



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

February 15, 2011

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Ms. Tonya Blakely  
J J Ferguson Sand and Gravel Inc, Eupora  
PO Drawer 660  
Greenwood, Mississippi 38935-0660

**Re: J J Ferguson Sand and Gravel Inc, Eupora  
Agreed Order No. 5906 11**

Dear Ms. Blakely:

Enclosed you will find a copy of Agreed Order No. 5906 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. 8130  
ENF20100002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 5906 11

J J FERGUSON SAND AND GRAVEL INC, EUPORA  
PO DRAWER 660  
GREENWOOD, MISSISSIPPI 38935-0660

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 Sand and Gravel Inc, Eupora, 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 Asphalt Coverage MSR700017 at J J Ferguson Sand and Gravel Inc, Eupora:

- A. Violation of ACT 8, Condition S-1(1): Testing Requirements.
- Respondent conducted the last two stack tests, due June 30, 2009 and June 30, 2007, late. The stack test reports, also due June 30, 2009 and June 30, 2007, were also submitted late. The tests were actually conducted on July 16, 2007 and November 12, 2009, and the reports were submitted on August 27, 2007 and January 22, 2010, respectively.

B. Violation of ACT 9, Condition S-1(2): Reporting and Recordkeeping Requirements.

- Respondent failed to submit the Certified Annual Inspection Reports for asphalt production data for 2007, 2008, and 2009.

Following an administrative conference with Respondent on November 9, 2010, Respondent submitted the Certified Annual Inspection Reports for asphalt production data for 2007, 2008, and 2009. Also, Respondent committed to conducting all stack tests and submitting all required documentation on time 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 \$10,400.00. 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 SAND AND GRAVEL INC, EUPORA

BY: Tonya Blakely

TITLE: Environmental Compliance

STATE OF Mississippi

COUNTY OF 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 Sand and Gravel Inc, Eupora and is authorized to sign and enter this Agreement.

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

Christy J. Powell  
NOTARY PUBLIC

My Commission expires: November 23, 2014