

Fact Sheet on Beneficial Fill Projects in Mississippi



What is a Beneficial Fill?

A beneficial fill refers to the use of certain inert waste materials to level or bring an area to grade for beneficial purposes. Such a fill activity is generally not regulated by MDEQ as a solid waste landfill. However, to be classified as a beneficial fill, the fill activity must comply with *all* of the following conditions:

- The fill material may only be comprised of concrete, brick, mortar and other similar materials. Metal, lumber, plastics, and natural vegetation such as downed trees, brush, landscaping debris or other similar materials are not considered suitable beneficial fill materials.
- The fill activity may only be conducted to bring an existing low area to grade for beneficial purposes. Digging or excavating an area for the fill activity is not allowed.
- The beneficial purposes of the fill activity could include landscaping, erosion control and repair, land stabilization, construction base preparations or other similar land improvements.
- The fill activity must not obstruct the flow of any natural stream or river or take place in existing wetlands.
- The fill area using the inert waste materials must be less than one (1) acre in size.
- The fill activity must not be conducted for monetary compensation under any circumstances.
- The fill activity must not occur for more than 120 days.
- Upon completion, the fill area must be closed and the fill material covered with 2 feet of earthen material.

How are Beneficial Fill projects and activities regulated in the State of Mississippi?



Section I.B.6 of the *Mississippi Nonhazardous Solid Waste Management Regulations* provides that beneficial fill projects and activities are exempt from being regulated as solid waste facilities as long as the beneficial fill projects fall within the parameters described above.

However, it is important to remember that this state exemption does not exclude the project from local laws, ordinances, covenants, or other land use requirements that may exist in a county, municipality, district, neighborhood, or other community. Persons conducting beneficial fill projects must contact local officials to determine if there are any local restrictions on beneficial fill activity in their jurisdiction.

This exemption to State Regulations is generally intended to be self implementing, meaning that if the fill activity meets the requirements above, the person conducting the project does not need further approval from MDEQ. Any fill activity that does not meet the requirements above and/or does not have a solid waste management permit or other appropriate approval from MDEQ is

considered an unauthorized dump. Unauthorized dumps are required by state law to either be removed or to be covered and closed.

Mississippi regulations do allow for the Mississippi Environmental Quality Permit Board or the Board's designee to grant an exclusion from regulation for a beneficial fill activity that is longer in duration than 120 days and/or greater than one acre in size. This exclusion may be granted on a case by case basis, upon the review and approval by MDEQ of a written request. State regulations do not allow the MDEQ to consider other types of variations for exemptions – only variations in duration and size. In addition, it is important to remember that in cases where the fill site may exceed one acre in size, the project site may be subject to certain storm water permitting requirements.

Need More Information?

Please contact:

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