

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 7653 26

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 Notice of Violation letters dated March 7, 2023, June 21, 2023, and June 28, 2023, Respondent was contacted by Complainant and notified of the following alleged violations at its Little Dixie Landfill (the “Facility”), located at 1716 North County Line Road, Ridgeland, Mississippi in Madison County:

- A. Respondent failed to take all reasonable steps to minimize, prevent, and correct adverse impacts on human health and the environment resulting from noncompliance in violation of Condition D.3 of Solid Waste Management Permit No. SW04501A0238 (the “Solid Waste Permit”).
- B. Respondent failed to cover waste with at least six (6) inches of earthen material before the close of daily operations in violation of 11 Miss. Admin. Code Pt. 4, Ch. 1, R. 1.4.B.(2) and in violation of Condition E.19 of the Solid Waste Permit.
- C. Respondent failed to promptly repair ponding and leachate outbreaks in violation

of Condition E.25 of the Solid Waste Permit.

- D. Respondent failed to collect contaminated surface water and leachate that flowed off the Facility's property and dispose of it as leachate in violation of Condition E.30 of the Solid Waste Permit.
- E. Respondent discharged wastewater from the Facility to waters of the State of Mississippi in violation of Condition No. T-15 of State Operating Pretreatment Permit No. MSP090592 (the "Pretreatment Permit").
- F. Respondent failed to sufficiently contain odorous emissions from the Facility which has led to an ongoing nuisance to the surrounding public in violation of 11 Miss. Admin. Code Pt. 2, Ch. 1, R. 1.3.C.
- G. Respondent failed to fully implement the Gas Collection and Control System Compliance Plan dated September 27, 2022, in violation of Paragraph 3.B. of Agreed Order No. 7226-22.
- H. Respondent discharged stormwater from a sedimentation pond associated with a construction borrow pit without coverage under an appropriate stormwater permit in violation of Miss. Code Ann. § 49-17-29(2)(b).
- I. Respondent violated the Total Ammonia Nitrogen Daily Maximum discharge limitation of 20.9 pounds per day required by the Pretreatment Permit during a Compliance Monitoring Inspection conducted by Complainant on February 14, 2023.
- J. Respondent violated the Biochemical Oxygen Demand discharge limitations required by the Pretreatment Permit during the February and March monitoring periods in 2023.

By letter dated March 21, 2023, Respondent responded in writing to Complainant's March 7, 2023 Notice of Violation letter. Respondent asserted that corrective actions were taken to address alleged violations A, B, C, and D above. MDEQ verified that these corrective actions had been implemented during subsequent site inspections at the Facility,

By letter dated June 1, 2023, Respondent submitted to Complainant an application to modify its National Pollutant Discharge Elimination System Permit No. MSS057495 (the "NPDES

Permit") to include the unpermitted borrow pit. Respondent also submitted an updated Stormwater Pollution Prevention Plan ("SWPPP") which addressed the borrow pit.

By letter dated July 19, 2023, Respondent responded in writing to Complainant's June 21, 2023 Notice of Violation letter. Respondent asserted that corrective actions were taken to address alleged violation E above.

By the submittal of Discharge Monitoring Reports, Respondent has demonstrated compliance with the discharge limits required by the Pretreatment Permit since the March monitoring period in 2023.

By email dated September 30, 2025, Respondent submitted to Complainant a plan to install a permanent cap over a 20-acre portion of the landfill and to enhance the landfill's existing Gas Collection and Control System (GCCS) infrastructure. Respondent asserts that this project will reduce stormwater infiltration into the landfill and provide additional protection against the potential for gas or odor emissions.

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 \$250,000.00. Respondent shall pay this penalty as follows:

1. Respondent shall pay to MDEQ by certified check or money order a penalty in the amount of \$50,000.00 within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee (the "Effective Date"). The payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Accounts Receivable
P.O. Box 2339
Jackson, MS 39225

2. In accordance with the provisions of this Agreed Order between

Complainant and Respondent, Complainant shall allow Respondent credit as follows toward payment of the civil penalty in the amount of \$200,000.00:

- i. Within forty-five (45) days of the Effective Date, Respondent shall, as full and complete satisfaction of a Supplemental Environmental Project (SEP), submit to MDEQ a contribution to the Mississippi Diesel School Bus Replacement Program by certified check or money order in the amount of \$200,000.00 made payable to MDEQ.

The contribution shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Accounts Receivable
P.O. Box 2339
Jackson, MS 39225

3. Should Respondent fail to comply with Section 2.A.2. of this Agreed Order, \$200,000.00 shall be immediately due and payable to MDEQ as a civil penalty.
- B. In accordance with the provisions of this Agreed Order between Complainant and Respondent, Complainant asserts that the contribution described in Section 2.A.2. will be used by the Mississippi Diesel School Bus Replacement Program to implement diesel emissions reduction projects in accordance with the Diesel Emissions Reduction Act (DERA) of 2023.
- C. Respondent further understands and agrees that as part of the referenced settlement, Respondent shall comply with the following:
 1. Any public statement, oral or written, in print, film or other media, made by Respondent referring to the payment described in Section 2.A.2. of this Agreed Order shall include the following language: *“This contribution was made in connection with the settlement of an environmental enforcement action taken by the Mississippi Department of Environmental Quality.”*
 2. Respondent shall not deduct any Supplemental Environmental Project expenditures from its state or federal income taxes or receive any state or federal credit for these expenditures as current operating expenses in 2024.

Respondent may capitalize the SEP expenditures.

- D. By December 31, 2027, Respondent agrees to complete enhancements to the landfill's existing GCCS infrastructure within the approximate 20-acres, as delineated on Drawing 1 in Attachment 1 of this Order. Prior to commencing construction on these enhancements, Respondent shall submit to Complainant plans and specifications for the enhancements to the GCCS infrastructure which have been "certified to achieve comprehensive control of surface gas emissions" by a third-party professional engineer. (Ref.: 40 C.F.R. 60.759) Respondent shall complete the enhancements to the GCCS infrastructure in accordance with the plans and specifications certified by the third-party professional engineer. Within thirty (30) days of the completion of construction, Respondent shall submit written notification to Complainant.
- E. By December 31, 2027, Respondent agrees to complete final closure of the approximate 20-acres, as delineated on Drawing 1 in Attachment 1 of this Order. The final closure shall be completed in compliance with the most current and approved "Closure and Post-Closure Plan". Within (30) days of completing final closure, Respondent shall submit to Complainant a Construction Quality Assurance Report certifying the closure.
- F. The overall project schedule for the landfill enhancements is subject to delays caused by weather or other unforeseeable or uncontrollable circumstances beyond Respondent's reasonable control and without fault or negligence on the part of Respondent provided that Respondent exercised due diligence to prevent or mitigate the delay. In the event of such delay, Little Dixie shall notify MDEQ as soon as practicable and MDEQ shall not unreasonably withhold approval of an appropriate extension. Any approved delays shall not constitute a violation of the Agreed Order or otherwise.
- G. Respondent shall have the authority to make reasonable modifications to the Project scope as necessary to support site-specific conditions, logistical considerations, or other practical needs encountered during Project execution. Notification to MDEQ is required in the event of a material modification in design that would significantly change the overall Project plan, scope, or result in a permit modification.

3.

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.

4.

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.

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 13th day of January, 202.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

By: 
CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 12TH day of JANUARY, 2026.

BFI WASTE SYSTEMS OF MISSISSIPPI, LLC

BY: RHETT

TITLE: VICE PRESIDENT

STATE OF TENNESSEE

COUNTY OF WILLIAMSON

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Robert Latourette who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the VICE PRESIDENT of BFI Waste Systems of Mississippi, LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 12 day of JANUARY, 20216

Mary Steinkamp
NOTARY PUBLIC

My Commission expires: May 5, 2027



Attachment 1

Proposed Partial Closure Area Limits

