

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

**7244 23**

ARDAGH METAL PACKAGING USA CORP.  
10800 MARINA DRIVE  
OLIVE BRANCH, MISSISSIPPI 38654

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 Ardagh Metal Packaging USA Corp., Respondent, in the above captioned cause and agree as follows:

1.

By letters dated June 10, 2022 and February 14, 2023, Respondent was contacted by Complainant and notified of the following violation of Title V Operating Permit No. 0680-00016:

- A. Condition 3.B.2: Respondent exceeded the Volatile Organic Compound (VOC) Rolling 12-Month Period limit of 249.0 tons per year (tpy) for the Entire Facility. Respondent exceeded the limit by 1.0% during the 12-Month Period ending March 2022 and by 1.4% during the 12-Month Period ending April 2022.

2.

By letter dated July 11, 2022, Respondent asserted that it returned to compliance with the VOC limit based on its June 2022 operating data. Respondent asserted that testing on April 27, 2022 resulted in an increased VOC capture efficiency.

3.

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 \$22,500.00. 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

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 12<sup>th</sup> day of April, 2023.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

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

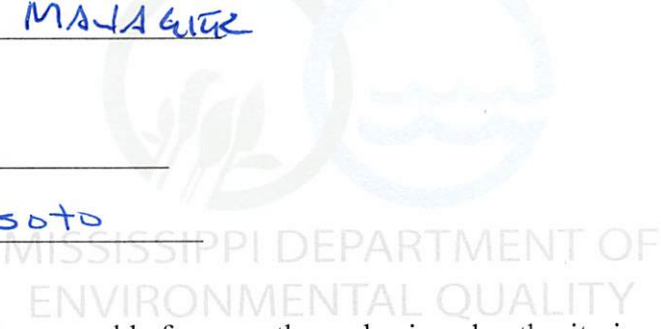
AGREED, this the 27 day of March, 2023.

ARDAGH METAL PACKAGING USA CORP.

BY: [Signature] JOHN CHESNUT  
TITLE: PLANT MANAGER

STATE OF MS

COUNTY OF Desoto



PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named John Chesnut who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Plant manager of Ardagh Metal Packaging USA Corp. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 27 day of March, 2023.



[Signature]  
NOTARY PUBLIC

My Commission expires: Jan 12, 2025