



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

July 9, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Tim Milligan
Omega Protein Inc
5735 Elder Ferry Road
Moss Point, MS 39563

**Re: Omega Protein Inc
Agreed Order No. 6284 13**

Dear Mr. Milligan:

Enclosed you will find a copy of Agreed Order No. 6284 13, 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.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: William Rider

Agency Interest No. 1823
ENF20130001

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 284 13

OMEGA PROTEIN INC.
5735 ELDER FERRY ROAD
MOSS POINT, MISSISSIPPI 39563

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 Omega Protein Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated December 19, 2012, Respondent was contacted by Complainant and notified of violations at Respondent's facility located at 5735 Elder Ferry Road, Moss Point, Mississippi, into the Mississippi Gulf Coast Regional Wastewater Authority (MGCRA), Publicly Owned Treatment Works (POTW) and into the Escatawpa River.

2.

Review of Discharge Monitoring Reports submitted by Respondent pursuant to the terms and conditions of Pretreatment No. MSP091702 revealed that Respondent's discharge exceeded the limits of the Pretreatment Permit as follows:

October 2011: Respondent reported the daily maximum for BOD₅ as 1210 mg/L; a

deviation of 21% from the permitted limit of 1000 mg/L.

May 2012: Respondent reported the daily maximum for BOD₅ as 1630 mg/L; a deviation of 63% from the permitted limit of 1000 mg/L.

June 2012: Respondent reported the monthly average for BOD₅ as 1830 mg/L; a deviation of 83% from the permitted limit of 1000 mg/L.

July 2012: Respondent reported the monthly average for BOD₅ as 1130 mg/L; a deviation of 13% from the permitted limit of 1000 mg/L.

July 2012: Respondent reported the monthly average for BOD₅ as 616 lbs./day; a deviation of 3% from the permitted limit of 600 lbs./day.

3.

Review of Discharge Monitoring Reports submitted by Respondent pursuant to the terms and conditions of NPDES No. MS0002950 revealed that Respondent's discharge exceeded the limits of the NPDES Permit as follows:

May 2012: Respondent reported the daily maximum for ammonia nitrogen as 1047.33 lbs./day; a deviation of 86% from the permitted limit of 564 lbs./day.

May 2012: Respondent reported the monthly average for ammonia nitrogen as 398.2 lbs./day; a deviation of 41% from the permitted limit of 282 lbs./day.

June 2012: Respondent reported the daily maximum for ammonia nitrogen as 775.40 lbs./day; a deviation of 37% from the permitted limit of 564 lbs./day.

June 2012: Respondent reported the monthly average for ammonia nitrogen as 409.29 lbs./day; a deviation of 45% from the permitted limit of 282 lbs./day.

June 2012: Respondent reported the monthly average for BOD₅ as 1668.39 lbs./day; a deviation of 19% from the permitted limit of 1401 lbs./day.

June 2012: Respondent reported the daily maximum for BOD₅ as 3303.97 lbs./day; a deviation of 18% from the permitted limit of 2802 lbs./day.

July 2012: Respondent reported the monthly average for BOD₅ as 3298 lbs./day; a deviation of 135% from the permitted limit of 1401 lbs./day.

July 2012: Respondent reported the daily maximum for BOD₅ as 5148 lbs./day; a

deviation of 84% from the permitted limit of 2802 lbs./day.

July 2012: Respondent reported the monthly average for BOD₅ as 33 mg/L; a deviation of 1% from the permitted limit of 30 mg/L.

July 2012: Respondent reported the daily maximum for ammonia nitrogen as 928 lbs./day; a deviation of 65% from the permitted limit of 564 lbs./day.

July 2012: Respondent reported the monthly average for ammonia nitrogen as 679 lbs./day; a deviation of 141% from the permitted limit of 282 lbs./day.

July 2012: Respondent reported the monthly average for ammonia nitrogen as 6.72 mg/L; a deviation of 12% from the permitted limit of 6 mg/L.

August 2012: Respondent reported the minimum pH value of 6.5 s.u.; a deviation of 5% from the permitted limit of 6 0 s.u.

Respondent alleges the BOD₅ and ammonia nitrogen violations were due to problems associated with their wastewater processing equipment. New equipment, including an ammonia stripper, has been installed at Respondent's facility to improve the quality of the discharge water.

4.

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 \$20,000.00. Respondent shall pay this penalty to MDEQ within forty-five (45) days of 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

- B. Respondent shall immediately take all reasonable steps necessary to operate its

waste water treatment system(s) to comply with the effluent limitations of its Pretreatment Permit No. MSP091702 and NPDES Permit No. MS0002950 and achieve compliance with effluent limitations no later than September 1, 2013. Respondent shall demonstrate compliance with effluent limitations through submission of the required Discharge Monitoring Reports.

5.

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.

6.

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.

7.

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 9 day of July, 2013.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: 
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 26 day of JUNE, 2013.

OMEGA PROTEIN INC.

BY: TIM MILLIGAN

TITLE: GENERAL MANAGER

STATE OF MISSISSIPPI

COUNTY OF JACKSON

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Timothy Milligan who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the General Manager of Omega Protein Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 26 day of June, 2013.

Rita C. Jenkins
NOTARY PUBLIC

My Commission expires: July 12, 2016

