



STATE OF MISSISSIPPI  
HALEY BARBOUR  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

April 15, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Richard Cobb  
Richard Cobb d/b/a Mid-South Waste Disposal, Inc.  
PO Box 312  
Clarksdale, Mississippi 38614

**Re: Richard Cobb d/b/a Mid-South Waste Disposal, Inc.  
Agreed Order No. 5941 11**

Dear Mr. Cobb:

Enclosed you will find a copy of Agreed Order No. 5941 11, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The first 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. All future installment payments should be mailed to the MDEQ Fees Division 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,

A handwritten signature in blue ink that reads "Jerry W. Cain".

Jerry W. Cain, P.E., DEE  
Director, Office of Pollution Control

Enclosure  
cc: Ethan Mayeu

Agency Interest No. 52519  
ENF20100002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 5941 11

MR. RICHARD COBB  
D/B/A MID-SOUTH WASTE DISPOSAL, INC.  
P.O. BOX 312  
CLARKSDALE, MS 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 Richard Cobb d/b/a Mid-South Waste Disposal, Inc., Respondent, in the above captioned cause and agree as follows:

1.

On December 22, 2009, a complaint investigation was conducted by the MDEQ on property owned by the Respondent at 18828 U.S. Highway 61, Lyon, Coahoma County, MS (the "Site") regarding the alleged operation of an unpermitted transfer station. The investigator noted an area containing several loads of wastes dumped on the ground. This material had been unloaded from garbage collection trucks for the purpose of reloading into different boxes for transportation to a landfill for ultimate disposal. On January 8, 2010, a certified letter from the MDEQ was sent to the Respondent advising that these conditions were a violation of Section II.A of the Mississippi Nonhazardous Solid Waste Management Regulations ("Regulations"), regarding

the operation of an unpermitted transfer station, and that all unauthorized dumping at this location must cease. On Wednesday, February 10, 2010, an Administrative Conference was held between the Respondent and MDEQ where the following violations were discussed:

- Section II.A of the Regulations

*“No solid waste management facility shall be operated without an individual permit from the Permit Board or a certificate of coverage under a general permit.”*

- Miss. Code Ann. § 49-17-29

*“...it is unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any waters of the state.”*

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 shall immediately cease the operation of an unauthorized transfer station. All wastes generated and/or collected by Respondent shall remain in its collection container from the site of generation until unloaded at a permitted facility for disposal or transfer.
- B. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$12,000.00. Respondent shall pay this penalty to MDEQ in six (6) consecutive monthly payments according to the following schedule:
  - 1) \$2,000 paid to MDEQ on or before April 30, 2011.
  - 2) \$2,000 paid to MDEQ on or before May 31, 2011.
  - 3) \$2,000 paid to MDEQ on or before June 30, 2011.

- 4) \$2,000 paid to MDEQ on or before July 31, 2011
- 5) \$2,000 paid to MDEQ on or before August 31, 2011
- 6) \$2,000 paid to MDEQ on or before September 30, 2011

Penalty payments shall be submitted to:

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

3.

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.

4.

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

5.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Mississippi Code Annotated Section 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

ORDERED, this the 12 day of April, 2011.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

BY:  \_\_\_\_\_

TRUDY D. FISHER,  
EXECUTIVE DIRECTOR  
MISSISSIPPI DEPARTMENT OF  
ENVIRONMENTAL QUALITY

AGREED, this the 4<sup>th</sup> day of April, 2011.

MR. RICHARD COBB  
D/B/A MID-SOUTH WASTE DISPOSAL, INC.

BY: Richard Cobb

TITLE: President

STATE OF Mississippi  
COUNTY OF Coahoma

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Richard Cobb who first being duly sworn, did state upon his oath and acknowledge to me that he agreed to the terms of this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 4<sup>th</sup> day of April, 2011.

Cheryl Ashmore

NOTARY PUBLIC

My Commission expires: Sept. 08, 2014







STATE OF MISSISSIPPI  
HALEY BARBOUR  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TRUDY D. FISHER, EXECUTIVE DIRECTOR

March 24, 2011

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Mr. Richard Cobb  
d/b/a Mid-South Waste Disposal, Inc.  
P.O. Box 312  
Clarksdale, Mississippi 38614

Re: Richard Cobb d/b/a Mid-South Waste Disposal, Inc.  
Lyon, Coahoma County  
Proposed Agreed Order

Dear Mr. Cobb:

Enclosed please find a proposed Agreed Order that reflects our understanding of agreements reached to resolve certain environmental issues with your operations located of U.S. Highway 61, Lyon, Mississippi.

If you concur with this Agreed Order, please sign the order before a Notary Public in the appropriate space and return the original water-marked order in the enclosed, self-addressed envelope to MDEQ Attn: Kim Smith, PO Box 2261 Jackson, MS 39225. We request that you return the order, or otherwise contact us, within fourteen (14) days of the receipt of this letter.

If you have any questions, please contact me at (601) 961-5613.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ethan Mayeu".

Ethan Mayeu  
Mining and Solid Waste Management Branch  
Environmental Compliance and Enforcement Division

Enclosure

Agency Interest No. 52519  
ENF20100002  
ECED