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# Storm Water Enforcement: Mississippi Commission on Environmental Quality and Jackson County, Mississippi Solid Waste Management Facility Enter into Agreed Order

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The Mississippi Commission on Environmental Quality (“MCEQ”) and Applewhite Recycling Systems LLC (“Applewhite”) entered into a December 20th Agreed Order (“AO”) addressing alleged violations of a storm water permit. See Order No. 6824 17.

The AO provides that Applewhite operates a Class I Rubbish Site (“Facility”) in Jackson County, Mississippi.

The Facility holds a Land Disposal Storm Water General Permit No. MSR500028 (“Permit”). The AO alleges violations of certain provisions of the Permit, which include:

- Part III.C (addressing failure to implement the approved storm water pollution prevention plan)
- Part III.C.6 (addressing requirement to amend the plan whenever there is a change in design, construction, operation, or maintenance, which may increase the discharge of pollutants . . .)
- Part IV.A.2 (requiring that storm water discharges be free from eroded soils and other materials that will settle to form objectionable deposits in receiving waters)
- Part IV.B (requiring all areas contributing to storm water discharges associated with industrial activity be inspected as needed but no less than once annually)
- Part IV.C (requiring that the previously referenced inspections be reported on copies of a designated form and submitted annually by a certain date)
- Part IV.E.2 (requiring notification of the Mississippi Office of Pollution Control orally within 24 hours from the time there is awareness of unanticipated noncompliance)

Applewhite is stated to have submitted an updated Storm Water Pollution Prevention Plan (which was supplemented) and has provided certain written responses which assert a return of the Facility to compliance regarding various alleged violations.

The AO assesses a civil penalty of \$45,000. Also required is the development and submission to the Mississippi Department of Environmental Quality for the agency’s approval a “Sampling and Analysis Plan” for dredge spoils managed and disposed of onsite. Upon completion of the Sampling and Analysis Plan, the Facility is required to develop and submit to the Missouri Department of Environmental Quality for review and approval a “Dredge Spoil Remediation Plan.”

The Facility's Storm Water Pollution Prevention Plan is required to be modified as necessary to comply with the Mississippi Department of Environmental Quality-approved Dredge Spoil Remediation Plan and/or any United States Corps of Engineers approved "Corrective Action Plan."

Applewhite's parent company is referenced as having been issued a Notice of Violation for alleged unauthorized discharge of dredge and/or fill material into waters of the United States and is required to develop and implement a Corrective Action Plan.

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