



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

September 19, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Jerryld Berry
Johnston Tombigbee Furniture Company, Columbus Plant Number 2
PO Box 2128
Columbus, MS 397042128

**Re: Johnston Tombigbee Furniture Company, Columbus Plant Number 2
Agreed Order No. 6321 13**

Dear Mr. Berry:

Enclosed you will find a copy of Agreed Order No. 6321 13, 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 Deismon Ross at (601) 961-5512.

Sincerely,

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

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

Enclosure
cc: Deismon Ross

Agency Interest No. 898
ENF20130001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. **6321 13**

JOHNSTON TOMBIGBEE FURNITURE COMPANY
PO BOX 2128
COLUMBUS, MISSISSIPPI 39704-2128

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 Johnston Tombigbee Furniture Company, Respondent, in the above captioned cause and agree as follows:

1.

By letter dated July 20, 2012, Respondent was contacted by Complainant and notified of the following violations at its Columbus Plant Number 2, located at 1503 Johnston Street, Columbus, Mississippi in Lowndes County:

- A. **(MHWMR 262.11)** – Facility failed to characterize Twenty-five (25) 55 gallon drums and Two (2) 30 gallon drums of obsolete material in the hazardous waste storage area.
- B. **(MHWMR 262.34 (a))** – Facility exceeded the 90 day Hazardous Waste storage accumulation time limit. Observations included Twenty-three (23) 55 gallon drums of still bottoms and paint waste that exceeded the time limit.

Respondent submitted correspondence describing corrective actions taken to address the alleged violations listed above. Respondent asserts that the alleged violations have been satisfactorily addressed.

2.

In lieu of a formal enforcement hearing concerning the violations listed above,
Complainant and Respondent agree to settle this matter as follows:

Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$10,000. 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.

The Respondent does not admit any liability, to the Commission or the MDEQ, arising out of the violations or occurrences alleged in the Notice of Violation, dated July 20, 2012, nor this Agreed Order, but Respondent has agreed for purposes of settlement to enter into this Agreed Order. Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. § 49-17-31, and that it has made an informed waiver of that right.

ORDERED, this the 18 day of September, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

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

AGREED, this the 3rd day of SEPTEMBER, 2013.

Johnston Tombigbee Furniture Company

BY: [Signature]

TITLE: PRESIDENT

STATE OF Mississippi

COUNTY OF Lauderdale

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named J. R. Berry who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the President of Johnston Tombigbee Furniture Company and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 3rd day of September 2013.

[Signature]
NOTARY PUBLIC

My Commission expires: _____

