



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 Sand and Gravel Company, Greenwood Ready Mix Plant
P.O. Box 660
Greenwood, MS 38935

**Re: J J Ferguson Sand and Gravel Company, Greenwood Ready Mix Plant
Agreed Order No. 5907 11**

Dear Miss Blakely:

Enclosed you will find a copy of Agreed Order No. 5907 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" with the number "18" written below it.

Jerry W. Cain, P.E., DEE
Director, Office of Pollution Control

Enclosure
cc: Jake White

Agency Interest No. 15032
ENF20100002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 5907 11

J J FERGUSON SAND AND GRAVEL COMPANY, GREENWOOD READY MIX PLANT
PO DRAWER 660
GREENWOOD, MISSISSIPPI 38930-0660

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 Company, Greenwood Ready Mix Plant, 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 MSG110108 at J J Ferguson Sand and Gravel Company, Greenwood Ready Mix Plant:

- A. Violation of ACT 11, Condition S-1(1): Reporting Requirements.
- A records review revealed Respondent failed to submit certain DMRs for 2007, 2008, and 2009 and submitted multiple DMRs after the due dates for 2009 and 2010. Respondent informed MDEQ staff that 2007, 2008, and 2009 DMRs were

not submitted due to discharge analyses not being conducted.

- B. Violation of ACT 12, Condition L-1: Non-Numeric Limitations.
 - An inspection by MDEQ staff on November 3, 2010 revealed a non-permitted process wastewater outfall.
- C. Violation of ACT 17, Condition S-1: Reporting Requirements.
 - Respondent failed to submit the Annual Comprehensive Site Inspection and SWPPP Evaluation for 2009.
- D. Violation of ACT 23, Condition R-1: Training Documentation
 - An inspection by MDEQ staff on November 3, 2010 revealed Respondent has failed to document employee training.

Following an administrative conference with Respondent on November 9, 2010, Respondent ceased discharging into the non-permitted process wastewater outfall cited in Part 1.B of this Agreed Order. Furthermore, the Annual Comprehensive Site Inspection and SWPPP Evaluation for 2009 was submitted and a program to complete and document employee training has been implemented. Lastly, to address non-submitted DMRs for 2007, 2008, and 2009, Respondent has registered to submit DMR forms electronically to improve timeliness.

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 \$13,500.00. 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 SAND AND GRAVEL COMPANY, GREENWOOD READY MIX PLANT

BY: Tonya Blake

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 Blake 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 Company, Greenwood Ready Mix Plant and is authorized to sign and enter this Agreement.

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

Christy S. Powell
NOTARY PUBLIC

My Commission expires: November 23, 2014