



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Jeffrey W. Cown, Director

EPD Director's Office
2 Martin Luther King, Jr. Drive SE
Suite 1456, East Tower
Atlanta, Georgia 30334
404-656-4713

Dec 22, 2025

Mr. Dwight Caton
P.O. Box 1160
Amelia, LA 70340

RE: Consent Order No. EPD-SW-3021
Open Dumping - Paul King Road
Parcel No. 051 15 015
Berrien County, Georgia

Dear Mr. Caton:

This letter is to acknowledge receipt of your signed Consent Order. Enclosed is the final executed copy of the Consent Order.

If you have any questions concerning your compliance status, contact Ms. Lisa T. Myler, with the Southwest District Office, at (229) 430-4144.

Sincerely,

Jeffrey W. Cown

Jeffrey W. Cown
Director

Enclosure: Executed Consent Order
cc: EPD Southwest District Office

**STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

IN RE: Mr. Dwight Caton)
Paul King Road)
Parcel No. 051 15 015)
Nashville, Georgia) ORDER NO. EPD-SW-3021
Berrien County)
Respondent.)

CONSENT ORDER

Authority

WHEREAS, Mr. Dwight Caton (the “Respondent”) owns Parcel 051 15 015 located off of Paul King Road, Nashville, Berrien County, Georgia (the “Site”); and

WHEREAS, the Director (the “Director”) of the Environmental Protection Division of the Georgia Department of Natural Resources (“EPD”) administers and enforces the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 (the “Solid Waste Act”); and

WHEREAS, EPD administers and enforces the Solid Waste Management Rules, GA. COMP. R. AND REGS. 391-3-4 (the “Solid Waste Rules”), which were promulgated and are in effect pursuant to the Solid Waste Act; and

WHEREAS, the Solid Waste Act and the Solid Waste Rules make it unlawful to engage in solid waste handling except in such a manner as to conform to and comply with all applicable Rules, Regulations, and Orders established under the provisions of the Solid Waste Act; and

WHEREAS, Chapter 391-3-4-.01(80) of the Solid Waste Rules defines solid waste handling to mean the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities; and

WHEREAS, Chapter 391-3-4-.02(1) of the Solid Waste Rules prohibits any person from engaging in solid waste handling without a solid waste handling permit; and

WHEREAS, Chapter 391-3-4-.01(54) of the Solid Waste Rules defines an Open Dump as a disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment; and

WHEREAS, Chapter 391-3-4-.04(4)(c) of the Solid Waste Rules specifies under “Prohibited Acts” that no solid waste may be disposed of by any person in an open dump, nor may any person cause, suffer, allow or permit open dumping on his property; and

Civil Penalty

WHEREAS, O.C.G.A. § 12-8-30.6 provides that any person violating any provision of the Solid Waste Act, Solid Waste Rules, or negligently or willfully failing or refusing to comply with

any final order of the Director shall be liable for a civil penalty not to exceed \$25,000 per day for such violation; and

Background

WHEREAS, on September 5 2024, EPD received a complaint alleging open dumping of chicken litter, large trees, and soybean material at the Site; and

WHEREAS, on October 1, 2024, representatives of the EPD conducted an investigation at the Site, which revealed piles of soybean material, chicken litter, and tree debris; and

WHEREAS, on October 29, 2024, EPD conducted a joint site visit with the Georgia Department of Agriculture, which revealed the materials were brought onto the Site in July and August of 2024; and

WHEREAS, on November 12, 2024, EPD issued a Notice of Violation letter (NOV) to the Respondent for the violations documented during the investigations at the Site and requested all the chicken litter to be removed or land applied at agronomic rates within sixty (60) days of the dated letter; and

WHEREAS, on January 7, 2025, a representative of the EPD conducted a follow-up site visit at the Site, which revealed only half of the chicken litter had been removed, no soybean material had been moved, and the tree material had been mulched; and

WHEREAS, on March 11, 2025, EPD issued an NOV to the Respondent for failing to remove or land applied at agronomic rates all the chicken litter at the Site within sixty (60) days of November 12, 2024 NOV; and

WHEREAS, on May 1, 2025, a representative of EPD conducted a site visit that confirmed all the chicken litter at the Site had been removed; and

WHEREAS, on September 9, 2025, a representative of EPD requested records from the respondent demonstrating that seventy-five percent (75%) of the soybean material and tree debris had been sold, used, reused, or recycled during the 12-month period; and

WHEREAS, on September 17, 2025, representatives of EPD and representatives of Berrien County had a meeting with the Respondent at the Site to discuss a compliance plan. Records were not provided and EPD representatives were unable to discern if 75% of the material had been removed from the staging piles; and

Alleged Violations

WHEREAS, the Respondent does not have a Solid Waste Handling Permit and has been disposing of solid waste at the Site, which is in violation of the Solid Waste Rules Chapter 391-3-4-.02; and

WHEREAS, the Respondent accumulated waste at the site with no accurate documentation to demonstrate a known use, reuse, recycle, or sale potential, which is in violation of the Solid Waste Rules Chapter 391-3-4-.04(7).

Conditions

WHEREAS, the Director has determined that an amicable disposition of the alleged violations set forth herein is in the best interest of the citizens of the State of Georgia.

NOW THEREFORE, before the taking of any testimony and without adjudicating the merits of the parties' positions, the parties hereby resolve the allegations in this matter upon order of the Director and consent of Respondent as follows:

1. The Respondent shall, immediately upon execution of this Order, stop accepting additional waste at the Site and shall inform all parties who have hauled waste to the Site that waste must be taken to a permitted landfill.
2. The Respondent shall, within one hundred and eighty (180) days of the execution date of this Order, remove 100% of the waste at the Site and submit proof of proper disposal of the solid waste in the form of weight tickets, manifests, or landfill receipts.
3. The Respondent shall, within thirty (30) days of the execution date of this Order, pay the State of Georgia a monetary settlement of \$1,000.00, which will be regarded as a negotiated settlement.

Deadlines

Time is of the essence in this Consent Order. Compliance with any deadline that falls on a Saturday, Sunday or state-recognized holiday shall be by the next business day.

Addresses

All notices, correspondence, etc., from the Director and EPD to Respondent relating to this Consent Order shall be sent to:

Mr. Dwight Caton
P.O. Box 1160
Amelia, Louisiana 70340
dwight@marsrecylers.com

Respondent shall submit address changes to EPD in written notice sent by certified mail; such notice shall include this Order number.

All correspondence from Respondent to EPD relating to this Consent Order shall be sent to:

Ms. Lisa Myler
Southwest District Office
Environmental Protection Division
2024 Newton Road
Albany, Georgia 31701
lisa.myler@dnr.ga.gov

Public Notice

This Consent Order may be subject to public notice and comment.

Required Submissions

Upon the submission of any reports, plans, schedules, or other information required by any Condition(s) of this Consent Order, EPD shall review the submission to determine its completeness. If EPD determines that the submission is complete, EPD shall notify Respondent in writing that the submission is approved.

If EPD determines that the submission is incomplete, it shall provide Respondent with written notice of the deficiencies. Respondent shall have twenty (20) days from issuance of EPD's notice of deficiency to submit a corrected submission.

All submissions required by this Consent Order are, upon approval by EPD, incorporated by reference into, and made part of, this Consent Order. Any noncompliance with an approved submission shall be deemed noncompliance with this Consent Order.

Approval by EPD of any submission required by this Consent Order is not an agency determination that compliance with any state laws, regulations and/or permits, licenses, etc., will thereby be achieved, but is strictly limited to the completeness of the technical aspects of the submission with regards to the requirements of this Consent Order.

Force Majeure

Failure of Respondent to complete the requirement(s) of any Condition(s), other than payment obligations, by the deadline(s) specified therein may be excused by EPD if 1) Respondent's failure was caused by a force majeure event, and 2) Respondent complies with all notification requirements in this section. Respondent shall have the burden of proving to EPD that it was rendered unable, in whole or part, by the force majeure event to meet the deadline(s).

The term "force majeure event" as used herein shall be limited to the following: an act of war (whether declared or not), including an invasion, act of foreign enemies, or terrorism; a strike, lockout, or other labor or industrial blockade or embargo which is not attributable to any unreasonable action or inaction on the part of Respondent; public riot; specific incidents of exceptional adverse weather conditions or natural disasters such as a hurricane, flood, or earthquake; a fire or explosion affecting the Respondent's operations; failure to secure timely and necessary federal, state, or local approvals or permits, provided approvals or permits have been timely and diligently sought; and any other occurrence caused by unforeseeable circumstances beyond the reasonable control of Respondent, as determined by EPD in its sole discretion.

Within two (2) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall notify EPD verbally or in writing. Within seven (7) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall submit written notice to EPD of the force majeure event, the possible effects, and the anticipated length (if known) of any delay. EPD shall review the submission and negotiate with Respondent regarding the length of the proposed extension of deadlines, if any. The Respondent shall exercise due diligence and adopt all reasonable measures to avoid or minimize any delay.

Effect of Order

Respondent consents and the Director executes this Consent Order solely for the purpose of addressing the alleged violations set forth herein. This Consent Order does not relieve Respondent of any obligations or requirements of any statute, rules, permit, or other matter administered by EPD except as specifically authorized herein, which authorization shall be strictly construed. This Consent Order is not a finding, determination, or adjudication of a violation of any state laws, rules, standards and/or requirements, nor does Respondent by consenting to this Consent Order make any admission with respect to any factual allegation contained in this Consent Order or to any liability to any third party.

Unless modified or terminated by a subsequent order, or otherwise specified in writing by the Director, this Order shall be deemed satisfied and terminated upon full, complete, and timely performance of each and every condition set forth herein.

Further Enforcement

Failure by Respondent to comply with any provision of this Consent Order may result in further enforcement action. Issuance of this Consent Order does not waive the Director's right to use the violation(s) alleged herein, upon sufficient evidence, to show past violations in any subsequent enforcement proceeding.

Finality

For the purpose of enforcement, this Consent Order constitutes a final order of the Director in accordance with applicable Georgia law. By agreement of the parties, this Consent Order shall be final and effective immediately upon execution by the Director, shall not be appealable, and Respondent does hereby waive all administrative proceedings and judicial hearings on the terms and conditions of this Consent Order.

Electronic Signatures

The parties agree that any electronic signatures on this Consent Order constitute original, valid signatures pursuant to the Uniform Electronic Transactions Act, O.C.G.A. § 10-12-1 *et seq.*

It is so ORDERED and CONSENTED TO on the following date Dec 22, 2025.

For the Georgia Environmental Protection Division:

By: Jeffrey W. Cown
Jeffrey W. Cown, Director

For Respondent: Mr. Dwight Caton

By: [Signature]

Printed
Name: Dwight J. Caton

Title: president