

Greene Co.  
MSR700069



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

January 9, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Gary Tanner  
Tanner Construction Company Inc, State Line Asphalt Plant  
PO Box 460  
Ellisville, MS 39437

Re: **Tanner Construction Company Inc, State Line Asphalt Plant**  
**Agreed Order No. 6071 11**

Dear Mr. Tanner:

Enclosed you will find a copy of Agreed Order No. 6071 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 cursive script, appearing to read "Chris Sanders".

Chris Sanders, P. E.  
Chief, Environmental Compliance and Enforcement Division

Enclosure  
cc: Jake White

Agency Interest No. 18792  
ENF20110002

BEFORE THE MISSISSIPPI COMMISSION  
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6071 11

TANNER CONSTRUCTION COMPANY INC, STATE LINE ASPHALT PLANT  
PO BOX 460  
ELLISVILLE, MISSISSIPPI 39437

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 Tanner Construction Company Inc, State Line Asphalt Plant, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 7, 2011, Respondent was contacted by Complainant and notified of the following violation(s) of Hot Mix Asphalt General Permit, MSR700069, at its facility located at Highway 57, State Line, Mississippi in Greene County:

A. Violation of ACT 8:S-1 of MSR700069 –Late Stack Test Submittals for 2008 and 2010.

“...The stack testing shall be in accordance with EPA Reference Methods 1-5 (40 CFR, Part 60, Appendix A) and testing procedures in 40 CFR, Part 60.93 and shall continue biennial thereafter. In addition, the coverage recipient shall demonstrate compliance with the opacity limitations in accordance with EPA Reference Method 9 and testing procedures in 40 CFR, Parts 60.93 and 60.11. The stack test report shall be submitted by the date listed on the Certificate of Coverage and biennial thereafter.”

B. Violation of ACT 9:S-1(2) of MSR700069 – Failure to meet submittal requirements for Annual Production Data and Storm Water Comprehensive Site Inspection and SWPPP Evaluation Reports for the years of 2007, 2008, 2009, and 2010.

“The coverage recipient shall submit annual reports summarizing the production data for the asphalt plant and production data for rock/RAP crushers (if applicable) by January 28 or each year. This report shall be included with the storm water inspection report and certification form found in the Hot Mix Asphalt Forms Package...”

Following the Notice of Violation dated July 7, 2011, Respondent submitted all required stack test reports as well as the annual production reports. The stack test results and annual monitoring reports showed compliance with particulate matter emission limitations and production rates set forth in the current Hot Mix Asphalt General Permit, MSR700069.

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 \$11,500.00. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director or her designee. The penalty payment shall be submitted to the following address:

Mississippi Department of Environmental Quality  
Attention: Mona Varner  
P.O. Box 2261  
Jackson, MS 39255

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 30 day of December, 2011.

MISSISSIPPI COMMISSION ON  
ENVIRONMENTAL QUALITY

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

AGREED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Tanner Construction Company Inc, State Line Asphalt Plant

BY: Gay C. Lamm

TITLE: PRESIDENT

STATE OF Mississippi

COUNTY OF JONES

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named \_\_\_\_\_ who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the \_\_\_\_\_ of Tanner Construction Company Inc, State Line Asphalt Plant and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 28<sup>th</sup> day of December, 2011.

[Signature]  
NOTARY PUBLIC

My Commission expires: July/6/2013

