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Transportation/Transfer Facility/Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Mississippi Company Enter into Consent Agreement

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The United States Environmental Protection Agency and Luxapalila Valley Railroad, Inc. ("LVR") entered into a December 6th Consent Agreement ("CA") addressing alleged violations involving hazardous waste/transfer facility regulations.

LVR is stated to be the owner and operator of a transfer facility located in Columbus, Mississippi.

LVR is also described as a transporter of hazardous waste.

The CA references certain Mississippi regulations addressing hazardous waste as the state has received final authorization to implement the federal Resource Conservation and Recovery Act hazardous waste program. Nevertheless, EPA notes that it retains jurisdictional authority to initiate an independent enforcement action pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act.

The CA alleges that LVR notified the Mississippi Department of Environmental Quality as a hazardous waste transporter of K061. K061 is a listed hazardous waste.

EPA is stated to have issued LVR an information request letter asking for the company's records related to the management of railcars containing K061. The CA further states that:

After reviewing Respondent's response to the EPA's 3007 information request letter, the EPA determined that, on several occasions, Respondent stored manifested railcars that contained hazardous wastes (K061) for longer than ten days at the Facility.

As a result, the federal agency alleges:

...that Respondent violated Section 17-17-27(4) of the Mississippi Code, Miss. Code Ann. § 17-17-17(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], by storing hazardous waste for greater than 10 days without a permit or interim status.

LVR neither admits nor denies the factual allegations and determinations set out in the CA.

LVR agrees to the assessment of a civil penalty of \$106,100.

[A copy of the CA can be downloaded here.](#)