



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

December 6, 2023

CERTIFIED MAIL #7019 1120 0000 4787 3909

Honorable William Truly
226 East Peace Street
Canton, Mississippi 39046

**Re: Canton, City of, Canton Sanitary Landfill
Agreed Order No. 7294 23**

Dear Honorable Truly:

Enclosed you will find a copy of Agreed Order No. 7294 23, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, 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 Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Geoffrey Martin at (601) 961-5024.

Sincerely,

A handwritten signature in black ink that reads "Michelle Clark".

Michelle Clark, P.E., BCCE, Chief
Environmental Compliance and Enforcement Division

Enclosure
cc: Geoffrey Martin

Agency Interest No. 4483
ENF20230001

OFFICE OF POLLUTION CONTROL

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AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

7294 23

VS.

ORDER NO. _____

CITY OF CANTON
226 EAST PEACE STREET
CANTON, MISSISSIPPI 39046

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 the City of Canton, Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and operates the Canton Sanitary Landfill, which is a solid waste management facility (the Facility) located at 303 Soldiers Colony Road, Canton, MS. Respondent was permitted to discharge stormwater from the Facility by NPDES Permit No. MSS058548 (the Permit), which was issued by the Mississippi Environmental Quality Permit Board (Permit Board) on November 14, 2017, and expired on October 31, 2022. Condition No. S-14 of the Permit required Respondent to submit an application (the Application) to the Permit Board for reissuance of the Permit at least 180 days prior to the expiration date of the permit. The permit expired on October 31, 2022; therefore, a renewal application was due on May 4, 2022.

On October 27, 2022, Respondent submitted an application for the reissuance of NPDES Permit No. MSS058548 to the Permit Board. The submittal of the Application occurred after the due date of May 4, 2022.

By letter dated November 16, 2022, Respondent was contacted by Complainant and notified of the following violation:

- A. Respondent is operating without a valid NPDES Permit in violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.1.B(2)(a), which states: “Any person discharging into waters of the State or to any publicly owned treatment works or operating a treatment works from which no discharge occurs, shall promptly make application for and obtain from the Permit Board a valid NPDES, UIC, or State permit according to procedures and deadlines set forth in these regulations.”

By letter dated December 1, 2022, MDEQ issued a Notice of Deficiency letter to Respondent following a review of the Application received on October 27, 2022. The letter requested a response by no later than January 9, 2023.

On or about April 3, 2023, Respondent submitted a revised Application to the Permit Board.

By letter dated April 10, 2023, MDEQ issued a Notice of Deficiency letter to Respondent following a review of the Application received on April 3, 2023. The letter requested a response by no later than April 28, 2023.

On October 31, 2023 and November 7, 2023, Respondent submitted a revised Application and Stormwater Pollution Prevention Plan (SWPPP). The November 7, 2023 submittal addressed the deficiencies noted in the April 10, 2023 Notice of Deficiency letter from MDEQ.

2.

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 \$3,750.00. 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

- B. Respondent agrees to comply with the terms and conditions of NPDES Permit No. MSS058548 that was issued on November 14, 2017, until the Permit Board acts on the Application received on November 7, 2023.

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 6th day of December, 2023.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 21st day of November, 2023.

CITY OF CANTON

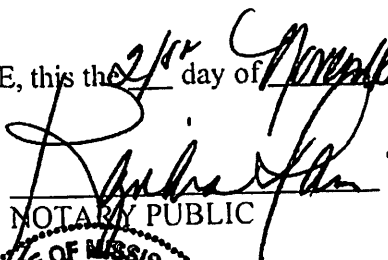
BY: 
HONORABLE WILLIAM TRULY
MAYOR

STATE OF Mississippi
COUNTY OF Madison

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named HONORABLE WILLIAM TRULY, who first being duly sworn, did state upon his oath and acknowledge to me that he is the MAYOR of the CITY OF CANTON and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 21st day of November 2023.

My Commission expires: May 13, 2024


NOTARY PUBLIC

