

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7226 22

BFI WASTE SYSTEMS OF MISSISSIPPI, LLC  
1716 NORTH COUNTY LINE ROAD  
RIDGELAND, MISSISSIPPI 39157

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 BFI Waste Systems of Mississippi, LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letters dated September 30, 2021, October 5, 2021, and March 21, 2022, Respondent was contacted by Complainant and notified of the following alleged violations that were discovered during a Compliance Evaluation Inspection on February 3, 2021 and subsequent follow up inspections on September 13, 2021 and September 22, 2021 at Respondent's municipal solid waste disposal facility located in Ridgeland, Mississippi:

- A. 11 Miss. Admin. Code Pt. 2, R.1.3.C for failure to sufficiently maintain odorous emissions leading to a nuisance to the surrounding public;
- B. 40 CFR Part 60.11(d) (NSPS Subpart A) for failure to maintain gas wells;
- C. 40 CFR Part 60.755(c)(5) (NSPS Subpart WWW) for failure to implement an adequate program for cover integrity by failing to implement cover repairs timely;

- D. Condition No. E.25 of Solid Waste Management Permit No. SW04501A0238 for failure to promptly correct or remove areas of ponding and/or leachate outbreaks; and
- E. Condition No. E.28 of Solid Waste Management Permit No. SW04501A0238 for failure to direct uncontaminated surface water around and away from the developed area of the landfill.

2.

By letter dated November 5, 2021, Respondent asserted the alleged violations of Solid Waste Management Permit No. SW04501A0238 had been corrected.

By electronic mail correspondence on May 20, 2022, Respondent submitted the Gas Collection and Control System Compliance Plan (“Compliance Plan”) dated May 3, 2022, which was subsequently updated September 27, 2022. The Compliance Plan addresses wellhead monitoring, blower flare system monitoring, cover integrity inspections, Title V Permit compliance, and an odor mitigation plan.

3.

In lieu of a formal enforcement hearing concerning the alleged 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 \$99,000. 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 the execution of this Agreed Order, Respondent shall fully implement the Compliance Plan dated September 27, 2022. Respondent shall comply with the Compliance Plan for the entire term of the new Title V Operating Permit No. 1720-00023 upon issuance.

4.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth herein, Respondent does not admit any of the allegations listed above and nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order, which the parties agree shall serve as the full resolution of the violations alleged above. The parties further agree that the Commission continues to assert that the matters set forth above were violations of the environmental laws, regulations and/or permits applicable to Respondent.

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. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 14<sup>th</sup> day of November, 2022.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY: [Signature]  
CHRIS WELLS  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT  
OF ENVIRONMENTAL QUALITY

AGREED, this the 3 day of NOVEMBER, 2022.

BFI WASTE SYSTEMS OF MISSISSIPPI, LLC

BY: [Signature]

TITLE: V.P. AREA PRESIDENT

STATE OF Georgia

COUNTY OF Douglas

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named James S Amick Jr who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the V.P. Area President of BFI Waste Systems of Mississippi, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 3 day of November 2022.

[Signature]  
NOTARY PUBLIC

My Commission expires: Aug 20, 2023

