

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, May 22, 2014
9:00 A.M.
Room 104A
515 East Amite Street
Jackson, Mississippi 39201

AGENDA

1. **Call to Order - Chair**
2. **Approval of Minutes of February 27, 2014 Meeting**
3. **Water Pollution Control Revolving Fund Loan (WPCRLF) Program, Adoption of FY-2014 Intended Use Plan**

The staff will recommend adoption by the Commission of the FY-2014 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. This Intended Use Plan also reflects the implementation of the limited subsidy funding made available to "green" and "small/low income community" projects with funds provided under recent years' Federal Appropriations Acts. Public comments on the draft Intended Use Plan have been solicited through a public comment period and a public hearing.

4. **Pilot Travel Centers LLC-Moss Point, Jackson County-Designation of Hearing Officer**

Staff of MDEQ has determined that Pilot Travel Centers LLC ("Pilot") is not eligible for reimbursement for assessment and remediation costs from the Mississippi Groundwater Protection Trust Fund for releases that occurred in March and April 2013 at Pilot's Underground Storage Tank site located at 6705 Highway 63 in Moss Point. Pilot has requested an evidentiary hearing related to MDEQ's decision. Pursuant to Miss. Code Ann. § 49-17-33, the Commission may designate a hearing officer to conduct the requested hearing for the Commission and prepare the record for the Commission to consider. MDEQ staff recommends the Commission designate Ricky Luke, Special Assistant Attorney General, to serve as the hearing officer in this matter under Miss. Code Ann. § 49-17-33. After the hearing is held, the hearing officer will present the record along with his findings of fact and recommended decision to the Commission. The Commission will ultimately decide this matter.

5. **Commission Approval of Brownfield Agreement**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and Gulfport Tire Company regarding the remediation of brownfield property generally located at 1606 Pass Road in Gulfport, Mississippi. The site is hereafter referred to as the "Gulfport Tire Brownfield Agreement Site." Past use of the facility included a vehicle full service garage with a fueling station. Assessments revealed an area of limited petroleum contamination in the vicinity of the former fuel pump island. Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be a vehicle service station and tire center. 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.

6. **Commission Approval of Brownfield Completion**

On December 18, 2003, the Commission reached a Brownfield Agreement (#4670-03)

with Uniek, Inc. for the remediation of the former National Picture and Frame facility in Greenwood, Mississippi. On December 2, 2013, and in accordance with Rule 2.1.7.B of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, Uniek, Inc. sent a petition to the Commission to make a determination as to the completion of Brownfield Agreement and as to the issuance of a “no further action” letter by the Executive Director. The staff of the MDEQ has reviewed the petition, has conducted the required inspection of the Brownfield Agreement Site, and hereby recommends that the Commission issue an order in accordance with the Brownfield Regulations concluding that Uniek, Inc. has completed Brownfield Agreement #4670-03.

7. Commission Approval of Brownfield Completion

On October 24, 2013, the Commission reached a Brownfield Agreement (#6340-13) with The District Land Development Company, LLC for the remediation of the former Mississippi School For the Blind in Jackson, Mississippi. On April 29, 2014, and in accordance with Rule 2.1.7.B of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, The District Land Development Company, LLC sent a petition to the Commission to make a determination as to the completion of Brownfield Agreement and as to the issuance of a “no further action” letter by the Executive Director. The staff of the MDEQ has reviewed the petition, has conducted the required inspection of the Brownfield Agreement Site, and hereby recommends that the Commission issue an order in accordance with the Brownfield Regulations concluding that The District Land Development Company, LLC has completed Brownfield Agreement #6340-13.

8. Commission Approval of Brownfield Obligation Transfer

On April 25, 2008, the Commission reached a Brownfield Agreement (#5389-08) with Pennzoil – Quaker State bda SOPUS Products for the remediation of the former PQS Vicksburg Lube Plant Brownfield Agreement Site in Vicksburg, Mississippi. On April 3, 2014, and in accordance with Rule 2.1.5.C of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, SOPUS Products and CAM2 International, LLC jointly have provided a petition to the MCEQ that CAM2 International, LLC has the financial, managerial, and technical resources to complete performance of the Brownfield Agreement obligations and agrees to complete this performance. The staff of the MDEQ has reviewed the petition, and hereby recommends that the Commission issue an order in accordance with the Brownfield Regulations approving the transfer of those obligations in Brownfield Agreement #5389-08 from SOPUS Products to CAM2 International, LLC. CAM2 International, LLC plans to reopen the closed facility as a hydraulic oil and fuel oil blending facility.

9. FY-2015 Title V Fee Recommendation

The Public Hearing on the FY-2015 Title V fee was held on May 8, 2014. No comments were received at the public hearing. The staff will recommend that the Commission adopt a Title V fee for FY-2015.

10. Commission Approval of Hazardous Waste Regulations Amendments

On March 6, 2014, a public hearing was held concerning the adoption of hazardous waste rules promulgated by EPA in order to maintain the consistency of the Mississippi Hazardous Waste Regulations and the EPA Hazardous Waste Regulations. These rules were promulgated on April 13, 2012 and July 31, 2013, and deal with amendments to correct typographical errors and include the solvent wipes exclusions. There were no attendees to the public hearing and the staff has received no comments on the proposed rules. Therefore, we are recommending that the Commission adopt these hazardous waste regulation amendments. This will allow our regulations to remain consistent with federal regulations.

11. Establishment of the Lignite Mining Fee for Liberty Fuels Company, LLC for the Liberty Mine in Kemper County for State Fiscal Year 2015; Establishment of the Lignite Mining Fee for Mississippi Lignite Mining Company for the Red Hills Mine in Choctaw County for State Fiscal Year 2015

Staff will recommend that the Liberty Fuels Company, LLC Lignite Mining Fee for the 2015 state fiscal year be set at \$125,000, which is the same as for state fiscal year 2014. Staff will also recommend that the Mississippi Lignite Mining Company Lignite Mining Fee for the 2015 state fiscal year be set at \$125,000, which is the same as for state fiscal year 2014. This amount will cover approximately 50% of the anticipated cost of administering the federally-approved coal mining program in Mississippi; the remaining approximately 50% of the cost will be covered by a federal Office of Surface Mining Reclamation and Enforcement grant. These fees will cover 100% of the anticipated cost of administering the program above the amount of the federal OSMRE grant. Staff will provide copies of the draft orders related to these fees to the Commission. Staff will also recommend that the Commission delegate the authority to sign the Orders to the Executive Director.

12. Approval of Regional Recycling Cooperative Grants

Staff will provide a briefing to the Commission on the Regional Recycling Cooperative Grants Program and on the recent grant awards to four local governments that will be used to build and enhance regional recycling systems with other partner communities in the state. Local governments approved to receive grant awards were as follows:

- City of Greenwood - \$399,700 (in partnership with Leflore County, the Cities of Itta Bena and Indianola, and the Town of Sidon)
- City of McComb - \$123,916 (in partnership with Pike County and the Cities of Osyka, Magnolia and Summit)
- City of Natchez – \$317,162 (in partnership with the City of Brookhaven, Wilkinson County and various other institutions and organizations)
- City of Oxford – \$227,160 (in partnership with the Cities of Calhoun City and Batesville, Panola and Lafayette Counties and the University of Mississippi)

13. Briefing on the Delta Sustainable Water Resources Task Force

Staff will brief the Commission on the work of the Delta Sustainable Water Resources Task Force.

14. Asbestos Certifications

We have issued 502 asbestos certifications since the last report. This list will be available at the Commission meeting.

15. Lead Paint Certifications

We have issued 169 lead paint certifications since the last report. This list will be available at the Commission meeting.

16. Underground Storage Tanks (UST) Certifications

We have issued 4 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

17. Emergency Clean-Up Expenses

We have 6 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

18. Wastewater Operator Certifications

We have issued 120 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

19. Administrative Orders

We have issued 20 administrative 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 2** at the end of this agenda.

20. Other Business

21. Confirmation of Meeting on Thursday, June 26, 2014

22. Adjournment

EMERGENCY SERVICES CLEAN-UP

To: United States Environmental Services
Amount: \$2,955.34 **Date of Response:** 12/19/13
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up abandoned medical waste in Simpson County.

To: United States Environmental Services
Amount: \$2,894.51 **Date of Response:** 12/20/13
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up abandoned medical waste in Simpson County.

To: United States Environmental Services
Amount: \$1,820.69 **Date of Response:** 09/18/13
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a motor oil spill from an abandoned 18 wheeler in Harrison County.

To: United States Environmental Services
Amount: \$4,642.40 **Date of response:** 11/30/13
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a gasoline spill from a ditch in Stone County.

To: United States Environmental Services
Amount: \$1,360.84 **Date of Response:** 12/03/13
For: Costs associated with providing supervision, labor, equipment and materials to respond to and pick up an abandoned drum in George County.

To: United States Environmental Services
Amount: \$2,343.72 **Date of Response:** 10/29/13
For: Costs associated with providing supervision, labor, equipment and materials to respond to and pick up abandoned drums off the side of the interstate in Jackson County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Navistar Defense LLC West Point, MS	Order No. 6385 14 Respondent agrees to pay MDEQ \$6,600 within forty-five (45) days of this Agreed Order.	Violations are listed in Section 1 of this Agreed Order.
2	Multi-Chem Group LLC Laurel, MS	Order No. 6386 14 Respondent agrees to pay MDEQ \$6,000 within forty-five (45) days of this Agreed Order.	Respondent failed to display adequate knowledge and training in regard to management of the site's hazardous waste. Respondent failed to make a hazardous waste determination in a timely manner.
3	Billy Martin Roxie, MS	Order No. 6387 14 Respondent agrees to pay MDEQ \$4,000 within forty-five (45) days of this Agreed Order. Respondent agrees to comply with the closure plan submitted by Mr. Joey Martin via email on November 20, 2013.	Violations are listed in Section 1 of this Agreed Order.
4	3983 N Gloster, LLC Tupelo, MS	Order No. 6388 14 Respondent agrees to the terms and conditions of participation in the Uncontrolled Site Voluntary Evaluation Program.	Respondent submits and MDEQ agrees to accept the Site for participation in the Program.
5	R. K. Metals, LLC Tupelo, MS	Order No. 6389 14 Respondent agrees to pay MDEQ \$15,000. Payments shall be submitted in six (6) installments of \$2,500 per installment beginning January 31, 2014 and ending June 30, 2014.	Violations are listed in Section 1 of this Agreed Order.
6	MEC d/b/a The Pony Starkville, MS	Order No. 6390 14 Respondent agrees to pay MDEQ \$1,750 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0057959.
7	Ashley Furniture Industries, Inc. Ecu, MS	Order No. 6391 14 Respondent agrees to pay MDEQ \$4,000 within forty-five (45) days of this Agreed Order.	Respondent failed to submit Discharge Monitoring Reports for two (2) consecutive reporting periods.
8	Claiborne County Board of Supervisors Port Gibson, MS	Order No. 6392 14 Respondent agrees to pay MDEQ \$1,980 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0046850.
9	Cooley Center, LLC Columbus, MS at MSU Development Project Mississippi State University Mississippi State, MS	Order No. 6393 14 Respondent agrees to comply with the conditions and restrictions contained within the Brownfield Agreement.	This Brownfield Agreement Order is an agreement between the Respondents and the Mississippi Commission on Environmental Quality that remediation of the Site is necessary.

10	Midsouth Petroleum Corporation Nettleton, MS	Order No. 6394 14 Respondent agrees to pay MDEQ \$1,000 within forty-five (45) days of this Agreed Order. Respondent also agrees to comply with the requirements listed in Section 3 of this Agreed Order.	Violations are listed in Section 2 of this Agreed Order.
11	Sipsey River Oil Corporation Monroe County, MS	Order No. 6395 14 Respondent agrees to pay MDEQ \$2,500 within forty-five days of this Agreed order.	Violations are listed in Section 1 of this Agreed Order.
12	Sequatchie Concrete Service, Inc. DeSoto County, MS	Order No. 6396 14 Respondent agrees to pay MDEQ the sum of \$42,500 in nine installments, with the first installment of \$4,722.24 to be paid within forty-five (45) days of this Agreed Order. Respondent thereafter agrees to pay MDEQ \$4,722.24 each month for eight (8) consecutive months, with the installment payment being due by the last business day of each month. MDEQ shall allow Respondent credit toward payment of penalty as per Memorandum of Agreement. MOA is listed as Exhibit "A" of this Agreed Order.	Respondent was in violation of the Mississippi Air and Water Pollution Control Law and the Multimedia Ready-Mix Concrete Facility General Permit.
13	Clearwater Paper – Wiggins, LLC Wiggins, MS	Order No. 6397 14 Respondent agrees to pay MDEQ \$17,000 within forty-five (45) days of this Agreed Order. Respondent agrees to operate in accordance with SMOP No. 2540-00018 issued to Respondent on July 19, 2007.	Facility failed to submit the renewal application 180 days prior to the expiration date of the SMOP. The SMOP expired on June 30, 2012 and the application was received one day prior to that expiration.
14	Town of Utica Utica, MS	Order No. 6398 14 Respondent agrees to pay MDEQ \$1,250 within forty-five (45) days of this Agreed Order. Respondent agrees to cease discharge from the Utica POTW, North and submit written documentation to MDEQ to certify the cease of discharge.	Respondent was in violation of NPDES Permit No. MS0027863.
15	Town of Summit (South POTW) Summit, MS	Order No. 6399 14 Respondent agrees to comply with the requirements listed in Section 2 of this Agreed Order which includes a penalty in the amount of \$3,500 due within forty-five days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0021555.
16	Town of Summit (East POTW) Summit, MS	Order No. 6400 14 Respondent agrees to comply with the requirements listed in Section 2 of this Agreed Order which	Respondent was in violation of NPDES Permit No. MS0021563.

		includes a penalty of \$2,625 due and payable to MDEQ within forty-five (45) days of this Agreed Order.	
17	Former J. D. Herrington Grocery Facility ID No. 6211 Laurel, MS	Order No. 6401 14 Sellers of property agree to pay MDEQ \$5,000 in reimbursement costs associated with the soil and groundwater contamination investigation and ongoing remediation upon sale of property.	The Mississippi Commission on Environmental Quality agrees to not assert any claim against Barry Pryor (buyer) and any future owners for any costs previously expended or to be expended by the Commission for the assessment and remediation of the existing release of gasoline at the Facility.
18	Federal Express Corporation Batesville, MS	Order No. 6402 14 Respondent agrees to pay MDEQ \$15,000 within forty-five (45) days of this Agreed Order.	Respondent failed to apply for re-coverage under the new Baseline Storm Water General Permit for three (3) facilities located in Batesville, Tupelo and Corinth, Mississippi.
19	City of Ripley Ripley, MS	Order No. 6403 14 Respondent agrees to comply with the requirements listed in Section 2 of this Agreed Order which includes a penalty of \$6,250 due and payable to MDEQ within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0020958.
20	Waste Pro Meridian Landfill, LLC Lauderdale, MS	Order No. 6404 14 Respondent agrees to comply with the requirements listed in Section 2 of this Agreed Order which includes a penalty of \$8,000 due and payable to MDEQ within forty-five (45) days of this Agreed Order.	Respondent was in violation of Solid Waste Management Permit NO. SW0380020515.