

**STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

IN RE: Mr. Dwight Caton)
Paul King Road)
Parcel No. 051 15 015)
Nashville, Georgia) ORDER NO. EPD-SW-3021
Berrien County)
Respondent.)

CONSENT ORDER

Authority

WHEREAS, Mr. Dwight Caton (the “Respondent”) owns Parcel 051 15 015 located off of Paul King Road, Nashville, Berrien County, Georgia (the “Site”); and

WHEREAS, the Director (the “Director”) of the Environmental Protection Division of the Georgia Department of Natural Resources (“EPD”) administers and enforces the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 (the “Solid Waste Act”); and

WHEREAS, EPD administers and enforces the Solid Waste Management Rules, GA. COMP. R. AND REGS. 391-3-4 (the “Solid Waste Rules”), which were promulgated and are in effect pursuant to the Solid Waste Act; and

WHEREAS, the Solid Waste Act and the Solid Waste Rules make it unlawful to engage in solid waste handling except in such a manner as to conform to and comply with all applicable Rules, Regulations, and Orders established under the provisions of the Solid Waste Act; and

WHEREAS, Chapter 391-3-4-.01(80) of the Solid Waste Rules defines solid waste handling to mean the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities; and

WHEREAS, Chapter 391-3-4-.02(1) of the Solid Waste Rules prohibits any person from engaging in solid waste handling without a solid waste handling permit; and

WHEREAS, Chapter 391-3-4-.01(54) of the Solid Waste Rules defines an Open Dump as a disposal facility at which solid waste from one or more sources is left to decompose, burn or to otherwise create a threat to human health or the environment; and

WHEREAS, Chapter 391-3-4-.04(4)(c) of the Solid Waste Rules specifies under “Prohibited Acts” that no solid waste may be disposed of by any person in an open dump, nor may any person cause, suffer, allow or permit open dumping on his property; and

Civil Penalty

WHEREAS, O.C.G.A. § 12-8-30.6 provides that any person violating any provision of the Solid Waste Act, Solid Waste Rules, or negligently or willfully failing or refusing to comply with