



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

April 2, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Dwayne Ballard
DDB Construction Company Inc, Ballard Pit and Madison South Class I Rubbish Site
PO Box 500
Clinton, MS 39060

**Re: DDB Construction Company Inc, Ballard Pit and Madison South Class I
Rubbish Site
Agreed Order No. 6239 13**

Dear Mr. Ballard:

Enclosed you will find a copy of Agreed Order No. 6239 13, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, 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 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 blue ink that reads "Chris Sanders".

Chris Sanders, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Ethan Mayeu

Agency Interest No. 12291
ENF20130001

OFFICE OF POLLUTION CONTROL

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BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

6 239 13

MADISON SOUTH RUBBISH LANDFILL, INC.
PO BOX 500
CLINTON, MISSISSIPPI 39060

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 Madison South Rubbish Landfill, Inc., Respondent, in the above captioned cause and agree as follows:

1.

On September 24, 2012, Complainant conducted an unannounced, routine site inspection at the Madison South Rubbish Landfill in Ridgeland, Madison County, Mississippi. As a result of the site conditions observed that day, Respondent was contacted by Complainant by way of a notice of violation (NOV) letter dated November 1, 2012 and notified of the following alleged violations:

- A. Condition E.16 of Solid Waste Management Permit SW0450020526 (the "Permit") and Section VI.D of the Mississippi Nonhazardous Solid Waste Management Regulations (the "Regulations") regarding the failure to prohibit the disposal of unauthorized waste.
- B. Conditions E.18 and E.19 of the Permit and Section VI.E.5 of the Regulations regarding the failure to properly inspect each waste load for unauthorized wastes and to

immediately remove unauthorized wastes from the load and/or disposal area.

2.

A subsequent inspection by MDEQ conducted on November 19, 2012 revealed that the Respondent appeared to have returned to compliance regarding the alleged violations listed above.

3.

In lieu of a formal enforcement hearing concerning the alleged violations listed above, Complainant and Respondent agree to settle this matter, without any admission of liability by Respondent, as follows:

Respondent agrees to pay, and Complainant agrees to accept, a compromised civil penalty in the amount of \$6,500.00. Respondent shall pay this penalty to MDEQ within thirty (45) days after execution of this Order by the Executive Director of MDEQ, or her designee.

4.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth in Paragraph 2 above, Respondent does not admit any of the allegations listed in Paragraph 1 of this Agreed Order 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 in order to settle the disputed violations listed above. The parties further agree that the Commission continues to assert that the violations alleged in Paragraph 1 of this Agreed Order did occur and the acts or omissions of Respondent constitute violations of the environmental laws, regulations and/or permits applicable to Respondent. 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 identified by MDEQ.

5.

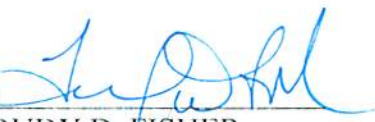
Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply only to those matters expressly resolved herein.

6.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 28 day of March, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 20th day of March, 2013.

MADISON SOUTH RUBBISH LANDFILL, INC.

BY: Dwayne Ballard

TITLE: President

STATE OF MS

COUNTY OF Madison

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Dwayne Ballard who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Madison South Rubbish Landfill, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 20th day of March, 2013.

Sherrill A. Sanders
NOTARY PUBLIC

My Commission expires: June 29, 2016

