respondent fails, or refuses, to pay any stipulated penalty provided for in this Agreed Order, the Commission reserves the right to conduct a separate enforcement action concerning any violation by Respondent of this Agreed Order or of the laws or regulations within the jurisdiction of the Commission. If the Commission conducts a separate enforcement action concerning a violation for which stipulated penalties are provided in this Agreed Order, the Commission will be deemed to have waived the right to collect stipulated penalties in lieu of the right to conduct the separate enforcement action. In that separate enforcement action, the Commission may seek penalties, injunctive relief, or other appropriate relief different from or in the excess of the amount of stipulated penalties included in this Agreed Order, up to and including the statutory maximum penalty.

5.

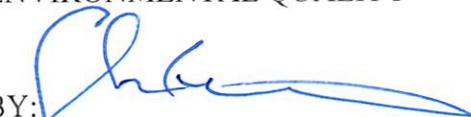
Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

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.

ORDERED, this the 17th day of August, 2020.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
INTERIM EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

AGREED, this the 12th day of August, 2020.

HEARTLAND CATFISH COMPANY, INC.

BY: Rodger Christen

TITLE: QA Director

STATE OF Mississippi

COUNTY OF Carroll

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Rodger Christen who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the QA Director of Heartland Catfish Company, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 12th day of August, 2020.

Pam M. Melton
NOTARY PUBLIC

My Commission expires: _____

