

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

7307 24

VS.

ORDER NO. _____

CITY OF JACKSON
219 S. PRESIDENT ST.
JACKSON, MS 39201

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

1.

On March 31, 2023, Respondent's contract for the curbside collection of residential garbage expired. Subsequently, on April 1, 2023, the Respondent ceased the curbside collection and disposal of residential garbage throughout the City of Jackson as required by Miss. Code §17-17-5. The curbside collection and disposal of residential garbage did not resume until April 19, 2023. By letter dated April 7, 2023, Respondent was contacted by Complainant and notified of the following violations:

- A. Miss. Code Ann. §17-17-5 regarding the failure to provide for the collection and disposal of residential garbage;
- B. Miss. Code Ann. §17-17-227 regarding the failure to implement the approved local solid waste management plan;
- C. Miss. Code Ann. §49-17-29(1)(a) regarding the placement of wastes in a location

likely to cause pollution of the air; and

- D. Miss. Code Ann. §49-17-29(2)(a) regarding the placement of wastes in a location likely to cause pollution of waters of the state.

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 agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$900,000. Respondent shall pay \$375,000 of this penalty to MDEQ as follows:

1. The first payment of \$187,500 to be paid within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee.
2. The second payment of \$187,500 to be paid within ninety (90) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee.
3. The settlement payment shall be submitted to:

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

- B. The remainder of the penalty amount totaling \$525,000 shall be held in abeyance for a period of two (2) years from the date of this Order pending compliance with this Agreed Order, Miss. Code Ann. §17-17-5 and Miss. Code Ann. §17-17-227. Should Respondent fail to comply with this Agreed Order or provide for the curbside collection of residential garbage within the City of Jackson in violation of Miss. Code Ann. §17-17-5 or Miss. Code Ann. §17-17-227 within this two (2) year period, the applicable penalty amount held in abeyance shall become immediately due and payable upon Respondent's receipt of written notification from MDEQ.

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.

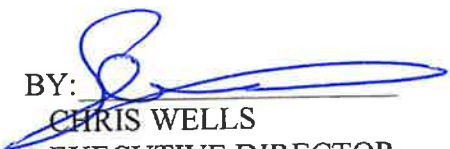
This Agreed Order shall completely dispose of all violations arising out of the City of Jackson's failure to perform curbside collection and disposal of residential garbage throughout the City of Jackson from April 1, 2023, to April 18, 2023, and as stated in the Notice of Violation dated April 7, 2023. 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 not based on or arising out of the failures to perform curbside collection and disposal of residential garbage from April 1, 2023, to April 18, 2023, 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 21st day of February, 2024.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 16th day of February, 2024.

CITY OF JACKSON

BY: Drew M. Martin

TITLE: City Attorney

STATE OF MISSISSIPPI

COUNTY OF HINDS

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Drew M. Martin who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the City Attorney of City of Jackson and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 16 day of February, 2024.

My Commission expires:

October 12, 2026

