



STATE OF MISSISSIPPI

PHIL BRYANT
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

December 19, 2012

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. David Blackburn
Hub at Oxford, The
2088 Old Taylor Road
Oxford, MS 38655

**Re: Hub at Oxford, The
Agreed Order No. 6202 12**

Dear Mr. Blackburn:

Enclosed you will find a copy of Agreed Order No. 6202 12, 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 John Mark Henderson at (601) 961-5642.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Sanders".

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

Enclosure
cc: John Mark Henderson

Agency Interest No. 58176
ENF20120002

OFFICE OF POLLUTION CONTROL

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6 202 12

R.J. ALLEN AND ASSOCIATES, INC
2088 OLD TAYLOR ROAD
OXFORD, MISSISSIPPI 38655

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 R.J. Allen and Associates, Inc., Respondent, in the above captioned cause and agree as follows:

1.

By letter dated October 23, 2012, Respondent was contacted by Complainant and notified of the violation to Large Construction General Permit, Certificate of Coverage MSR106211. The following violation was discovered during a Compliance Evaluation Inspection (CEI) conducted on October 1, 2012 at its facility, The Hub at Ole Miss, located at Anchorage Road and Anderson Road, Oxford, Mississippi in Lafayette County:

- A. **Failure to Implement the Storm Water Pollution Prevention Plan (SWPPP) – Act 6, S-1, No. 1:** Respondent had failed to implement the SWPPP at the time an on-site CEI was conducted. A large amount of sediment was observed to have been deposited off site in areas where controls should have been installed as per the approved SWPPP.

At the time of the CEI, approximately 11.5 acres had been disturbed for construction activity. On October 3, 2012, Respondent informed MDEQ that necessary steps to implement the SWPPP were being taken. On October 12, 2012, Respondent provided photographic evidence that the SWPPP had been implemented.

2.

In lieu of a formal enforcement hearing concerning the violation 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 \$5,000. Respondent shall pay this penalty to MDEQ within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director.

The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Mona Varner
P.O. Box 2339
Jackson, MS 39225

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 19 day of December, 2012.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 6th day of December, 2012.

R.J. ALLEN AND ASSOCIATES, INC

BY: T.D.B. Blackburn

TITLE: President

STATE OF Mississippi

COUNTY OF Lafayette

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named David B. Blackburn who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of R.J. Allen and Associates, Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 6th day of December 2012.

Margaret Barefoot
NOTARY PUBLIC

My Commission expires: 5/1/2016

