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Solid Waste Enforcement: Mississippi Commission on Environmental Quality and Brandon, Mississippi Tree Service Enter Into Agreed Order Addressing Alleged Violations

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The Mississippi Commission on Environmental Quality ("Commission") and Kips Tree Service, Inc. ("KTS") entered into an April 1st Agreed Order ("AO") addressing alleged violations of certain Mississippi Code provisions related to solid waste placement and pollution of State waters. See Order No. 6636 16.

The AO states that KTS was notified of violations observed on properties owned by KTS which allegedly included:

- Formation of an unauthorized dump in violation of Mississippi Code Ann. § 17-17-17
- Placement of waste in a location likely to cause pollution of State waters in violation of Mississippi Code Ann. § 49-17-29

KTS agrees to cease disposal/placement of additional vegetative debris and/or waste at the referenced properties. It is also agreed that all existing vegetative debris and/or waste located at one of the sites shall be removed and will involve:

- the chipping/grinding (in accordance with all local laws/ordinances) and public reuse/recycling of those chips at a legitimate end user no later than July 1, 2016; or
- the removal and disposal of a permitted disposal facility no later than August 1, 2016.

The Commission is required to be provided with the appropriate receipts to document compliance with the vegetative removal provisions including receipts from the ultimate reuse and/or disposal location.

KTS is also required upon removal of all existing vegetative debris and/or waste to provide a "Plan of Operation" in event it intends to initiate grinding/chipping of vegetative debris and/or waste at the referenced properties. No additional vegetative debris and/or waste can be brought to either property without first receiving a solid waste permit or written authorization from the Mississippi Department of Environmental Quality.

The AO assesses a civil penalty of \$28,000. Sixteen thousand dollars of the penalty will be held in abeyance pending compliance with the previously referenced conditions.

[Click here to download a copy of the AO.](#)