



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

February 15, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Miss Tonya Blakely
J J Ferguson, Pretress and Precast Company Greenwood
P.O. Box 660
Greenwood, MS 38935

**Re: J J Ferguson, Pretress and Precast Company Greenwood
Agreed Order No. 5903 11**

Dear Miss Blakely:

Enclosed you will find a copy of Agreed Order No. 5903 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 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 Jake White at (601) 961-5513.

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: Jake White

Agency Interest No. 3041
ENF20100002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO.

5903 11

J J FERGUSON, PRESTRESS AND PRECAST COMPANY GREENWOOD
PO DRAWER 660
GREENWOOD, MISSISSIPPI 38935

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 J J Ferguson, Prestress and Precast Company Greenwood, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated September 7, 2010, Respondent was contacted by Complainant and notified of the following violation(s) of Concrete Coverage MSG110165 (the "Permit") at J J Ferguson, Prestress and Precast Company Greenwood (the "site"):

- A. Violation of ACT 6, Condition S-1(2): Baghouse Control Equipment Requirements.
 - Respondent was not able to provide baghouse maintenance records at the time of inspection. Following the administrative conference, partial records were submitted.

- B. Violation of ACT 8, Condition L-1: Non-Numeric Limitation Requirements.
 - During a Compliance Evaluation Inspection on August 17, 2010, the site was very dusty. The practice of spraying water, or other approved methods to control the dust, had not been performed by Respondent in accordance with the Permit.

dust, had not been performed by Respondent in accordance with the Permit.

- C. Violation of ACT 11, Condition S-1(1): Reporting Requirements.
 - A records review revealed Respondent had submitted multiple DMRs after the due date for 2009 and 2010.

- D. Violation of ACT 14, Condition S-1(1): SWPPP Implementation Requirements.
 - Upon review of Respondent's SWPPP for the site, Section 11.0 (Monitoring and Reporting Requirements) has not been fully implemented. MDEQ staff was provided storm water inspection reports that did not contain information regarding small leaks found throughout the site or the removal and disposal of the leaked material.

- E. Violation of ACT 17, Condition S-1: Reporting Requirements.
 - The Annual Comprehensive Site Inspection and SWPPP Evaluation for 2009 was due on January 28, 2010. Respondent failed to submit the referenced document.

Following an administrative conference with Respondent on November 9, 2010, Respondent corrected dusting problems noted on site and submitted all paperwork which violations were cited for. Furthermore, storm water inspections and baghouse inspections have been modified to include more efficient recordkeeping practices. Respondent also registered to submit DMR forms electronically to improve timeliness. Lastly, Respondent committed to submit required reports timely in the future.

2.

In lieu of a formal enforcement hearing concerning the violation(s) 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 \$10,500.00. Respondent shall pay this penalty to MDEQ within thirty (30) days after this Agreed Order has been executed by the MDEQ Executive Director.

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 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.

5.

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 9 day of February, 2011.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 4th day of February, 2011.

J J FERGUSON, PRESTRESS AND PRECAST COMPANY GREENWOOD

BY: Tonya Blakely
TITLE: Environmental Compliance

STATE OF Mississippi
COUNTY OF ~~Jeff~~ Carroll

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Tonya Blakely who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Environmental Compliance Officer of J J Ferguson, Prestress and Precast Company Greenwood and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 4 day of February, 2011.

Christy L. Powell
NOTARY PUBLIC

My Commission expires: November 23, 2014