



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

October 10, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. James Schermerhorn
Talley Disposal LLC, Talley Disposal
4205 Beasley Road
Gautier, MS 39553

**Re: Talley Disposal LLC, Talley Disposal
Agreed Order No. 6339 13**

Dear Mr. Schermerhorn:

Enclosed you will find a copy of Agreed Order No. 6339 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 Ethan Mayeu at (601) 961-5613.

Sincerely,

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

Enclosure
cc: Ethan Mayeu

Agency Interest No. 6387
ENF20130003

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6339 13

TALLEY DISPOSAL LLC
4205 BEASLEY ROAD
GAUTIER, MISSISSIPPI 39553

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 Talley Disposal LLC, Respondent, in the above captioned cause and agree as follows:

1.

On March 6, 2013 and June 18, 2013, Complainant conducted unannounced site inspections at the Talley Disposal LLC Class I rubbish site in Vancleave, Jackson County, Mississippi. As a result of the site conditions observed those days, Respondent was contacted by Complainant by way of notice of violation (NOV) letters dated May 17, 2013 and July 15, 2013 and notified of the following violations:

- A. ACT6, Condition L-2 of Solid Waste Management General Permit No. SWGP-R1 (the "Permit") and 11 Miss. Admin. Code Pt. 4, R. 1.6.D of the Mississippi Nonhazardous Solid Waste Management Regulations (the "Regulations") regarding the failure to prohibit the disposal of unauthorized waste;
- B. ACT6, Condition T-7 of the Permit and 11 Miss. Admin. Code Pt. 4, R. 1.6.E(5) of the

Regulations regarding the failure to properly inspect each waste load for unauthorized wastes prior to unloading and disposal; and

- C. ACT6, Condition T-7 of the Permit and 11 Miss. Admin. Code Pt. 4, R. 1.6.E(5) of the Regulations regarding the failure to immediately remove unauthorized wastes from the disposal area.

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 shall employ sufficient personnel at the site to visually inspect each waste load upon arrival but prior to unloading. Incoming waste loads that contain significant amounts of unauthorized wastes shall be refused disposal.
- B. Respondent shall stage sufficient equipment and personnel at the site for detection and removal of unauthorized waste upon unloading but prior to pushing waste onto the working face, compaction, and final disposal. This and other such measures shall be employed to ensure that disposal of authorized waste is limited to such waste as described in 11 Miss. Admin. Code Pt. 4, R. 1.6.B and C of the Regulations.
- C. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$26,000. Respondent shall pay \$13,000 to MDEQ within forty-five (45) days and the remaining balance of \$13,000 shall be paid to MDEQ within ninety (90) days after this Agreed Order has been executed by the MDEQ Executive Director. The settlement payments shall be submitted as follows to:

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

3.

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.

4.

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.

5.

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 10 day of October, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 1st day of October, 2013.

TALLEY DISPOSAL LLC

BY: James Schermerhorn

TITLE: landfill Manager

STATE OF Mississippi

COUNTY OF Jackson

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named James Schermerhorn who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the landfill Manager of Talley Disposal LLC and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 1st day of October, 2013.

Courtney Seymour
NOTARY PUBLIC

My Commission expires: April 30, 2016

