



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

February 23, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Mark Parkman
Faircloth Landfill Inc, Faircloth Rubbish Landfill Class I Rubbish Site
PO Box 1296
Clinton, MS 39060

**Re: Faircloth Landfill Inc, Faircloth Rubbish Landfill Class I Rubbish Site
Agreed Order No. 6085 12**

Dear Mr. Parkman:

Enclosed you will find a copy of Agreed Order No. 6085 12, 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 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 Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Megan Rupp at (601) 961-5312.

Sincerely,

A handwritten signature in blue ink that reads "Chris Sanders".

Chris Sanders, P. E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Megan Rupp

Agency Interest No. 14788
ENF20110003

OFFICE OF POLLUTION CONTROL

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AN EQUAL OPPORTUNITY EMPLOYER

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

6085 12

VS.

ORDER NO. _____

FAIRCLOTH LANDFILL, INC.
FAIRCLOTH RUBBISH LANDFILL CLASS I RUBBISH SITE
1312 SPRINGRIDGE ROAD
JACKSON, MS 39209

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 Faircloth Landfill, Inc., Respondent, in the above captioned cause and agree as follows:

1.

On June 21, 2011, Complainant conducted an unannounced, routine site inspection at the Faircloth Landfill, Inc. Class I rubbish site in Clinton, Mississippi. As a result of the site conditions observed that day, Respondent was contacted by Complainant by way of a notice of violation (NOV) dated July 21, 2011 and notified of the following alleged violations:

- A. Section E.11 of Solid Waste Management Permit No. SW0250020548 (the "Permit") and Section VI.D of the Mississippi Nonhazardous Solid Waste Management Regulations (the "Regulations") for failure to prohibit the disposal of containers;
- B. Section E.12 of the Permit and Section VI.D of the Regulations for failure to prohibit the disposal of household garbage and other unauthorized waste;
- C. Section E.12 of the Permit and Section VI.D of the Regulations for failure to properly inspect each waste load for unauthorized waste and failure to immediately remove unauthorized wastes from the load and/or disposal area;
- D. Section E.19 of the Permit for failure to inspect bagged waste for the presence of

unauthorized waste; and

- E. Section E.31 of the Permit and VI.E.16 of the Regulations for failure to make required records available to MDEQ for inspection.

2.

Subsequent inspections by MDEQ conducted on July 14, 2011, August 31, 2011, and September 12, 2011 revealed that the Respondent was in compliance regarding the alleged violations listed above.

3.

In lieu of a formal enforcement hearing concerning the alleged violations listed above, Complainant and Respondent agree to settle this matter, without any admission of liability whatsoever by Respondent, as follows:

Respondent agrees to pay, and Complainant agrees to accept, a compromised civil penalty in the amount of \$21,000.00. Respondent shall pay this penalty to MDEQ within thirty (45) days after execution of this Order by the Executive Director of MDEQ, or her designee.

4.

The parties agree that, by entering into this Agreed Order and agreeing to the terms and conditions set forth in Paragraph 2 above, Respondent does not admit any of the allegations listed in Paragraph 1 of this Agreed Order and nothing contained herein shall be in any way construed as an admission of liability by Respondent. Without admitting any liability, Respondent consents to entry of this Agreed Order in order to settle the disputed violations listed above. The parties further agree that the Commission continues to assert that the matters set forth in Paragraph 1 of this Agreed Order were violations of the environmental laws, regulations and/or permits applicable to Respondent. 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 identified by MDEQ.

5.

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 only to those matters expressly resolved herein.

6.

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

ORDERED, this the 22ND day of February, 2011.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

 TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 10th day of February, 2011^a

FAIRCLOTH LANDFILL, INC.

BY: Mark Paul

TITLE: President

STATE OF MS

COUNTY OF Rankin

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Mark Parkman who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Faircloth Landfill, Inc. and is authorized by that corporation to sign this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 10th day of February 2011²

Cassie E. Stanford
NOTARY PUBLIC

My Commission expires: _____

