



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

November 27, 2023

CERTIFIED MAIL #7019 1120 0000 4787 3893

Honorable Chuck Espy, Mayor
City of Clarksdale
PO Box 940
Clarksdale, Mississippi 38614

**Re: Clarksdale Coahoma County Rubbish Disposal Site
Agreed Order No. 7292 23**

Dear Honorable Espy:

Enclosed you will find a copy of Agreed Order No. 7292 23, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Chris Wells, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope to the MDEQ Accounts Receivable at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Ethan Mayeu at (601) 961-5613.

Sincerely,

Trent Jones, P.E., BCEE
Chief, Waste Division

Enclosure
cc: Ethan Mayeu

Agency Interest No. 2945
ENF20230001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

7292 23

VS.

ORDER NO. _____

CITY OF CLARKSDALE
PO BOX 940
CLARKSDALE, MISSISSIPPI 38614

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and the City of Clarksdale, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated September 2, 2022, Respondent was contacted by Complainant and notified of the following violations at its facility, the Clarksdale Coahoma Class I Rubbish Site (the "Site"), located at 7460 Palmer Road, Clarksdale, Mississippi in Coahoma County:

- A. 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;
- B. 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;
- C. 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;
- D. 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;

- E. 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;
- F. 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*”;
- G. 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;
- H. 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;
- I. ACT6, Condition No. T-18 of the Permit regarding the failure to maintain all equipment to be able to achieve compliance; and
- J. 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.”

2.

In lieu of a formal enforcement hearing concerning the violations listed above, Complainant and Respondent agree to settle this matter as follows:

- A. Respondent agrees to pay, and Complainant agrees to accept, a civil penalty in the amount of \$68,500. Respondent shall pay \$34,250 of this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or his designee. This settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Accounts Receivable
P.O. Box 2339
Jackson, MS 39225

The remainder of the penalty amount (\$34,250) shall be divided as described in Sections B through J below and shall be held in abeyance pending compliance with those applicable Sections of this Order.

- B. Respondent agrees to immediately manage all incoming waste at the Site in a manner that complies with all conditions of the Permit and the Regulations.
- C. Respondent shall possess, procure, repair, and/or rent suitable equipment to achieve and maintain compliance with this Agreed Order, the Permit, and the Regulations. This must include, but is not limited to, suitable equipment that can spread and compact waste at the Site, and equipment capable of collecting/excavating and hauling earthen material (unless such material is sourced off-site through a third party) in any weather conditions that may arise at the Site. This equipment must be used to achieve and maintain compliance at the Site and shall be available during all operating hours defined in the approved permit application. This equipment must be onsite and available for use within thirty (30) days of the Effective Date of this Order. Written documentation shall be provided to MDEQ within forty-five (45) days of the Effective Date of this Order providing information on the equipment in service at the Site to comply with this section. A penalty amount of \$6,750 shall be held in abeyance pending compliance with this section of the Order.
- D. Respondent shall identify and remove all visible, unauthorized waste within the permitted disposal area. All unauthorized waste removed from the Site must be disposed of at an acceptable offsite, permitted disposal facility. This action must be completed within forty-five (45) days of the Effective Date of this order. Receipts for the disposal of this unauthorized waste shall be maintained by Respondent and copies shall be provided to MDEQ within sixty (60) days of the Effective date of this Order.

Unauthorized waste as described in the Regulations and the Permit include:

- a) Any waste which has been contaminated by a pollutant, such as a food or chemical;
- b) Household garbage and other food and drink waste;
- c) Liquids, sludges, and contaminated soils;
- d) Paint, Paint buckets, oil containers and chemical containers;
- e) Engines, motors, whole tires, and all types of batteries;

- f) Toxic and hazardous waste;
- g) Regulated asbestos and asbestos containing material originating from a facility, as defined by the National Emission Standards for Hazardous Air Pollutants (40 CFR 61, Subpart M);
- h) Medical waste;
- i) Bulk fabric and paper loads, refrigerators, air conditioners, cut or shredded tires, and any metal, glass, plastic, or paper container unless specifically approved by MDEQ; and
- j) Electronic wastes

A penalty amount of \$3,500 shall be held in abeyance pending compliance with this section of the Order.

- E. Respondent shall immediately implement standard practices of inspecting and removing unauthorized waste from each incoming load before disposal at the Site..
- F. Respondent shall establish markers to clearly delineate the permitted waste disposal boundaries (both vertical and horizontal) as defined in the approved permit application. These markers must be established by a surveyor licensed with the Mississippi Board of Licensure for Professional Engineers and Surveyors and shall be a minimum, 3-foot high of either concrete posts, metal pipes, or weather resistant wood posts at a sufficient depth to facilitate permanence. A copy of the surveyor's license and the resultant survey from the establishment of the markers must be provided to MDEQ. These actions must be completed within sixty (60) days of the Effective Date of this Order. A penalty amount of \$3,500 shall be held in abeyance pending compliance with this section of the Order.
- G. Respondent shall remove all waste currently disposed and/or stockpiled outside of permitted disposal boundaries and/or permitted design grades (permitted height of 25 feet above natural grade) and dispose within permitted disposal areas. Prior to and during excavation, transport, and disposal of these wastes in the permitted disposal area(s), all unauthorized waste observed must be removed and placed in an onsite receptacle for disposal at an offsite, permitted disposal facility. Respondent shall provide written certification to MDEQ from a surveyor or engineer licensed with the Mississippi Board of Licensure for Professional Engineers and Surveyors that all waste has been removed

from outside permitted disposal areas and properly disposed. These actions must be completed within one hundred eighty (180) days after the Effective Date of this Order. A penalty amount of \$6,750 shall be held in abeyance pending compliance with this section of the Order.

- H. Respondent shall take the necessary actions, including the application of additional cover material, to confine unloading and disposal of rubbish to as small an area as practical.
- I. Respondent agrees to apply eighteen (18) inches of earthen cover (six inches of daily cover and twelve inches of intermediate cover) over all areas of the Site including any active disposal area. Respondent shall provide written certification to MDEQ from a surveyor or engineer licensed with the Mississippi Board of Licensure for Professional Engineers and Surveyors that these eighteen (18) inches of earthen cover has been applied to all areas of the Site. These actions must be completed within two hundred ten (210) days of the Effective Date of this Order. A penalty amount of \$13,750 shall be held in abeyance pending compliance with this section of the Order.
- J. Respondent agrees to develop and contour the rubbish site to direct run-on and/or run-off away from the active disposal area and prevent ponding of water in and over areas of waste disposal. Respondent additionally agrees to prevent the disposal of waste within standing water.

3.

Should Respondent fail to comply with any of the requirements set forth in Section 2 of this Order, the applicable penalty amount held in abeyance shall become immediately due and payable upon Respondent's receipt of written notification from MDEQ.

4.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

5.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

6.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 27th day of November, 2023.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

CHRIS WELLS
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

AGREED, this the _____ day of _____, 2023.

CITY OF CLARKSDALE

BY: Chuck Espy

TITLE: Mayor

STATE OF Mississippi

COUNTY OF Coahoma

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Chuck Espy who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Mayor of City of Clarksdale and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 16th day of November, 2023.

Cathy Clark
NOTARY PUBLIC

My Commission expires: June 5, 2026

