



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

May 28, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Ms. Virginia Munford
Corlew, Munford & Smith PLLC
P. O. Box 16807
Jackson, MS 39236-6807

**Re: Riverbend Environmental Services LLC, Riverbend Environmental Services
Landfill
Agreed Order No. 6262 13**

Dear Ms. Munford:

Enclosed you will find a copy of Agreed Order No. 6262 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 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 Chris Wells at (601) 961-5545.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders".

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

Enclosure
cc: Chris Wells

Agency Interest No. 10186
ENF20130003

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 262 13

RIVERBEND ENVIRONMENTAL SERVICES LLC
PO BOX 99
FAYETTE, MISSISSIPPI 39069

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 Riverbend Environmental Services LLC, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated February 27, 2013, Respondent was contacted by Complainant and notified of the following violations:

- A. All solid waste did not receive the required six (6) inches of cover at the end of the previous working day in violation of Section IV.B.2 of the Mississippi Nonhazardous Solid Waste Management Regulations (the "Regulations") and Condition E.28 of Solid Waste Management Permit No. SW04501B0378 (the "Permit");
- B. Ponding of storm water and/or leachate was observed near the active disposal area in violation of Condition E.38 of the Permit.
- C. Leachate was observed flowing from the landfill into the onsite storm water sedimentation pond in violation of Section IV.B.9.a of the Regulations, NPDES Permit No. MSS058548, and Condition E.40 of the Permit.

- D. Excavation of solid waste without prior approval of MDEQ was conducted by the Respondent in violation of Section IV.B.18 of the Regulations.
- E. Daily readings of the depth of leachate over the liner system had not been completed in violation of Condition E.42 of the Permit.

2.

As documented through written correspondence provided by the Respondent at an administrative conference convened by MDEQ on March 19, 2013, and as confirmed during an inspection conducted by MDEQ on April 10, 2013, Respondent has taken the following actions to return to compliance:

1. Providing earthen cover over all solid waste observed during January 24, 2013, inspection and resuming the required daily cover of all solid waste;
2. Removing ponded storm water within the active disposal area;
3. Preventing leachate from leaving the permitted disposal area and entering the onsite storm water sedimentation pond;
4. The cessation of excavation of solid waste at the landfill; and
5. The resumption of daily readings of the leachate depth over the liner.
6. The implementation of key personnel changes to improve daily operations at the landfill.

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 total of \$46,800 as full a complete settlement of the violations listed above. Said sum shall be paid by certified check or money order as follows:

- A. Respondent shall pay the first of two installments in the amount of \$23,400 to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director, or her designee (the "Effective Date").

- B. Respondent shall pay the second installment in the amount of \$23,400 within ninety (90) days after the Effective Date.
- C. Settlement payments shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Mona Varner
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. Section 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 23 day of May, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 15th day of May, 2013.

RIVERBEND ENVIRONMENTAL SERVICES LLC

BY: Andrew Densing

TITLE: MANAGER

STATE OF Mississippi

COUNTY OF Adams

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named ANDREW DENING who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the MANAGER of Riverbend Environmental Services LLC, and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 15 day of May, 2013.

Laura Middleton
NOTARY PUBLIC

My Commission expires: April 16, 2016

