



STATE OF MISSISSIPPI  
HALEY BARBOUR  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Phil McClellan  
Prairie Livestock Inc  
PO Drawer 636  
West Point, MS 39773

**Re: Prairie Livestock Inc  
Agreed Order No. 5998 11**

Dear Mr. McClellan:

Enclosed you will find a copy of Agreed Order No. 5998 11, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, 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.  
Environmental Compliance and Enforcement Division

Enclosure  
cc: William Rider

Agency Interest No. 4107  
ENF20110002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 5998 11

PRAIRIE LIVESTOCK INC  
PO DRAWER 636  
WEST POINT, MISSISSIPPI 39773

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 Prairie Livestock Inc, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated February 27, 2011, and July 7, 2011, Respondent was contacted by Complainant and notified of the following violations at Respondent's facility located at Barton Ferry Road, West Point, Mississippi in Clay County:

- A. Respondent failed to maintain records for the Production Area in violation of Water-NDDDES Permit No. MS0048666 Condition R-1
- B. Respondent failed to submit timely renewal application in violation of Water-NPDES Permit No. MS0048666 Condition S-9

In a letter to Complainant dated May 3, 2011, Respondent alleged that it has designated an employee to be responsible for its compliance with the Water-NPDES Permit No. MS0048666 and has retained contract services to provide compliance assistance. Respondent

submitted a renewal application on July 11, 2011.

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 operate its facility in accordance with the terms and conditions of Water-NPDES Permit No. MS0048666 until the Mississippi Environmental Quality Permit Board or its designee acts on the permit renewal application.
- B. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$15,000.00. Respondent shall pay this penalty to MDEQ within forty-five (45) days after execution of this Agreed Order by the MDEQ Executive Director or her designee (the "Effective Date"). Payment shall be submitted to the following address:

Mississippi Department of Environmental Quality  
Att: Mona Varner  
P.O. Box 2339  
Jackson, MS 39225

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. Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 25 day of July, 2011.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 15 day of July, 2011.

PRAIRIE LIVESTOCK INC

BY: *Phil Micklan*

TITLE: V.P.

STATE OF MS

COUNTY OF Clay

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Phil Micklan who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Vice President of Prairie Livestock Inc and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 15<sup>th</sup> day of July, 2011.

*Theresa Denney*  
NOTARY PUBLIC

My Commission expires: 7/16/2012





STATE OF MISSISSIPPI  
HALEY BARBOUR  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

July 14, 2011

CERTIFIED MAIL 7008 3230 0001 9673 0515

Mr. Phil McClellan  
Prairie Livestock Inc  
PO Drawer 636  
West Point, Mississippi 39773

Re: Prairie Livestock Inc  
West Point, Clay County  
Water - NPDES Permit No. MS0048666

Dear Mr. McClellan:

Enclosed please find an Agreed Order that reflects our understanding of agreements reached to resolve certain environmental issues with your company.

If you concur with this Agreed Order, please sign the order before a Notary Public in the appropriate space and return the original water-marked order in the enclosed, self-addressed envelope to MDEQ Attn: Kim Smith, PO Box 2261 Jackson, MS 39225, no later than July 25, 2011. Do not submit any penalty payment at this time. You will receive specific penalty payment instructions at a later date after the MDEQ Executive Director has executed the order.

If you have any questions, please contact me at (601) 961-5050.

Sincerely,

A handwritten signature in black ink, appearing to read "Azzam Abu-Mirshid".

Azzam Abu-Mirshid, P.E.  
Chief, Agricultural Branch  
Environmental Compliance and Enforcement Division

Enclosure