

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Telephonic Meeting

Thursday, August 27, 2020

9:00 A.M.

Room 104A

515 East Amite Street

Jackson, Mississippi 39201

AGENDA

- 1. Call to Order - Chair**
- 2. Election of Officers for Fiscal Year 2021 (July 2020-June 2021)**
- 3. Approval of the June 25, 2020 Telephonic Commission Meeting Minutes**
- 4. Commission Approval of Brownfield Agreement**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and Castle Starkville, LLC regarding the remediation of brownfield property located at 601 Highway 12 in Starkville, Mississippi. The administrative record for this environmental response project is referred to as the former Garan Manufacturing site. The proposed Brownfield Agreement Site previously operated as a clothing manufacturer and distributor. Site assessments have identified the presence of asbestos containing materials. Therefore, remediation of the proposed Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be a 90,000 square foot commercial redevelopment for retail space. The staff of the MCEQ has evaluated the Brownfield Agreement and believes that, with the conditions and restrictions contained within the Brownfield Agreement, the Site will be in compliance with applicable State and Federal laws and standards and will be protective of the public health and the environment. The staff received one inquiry during the public comment period, but no objections.

- 5. Commission Approval of Brownfield Consulting Firm**

The staff has reviewed an application from a consulting firm requesting to be listed as a Brownfield Consulting Firm and has determined it to be complete and acceptable. Therefore, the staff recommends that the Commission approve the following firm as Brownfield Consulting Firm:

SEMS, Inc.
11628 S. Choctaw Drive
Baton Rouge, LA 70815

- 6. Showcase of 2020 Municipal Excellence Award Winner – City of Hernando – Reliable Equipment Brownfield Redevelopment Project**

In July 2020, the City of Hernando received the Mississippi Municipal League's 2020 Municipal Excellence Award for Planning and Economic Development, Population Over 10,000 for the public-private partnership with City of Hernando, the Mississippi Development Authority, the Mississippi Department of Environmental Quality, and Hernando Town Properties, LLC for the redevelopment of the former Reliable Equipment farm equipment maintenance facility into Uncle Bubba's Barbecue and Social x Saint, upscale shop. Through a Brownfield Community Wide Grant by the Environmental Protection Agency (EPA) to the City of Hernando, Brownfield Agreements between MDEQ and Hernando Town Properties, LLC, and a redevelopment tax incentive between MDA and Hernando Town Properties, LLC this public-private partnership was possible. The Commission on Environmental Quality's participation by (1) the approval of the original Brownfield Agreement application, (2) the approval of the Brownfield Corrective Action Plan, (3) the approval of the modified Brownfield Corrective Action Plan, and (4) the approval of the completion of the original Brownfield Agreement not only allowed the clean-up of petroleum contaminated soil and petroleum/lead contaminated groundwater, but also provided Hernando Town Properties, LLC the opportunity to receive tax incentives and credits from MDA to make this redevelopment possible. The Commission's actions also allowed for reuse of the building which minimized waste disposal activities. This agenda item is for reporting purposes only and requires no action by the Commission.

7. Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Adoption of FY-2020 Intended Use Plan

The staff will recommend adoption by the Commission of the FY-2020 Intended Use Plan. This document identifies the loan funds available to our communities for the construction of wastewater infrastructure, the communities to receive these loan funds, the loan interest rate, program deadlines, and other related information. Public comments on the draft Intended Use Plan have been solicited through a public comment period and a public hearing.

8. Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Resolution of Necessity to Issue Bonds

During the 2020 State legislative session, House Bill 1730 was passed and subsequently signed by the Governor. This bill provided for the issuance of \$2,830,000 in bonds to provide state matching funds required to obtain \$14,150,000 in available federal assistance to this program. The funds are loaned at low interest rates to facilitate the construction or improvement of Wastewater Treatment facilities in the state. In order to initiate this process, the Commission must adopt a Resolution of Necessity for issuance of these bonds. Staff will provide copies of the Resolution to the Commission for consideration. Staff will also recommend that the Commission adopt the Resolution of Necessity to Issue the Bonds.

9. 2020 Draft Mississippi Section 303(d) List of Impaired Water Bodies

The staff will brief the Commission on the 2020 Draft Mississippi Section 303(d) List of Impaired Water Bodies. The Commission has been provided with the document package which includes the 2020 DRAFT Mississippi 303(d) List, a copy of the public notice and the MDEQ CALM document. A public notice is scheduled to be held on September 28, 2020 to receive public comments. Staff will return to the Commission following the public notice and hearing to request the adoption of the Final 2020 303(d) list.

10. Asbestos Certifications

We have issued 227 asbestos certifications since the last report. This list will be available at the Commission meeting.

11. Lead Paint Certifications

We have issued 109 lead paint certifications since the last report. This list will be available at the Commission meeting.

12. Underground Storage Tanks (UST) Certifications

We have issued 7 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

13. Wastewater Operator Certifications

We have issued 64 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

14. Emergency Clean-Up Expenses

We have 7 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

15. Administrative Orders

We have issued 13 Administrative Orders and 3 Amended Agreed Orders since the last report and they should be added to the minutes. The staff will highlight any orders that we think are especially noteworthy. See **Attachment 1** at the end of this agenda.

16. Other Business

17. Confirmation of the September 24, 2020 Commission meeting

18. Adjournment

Emergency Services Clean-Up

To: E3
Amount: \$8,051.25 **Date of Response:** 02/03/2020
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a leaking container in Scott County. This invoice also includes disposal costs.

To: E3
Amount: \$1,451.10 **Date of Response:** 03/26/2020
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Hinds County.

To: E3
Amount: \$1,391.70 **Date of Response:** 03/16/2020
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum oil lubricant spill in Stone County.

To: E3
Amount: \$1,421.20 **Date of Response:** 02/13/2020
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum oil lubricant spill in Jackson County.

To: E3
Amount: \$2,440.47 **Date of Response:** 04/24/2020
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum products spill in Jackson County.

To: E3
Amount: \$5,185.71 **Date of Response:** 04/05/2020
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a trash compactor fire in Jackson County.

To: E3
Amount: \$8,227.00 **Date of Response:** 02/07/2020
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Franklin County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Modification to the Northeast Mississippi Solid Waste Management Plan	Order No. 7048 20	This order approves a modification to the Northeast Mississippi Solid Waste Management Plan as requested by the Northeast Mississippi Solid Waste Management Authority (Authority) to include a proposed expanded disposal area for the Northeast Mississippi Regional Landfill owned by the Authority and located in Walnut, MS. This expansion modifies the current 82-acre permitted disposal area by an additional 72.7 acres increasing the total allowable permitted disposal area to 154.7 acres.
2	Modification to the Pearl River County Solid Waste Plan	Order No. 7049 20	This order approves a modification to the Pearl River County Solid Waste Management Plan as requested by the Pearl River County Board of Supervisors to increase the approved service area for the Central Landfill owned by TransAmerican Waste Central Landfill, Inc. and located near McNeill, MS. The new approved service area for the landfill includes the entirety of all counties and parishes, which intersect a 75-mile radius from the center of the landfill property.
3	Goodloe Construction Co., LLC Madison Co., MS	Order No. 7050 20 Respondent agrees to pay MDEQ a penalty in the amount of \$10,737.50 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Mining Storm Water Permit No. MSR322717.
4	Brandsafway Solutions, LLC Jackson Co., MS	Order No. 7051 20 Respondent agrees to pay MDEQ a penalty in the amount of \$234,264.00 within forty-five (45) days of this Agreed Order.	Respondent violated a number of Water, Air and Waste regulations. The specific violations are outlined in Section 1 of this Agreed Order.
5	Matter of Simplot Coahoma Co., MS	Order No. 7052 20 Respondent agrees to comply with the requirements/obligations Listed under #3 of this Agreed Order.	Simplot desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.
6	Riverbend Environmental Services, LLC and Jackie McInnis, Individually Jefferson Co., MS	Order No. 7053 20	Due to violations of Agreed Order No. 6899 18 and other stated violations, the Order requires Respondents to cease and desist continued acceptance of solid waste at the Riverbend Municipal Solid Waste Landfill within thirty (30) days of execution of the Order. The Order also allows MDEQ to consider authorizing resuming waste acceptance activities only after Respondents have fully complied with remedial measures specified in the Order and resolved pending civil enforcement actions. Alternatively, MDEQ may also consider authorizing the resumption

			of waste acceptance activities and modifying or rescinding the Order, if MDEQ is satisfied that it has been provided sufficient assurance of a sale of the Site to a new owner and the potential purchaser provides and agrees to implement a MDEQ approved pre-acquisition plan that adequately addresses compliance issues.
7	McCarthy Building Companies, Inc. Lauderdale Co., MS	Order No. 7054 20 Respondent agrees to pay MDEQ a penalty in the amount of \$362,550.00 within sixty (60) days of this Agreed Order.	Respondent was in violation of Mississippi's Large Construction Storm Water General Permit No. MSR 107842.
8	Mr. Danny Murphy Madison Co., MS	Order No. 7055 20 Respondent agrees to comply with the requirements/obligations listed under Section #2 of this Agreed Consent Order.	This Agreed Consent Order approves the initiation of the clean-up of an unauthorized waste tire stockpile on the property located at 410 Pisgah Bottom Road, Canton, MS 39046.
9	James A. Hodges Construction, Inc. Lee Co., MS	Order No. 7056 20 Respondent agrees to pay MDEQ a penalty in the amount of \$63,645.00 within sixty (60) days of this Agreed Order.	Respondent was in violation of Mississippi's Large Construction Storm Water General Permit No. MSR107691.
10	Murphy Oil USA Inc.	Order No. 7057 20 Respondent agrees to pay MDEQ a penalty in the amount of \$6,000.00 within forty-five (45) days of this Agreed Order.	Respondent owns/operates several UST's in Mississippi. Facilities are listed in Section I and violations are listed in Section 2 of this Agreed Order.
11	Von Drehle Corporation Adams Co., MS	Order No. 7058 20 Respondent agrees to pay MDEQ a penalty in the amount of \$18,750.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0001309. Violations are listed under Section #1 of this Agreed Order.
12	Dixie Springs Enterprises, LLC Pike Co., MS	Order No. 7059 20 Respondent agrees to pay MDEQ a penalty in the amount of \$6,000.00 within forty-five days of this Agreed Order.	Respondent was in violation of MS Code Section 49-17-29 (2) (b) regarding waters of the state.
13	Matter of Regal Cleaners Lowndes Co., MS	Order No. 7060 20 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Regal Cleaners desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.

Amended Orders

1	Sand Creek Wastewater Authority Lee Co., MS	Amended Agreed Order No. 7015 20	Respondent agrees to comply with the amended requirements listed in Section 2 of this Amended Agreed Order.
2	MPC Liquidation Trust and MPC Environmental Trust Jackson Co., MS	Second Amendment to Agreed Order No. 6574 15	The MPC Liquidation Trust terminates on July 31, 2020, and transfers its requirements, duties and responsibilities under the Agreed Order and Amendment to Agreed Order to the MPC Environmental Trust, if applicable. Within 60 days of the execution date, the MPC Environmental Trust agrees to provide evaluation information for the Title V Air Operating Permit and NPDES permit.
3	Riverbend Environmental Services LLC, and Jackie McInnis, Individually Jefferson Co., MS	Amended Order No. 7053 20	Order No. 7053 20 is amended to provide Respondents additional time to comply with requirements 5.A., 5.D. and 5.F.