



# State of Mississippi

TATE REEVES  
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHRIS WELLS, EXECUTIVE DIRECTOR

November 9, 2023

**CERTIFIED MAIL #7019 1120 0000 4785 9439**

Mr. Jonathan McLendon  
M and M Processing LLC  
542 Bayview Avenue  
Biloxi, Mississippi 39530

**Re: M and M Processing LLC  
Agreed Order No. 7287 23**

Dear Mr. McLendon:

Enclosed you will find a copy of Agreed Order No. 7287 23, which has been executed by the 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 Geoffrey Martin at (601) 961-5024.

Sincerely,

A handwritten signature in black ink that reads "Michelle Clark".

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

Enclosure  
cc: Geoffrey Martin

Agency Interest No. 4799  
ENF20230003

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7287 23

M & M PROCESSING, LLC  
260 MAPLE STREET  
BILOXI, MISSISSIPPI 39530

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 M & M Processing, LLC, Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates a shrimp processing and packaging facility (Facility) located at 260 Maple Street in Biloxi, Mississippi. Respondent holds Pretreatment Permit No. MSP092445 which allows it to discharge process wastewater to the Harrison County Utility Authority's East Biloxi POTW.

By letters dated June 30, 2022, November 3, 2022, January 19, 2023, May 23, 2023, and October 24, 2023, Respondent was contacted by Complainant and notified of the following violations:

- A. Respondent failed to timely submit Discharge Monitoring Reports (DMRs) to MDEQ in violation of Condition No. S-2 of Pretreatment Permit No. MSP092445 which states, "Reporting: Monitoring results obtained during the previous reporting period shall be summarized and reported on a Discharge Monitoring Report (DMR).

DMR data must be submitted electronically using the MDEQ NetDMR NO LATER THAN THE 28TH DAY OF THE MONTH FOLLOWING THE COMPLETED REPORTING PERIOD [...]"

At the time of a Compliance Evaluation Inspection on May 18, 2022, Respondent had not yet submitted a monthly DMR to MDEQ since Pretreatment Permit No. MSP092445 was issued to Respondent on November 8, 2021.

- B. Respondent failed to timely submit Discharge Monitoring Reports (DMRs) to the Harrison County Utility Authority in violation of Condition No. T-1 of Pretreatment Permit No. MSP092445.
- C. Respondent exceeded the effluent Total Ammonia Nitrogen [as N] concentration monthly average limitation (10.2 mg/L) during the July 2021, August 2021, September 2021, November 2021, December 2021, March 2022, July 2022, August 2022, October 2022, December 2022, February 2023, and July 2023 monitoring periods.
- D. Respondent exceeded the effluent Total Ammonia Nitrogen [as N] concentration daily maximum limitation (30 mg/L) during the September 2021 and February 2023 monitoring periods.
- E. Respondent exceeded the effluent BOD, 5-day, 20 deg. C concentration monthly average limitation (264 mg/L) during the August 2021, September 2021, October 2021, November 2021, December 2021, January 2022, February 2022, March 2022, June 2022, July 2022, August 2022, October 2022, November 2022, December 2022, January 2023, February 2023, May 2023, and July 2023 monitoring periods.
- F. Respondent exceeded the effluent BOD, 5-day, 20 deg. C concentration daily maximum limitation (400 mg/L) during the August 2021, September 2021, October 2021, November 2021, December 2021, January 2022, February 2022, March 2022, June 2022, July 2022, August 2022, October 2022, November 2022, December 2022, January 2023, May 2023, and July 2023 monitoring periods.
- G. Respondent exceeded the effluent Total Suspended Solids concentration monthly average limitation (264 mg/L) during the September 2021 and November 2021 monitoring periods.
- H. Respondent exceeded the effluent Total Suspended Solids concentration daily

maximum limitation (400 mg/L) during the August 2021, November 2021, December 2021, and August 2022 monitoring periods.

- I. Respondent exceeded the Flow monthly average limitation (0.025 MGD) during the August 2021, September 2021, March 2022, and August 2022 monitoring periods.
- J. Respondent exceeded the Flow daily maximum limitation (0.0406 MGD) during the September 2021 and March 2022 monitoring periods.
- K. Respondent exceeded the maximum pH limitation (8.5 SU) during the December 2021 and May 2023 monitoring periods.

On or about August 31, 2023, Respondent submitted a Closure Plan for the Facility. Respondent asserted it would cease processing operations at the Facility on August 31, 2023. Respondent asserted the Facility would be used as a cold storage facility until all operations ceased on October 31, 2023.

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 \$14,500.00. 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 Closure Plan submitted on August 31, 2023.

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.

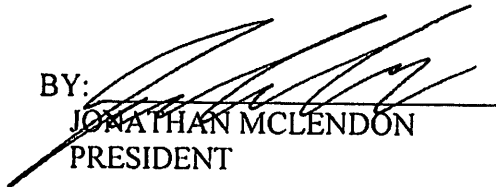
ORDERED, this the 8th day of November, 2023.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY:   
CHRIS WELLS  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

M & M PROCESSING, LLC

BY:   
JONATHAN MCLENDON  
PRESIDENT

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Jonathan McLendon, who first being duly sworn, did state upon his oath and acknowledge to me that he is the President of M & M Processing, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 6 day of NOVEMBER 2023.



  
NOTARY PUBLIC

My Commission expires: 6/5/26