

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

6754 17

VS.

ORDER NO. _____

VICKSBURG WARREN COUNTY LANDFILL LLC
PO BOX 821238
VICKSBURG, MISSISSIPPI 39182

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 Vicksburg Warren County Landfill LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated August 21, 2015, Respondent was contacted by Complainant and notified of the following violations at the Warren County Landfill Class I rubbish site:

- A. Failure to provide earthen cover to the waste every two weeks as required by ACT 6, T-10 of Solid Waste Management General Permit No. SWGP – R1 - 085 (Permit) and 11 Miss. Admin. Code Pt. 4, R. 1.6.E (7) of the Mississippi Nonhazardous Solid Waste Management Regulations (Regulations);
- B. Failure to immediately remove unauthorized waste from the disposal area in violation of ACT 6, T-7 of the Permit and 11 Miss. Admin. Code Pt. 4, R. 1.6.E(5) of the Regulations;
- C. Failure to inspect each incoming load for unauthorized waste in violation of ACT 6, T-7 of the Permit and 11 Miss. Admin. Code Pt. 4, R. 1.6.E(5) of the Regulations;

- D. Failure to prevent the disposal of unauthorized waste in violation of ACT 6, L-2 of the Permit and 11 Miss. Admin. Code Pt. 4, R. 1.6.D of the Regulations; and
- E. Active working face appeared to be of larger size than practical in violation of ACT 6, T-11 of the Permit and 11 Miss. Admin. Code Pt. 4, R. 1.6.E(14) of the Regulations.

2.

Based on multiple inspections conducted by MDEQ since the August 21, 2015 letter, Respondent has returned to compliance at the Warren County Landfill Class I rubbish site.

3.

In lieu of a formal enforcement hearing concerning the violations listed above, Complainant and Respondent agree to settle this matter as follows:

Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$8,000. Respondent shall pay the first of two installments in the amount of \$4,000 to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director, or his designee (the "Effective Date"). Respondent shall pay the second installment in the amount of \$4,000 within ninety (90) days after the Effective Date. The settlement payment shall be submitted to:

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

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 11th day of MAY, 2017.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 10 day of May, 2017.

VICKSBURG WARREN COUNTY LANDFILL LLC

BY: Lewis Miller III Lewis Miller III

TITLE: Manager

STATE OF Mississippi

COUNTY OF Warren

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Lewis M. Miller III who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Manager of Vicksburg Warren County Landfill LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 10th day of May, 2017.

Vickie M. Newman
NOTARY PUBLIC

My Commission expires: June 13, 2017





STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

May 11, 2017

CERTIFIED MAIL #7010 0780 0001 9992 7435

Mr. Lewis Miller
Vicksburg Warren County Landfill LLC,
PO Box 821238
Vicksburg, MS 39182

**Re: Vicksburg Warren County Landfill LLC,
Warren County Landfill LLC Class I Rubbish Site
Agreed Order No. 6754 17**

Dear Mr. Miller:

Enclosed you will find a copy of Agreed Order No. 6754 17, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The first 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. All future installment payments should be mailed 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 Ethan Mayeu at (601) 961-5613.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Aultman".

Tim Aultman, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Ethan Mayeu

Agency Interest No. 17606
ENF20170001