

# Solid Waste Enforcement: Mississippi Commission on Environmental Quality and Clarksdale Class I Rubbish Site Enter into Agreed Order



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The Mississippi Commission on Environmental Quality ("MCEQ") and the City of Clarksdale, Mississippi, ("Clarksdale") entered into a November 27th Agreed Order ("AO") addressing an alleged violation of a Solid Waste Management General Permit ("Permit").

Clarksdale is stated to operate a Class I rubbish site ("Site").

The AO provides that by letter dated September 2nd MCEQ contacted Clarksdale and notified the City of the following violations at its site:

1. ACT6, Condition No. L-2 of the Solid Waste Management General Permit No. SWGP-R-1 (the "Permit") and Rule 1.6.D of the Mississippi Nonhazardous Solid Waste Management Regulations (the "Regulations") regarding the failure to prohibit the disposal of unauthorized wastes;
2. ACT6, Condition No. T-4 of the Permit and Rule 1.6.E (4) of the Regulations regarding the failure to mark the permitted disposal area boundaries;
3. ACT6, Condition No. T-7 of the Permit and Rule 1.6.E (5) of the Regulations regarding the failure to inspect incoming waste loads for unauthorized waste;
4. ACT6, Condition No. T-7 of the Permit and Rule 1.6.E(5) of the Regulations regarding the failure to immediately remove unauthorized waste from the active working face;
5. ACT6, Condition No. T-10 of the Permit and Rule 1.6.E (7) of the Regulations regarding the failure to provide a minimum of six (6) inches of earthen cover material over all waste at least every two weeks;
6. ACT6, Condition No. T-11 of the Permit and Rule 1.6.E ( 14) of the Regulations which states that, "Unloading and disposal of rubbish ... shall be confined to as small an area as practical";
7. ACT6, Condition No. T-15 of the Permit and Rule 1.6.E (12) of the regulations regarding the failure to prohibit the disposal of rubbish in standing water;
8. ACT6, Condition No. T-16 of the Permit and Rule 1.6.E (13) of the Regulations regarding the failure to contour the site to prevent run-on and/or run-off and ponding of storm water within the active disposal area;

9. ACT6, Condition No. T-18 of the Permit regarding the failure to maintain all equipment to be able to achieve compliance; and
10. Rule 1.6.E (15) of the Regulations regarding the operation of the Class I Rubbish site by a certified operator that, "must have direct supervision over and be personally responsible for the daily operation and maintenance of the rubbish site.

The AO assesses a civil penalty of \$68,500. \$34,250 is due within 45 days after the AO has been executed by the Mississippi Department of Environmental Quality Executive Director. However, \$34,250 is to be allocated to various tasks and/or activities to improve operations at the site as described in the AO.

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