

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, July 26, 2018
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 2019 (July 2018-June 2019)**
3. **Approval of Minutes of May 24, 2018 Meeting**
4. **Commission Approval of Brownfield Agreement**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and MTB Properties, LLC regarding the remediation of brownfield property located at 206 Highway 182 East in Starkville, Mississippi. The administrative record for this environmental response project is referred to as the Humble Oil Property site. The property was previously operated as a fuel supply operation with underground storage tanks. Assessments revealed the extent of contamination in the shallow groundwater and soil at levels in excess of the Target Remediation Goals. Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be a new restaurant and catering operation called "Humble Taco". 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.

5. **Environmental Covenant for Yazoo Valley EPA**

Pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), the Executive Director of MDEQ approved the Environmental Covenant between the Commission and Yazoo Valley Electric Power Association (EPA) regarding the remediation of property located at 651 East 15th Street in Yazoo City, MS. Environmental Site Assessments have revealed the site is contaminated with petroleum hydrocarbons at levels in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. The staff of the MCEQ has evaluated the proposed Environmental Covenant and believes that, with the conditions and restrictions contained within; the site will be in compliance with applicable State laws and standards and will be protective of the public health and the environment. This agenda item is for reporting purposes only.

6. **Water Pollution Control (Clean Water) State Revolving Fund Loan Program, Resolution of Necessity to Issue Bonds**

During the 2018 State legislative session, House Bill 1649 was passed and subsequently signed by the Governor. This bill provided for the issuance of \$5,000,000 in bonds to provide state matching funds required to obtain \$25,000,000 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.

7. **Draft FY-2018 Water Pollution Control Revolving Loan Fund (WPCRLF) Program Intended Use Plan**

Staff will brief the Commission on the Draft FY-2018 Water Pollution Control Revolving Loan Fund (WPCRLF) Program Intended Use Plan. The Intended Use Plan 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 new 30-year loan term availability. Public notice and a public hearing for the Draft Intended Use Plan will be scheduled to solicit public comments. Any

comments received from the public or EPA will be addressed. After the public comment period, Staff will return to the Commission and request adoption of the Final FY-2018 WPCRLF Program Intended Use Plan.

8. C.F. Gollott and Son Seafood, Inc., D'Iberville, Harrison County, Mississippi, Request for Commission Hearing

C.F. Gollott and Son Seafood, Inc. ("Gollott") was issued an NPDES permit on July 17, 2014, allowing it to discharge process wastewater used for shrimp processing. The permit is based on new source performance standards ("NSPS") applicable to the Canned and Preserved Seafood Processing Point Source Category. Gollott did not challenge the issuance of the permit within 30 days of issuance as required by Miss. Code Ann. § 49-17-29(4(b)). Gollott recently petitioned the Mississippi Environmental Quality Permit Board ("Permit Board") to modify the permit to revert to existing source standards. Gollott also requested the Commission to petition the United States Environmental Protection Agency ("EPA") to initiate a revision to the NSPS based on Gollott's argument that the NSPS standards, which were promulgated more than 40 years ago, were not validly promulgated. Gollott finally requested that the Commission enter a stay of Agreed Order 6553 15 and Agreed Order Amendment 6553 15 pending the Permit Board's resolution of the modification request and the Commission's resolution of the NSPS revision request. Agreed Order No. 6553 15 and Amendment to Agreed Order No. 6553 15 allowed Gollott additional time to come into compliance with the NSPS requirements in its permit issued on July 17, 2014. As indicated in the attached letter dated May 31, 2018, Gollott has requested a Commission hearing regarding whether the Commission should petition EPA to revise the NSPS standards and whether the Agreed Order and Agreed Order Amendment should be stayed pending the Permit Board's resolution of the modification request and the Commission's resolution of Gollott's request that the Commission petition EPA regarding revision of the NSPS. Attached is MDEQ's response to Gollott's request dated June 12, 2018. Staff will recommend denial of Gollott's request for hearing.

9. Asbestos Certifications

We have issued 265 asbestos certifications since the last report. This list will be available at the Commission meeting.

10. Lead Paint Certifications

We have issued 103 lead paint certifications since the last report. This list will be available at the Commission meeting.

11. Underground Storage Tanks (UST) Certifications

We have issued 30 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

12. Emergency Clean-Up Expenses

We have 24 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

13. Administrative Orders

We have issued 21 Administrative Orders and 2 Amended 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.

14. Other Business

15. Confirmation of the August 23, 2018 Commission meeting

16. Adjournment

EMERGENCY SERVICES CLEAN UP

To: Complete Environmental
Amount: \$4,032.58 **Date of Response:** 02/24/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Perry County.

To: Complete Environmental
Amount: \$1,476.32 **Date of Response:** 03/08/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up leaking abandoned drums left on a property in Pike County.

To: Complete Environmental
Amount: \$927.78 **Date of Response:** 03/08/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up leaking abandoned drums left on a property in Pike County. This invoice is for the disposal costs.

To: Complete Environmental
Amount: \$2,563.78 **Date of Response:** 04/23/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an abandoned diesel/engine oil spill in Neshoba County.

To: Enhanced Environmental & Emergency Services
Amount: \$1,887.51 **Date of Response:** 04/06/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help pick up and dispose of some abandoned drums in Yazoo County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,271.10 **Date of Response:** 04/10/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Jackson County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,391.66 **Date of Response:** 05/05/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum products spill in Harrison County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,485.04 **Date of Response:** 04/04/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Lincoln County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,004.19 **Date of Response:** 04/03/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Copiah County.

To: Enhanced Environmental & Emergency Services
Amount: \$4,465.93 **Date of Response:** 01/23/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and pick up two abandoned drums in Monroe County.

To: Enhanced Environmental & Emergency Services
Amount: \$6,155.02 **Date of Response:** 10/07/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Lee County.

To: Enhanced Environmental & Emergency Services
Amount: \$3,438.90 **Date of Response:** 01/04/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Pearl River County.

To: Enhanced Environmental & Emergency Services
Amount: \$11,840.31 **Date of Response:** 03/20/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean a motor oil/diesel spill in Marshall County.

To: Enhanced Environmental & Emergency Services
Amount: \$23,681.10 **Date of Response:** 02/13/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help place boom around a sunken vessel. To prevent further spread of the boat fuel in Tishomingo County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,100.64 **Date of Response:** 04/05/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Tate County.

To: Enhanced Environmental & Emergency Services
Amount: \$10,229.43 **Date of Response:** 02/05/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a chicken feed spill in Hinds County.

To: CTEH
Amount: \$10,656.90 **Date of Response:** 05/02/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help identify an unknown odor in Yazoo County.

To: CTEH
Amount: \$10,196.99 **Date of Response:** 05/31/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a sulfur spill in Panola County.

To: Complete Environmental
Amount: \$2,405.91 **Date of Response:** 12/30/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an abandoned oil spill in Jackson County.

To: Complete Environmental
Amount: \$676.96 **Date of Response:** 02/24/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Perry County. This invoice is for transportation and disposal costs.

To: Enhanced Environmental & Emergency Services
Amount: \$3,924.97 **Date of Response:** 02/24/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Perry County. This invoice is for transportation and disposal costs.

To: Enhanced Environmental & Emergency Services
Amount: \$11,006.52 **Date of Response:** 05/02/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help identify an unknown odor in Yazoo County.

To: Enhanced Environmental & Emergency Services
Amount: \$1,059.58 **Date of Response:** 05/22/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a Sodium Bromide spill in Harrison County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,267.40 **Date of Response:** 02/16/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an abandoned oil spill in Hinds County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Roxie POTW Franklin Co., MS	Order No. 6850 18 Respondent agrees to pay MDEQ a penalty in the amount of \$750.00 with forty-five (45) days of this Agreed Order. Respondent also agrees to comply with all terms and conditions listed under Section #2 of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0024830
2	Three Rivers Regional Solid Waste Management Authority Lafayette Co., MS	Order No. 6851 18 Respondent agrees to comply with the orders listed in Section 5 of this Order.	This order approves the modified version of the Three Rivers Regional Solid Waste Management Plan as requested by the Three Rivers Regional Solid Waste Authority. Specifically, the order approves the Authority's modification to include a new medical waste processing facility in the plan owned and operated by GreenServ Sterilization, LLC in order to meet the growing medical waste management needs of Mississippi and the surrounding states.
3	Yazoo Valley Electric Power Association Yazoo Co., MS	Order No. 6852 18 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has an interest in a tract of land located in Yazoo City, MS. The Site is contaminated with petroleum hydrocarbons at levels in excess of the Target Remediation Goals (TRG's), and, therefore, remediation of the Site is necessary.
4	Murphy Oil USA, Inc. El Dorado, AR	Order No. 6853 18 Respondent agrees to pay MDEQ a penalty in the amount of \$130,000.00 within forty-five (45) days of this Agreed Order.	Respondent owns/or operates several UST's in Mississippi. Facilities are listed in Section I and violations are listed in Section 2 of this Agreed Order.
5	Title V State Air Permit Fee	Order No. 6854 18	This order authorizes the Commission to set the federally mandated Title V air permit fee in an amount sufficient to cover the reasonable costs of the development and administration of the Mississippi Title V air operating permit program.
6	Proposed amendments to "Regulations for the Prevention, Abatement, and Control of Air Contaminants" and revision to the "SIP for Control of Air Pollution"	Order No. 6855 18	This order confirms the adoption of the proposed amendments for MDEQ's Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants along with the associated Revisions to the Mississippi State Implementation Plan (SIP) for Control of Air Pollution (SIP Revision). Mississippi Administrative Code, Part 2, Chapter 1.
7	Petitioner's Evidentiary Hearing Request Regarding Melton Properties, LLC, Caroline McComb Scheppe, and the Caroline McComb Scheppe Trust Number One to address contamination caused by a train derailment Leflore Co., MS	Order No. 6856 18	This Scheduling Order was issued to schedule deadlines for pre-filed testimony, motions, responses, rebuttal, and witness lists and to schedule the evidentiary hearing requested before the Commission by Petitioners Melton Properties, LLC, Caroline McComb Scheppe, and the Caroline McComb Scheppe Trust Number One on November 14-15, 2018.
8	Matter of the Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 3, Chapter 1, Entitled "Hazardous Waste Management Regulations"	Order No. 6857 18	This order confirms the adoption of the proposed amendments for MDEQ's "Hazardous Waste Management Regulations".

9	Matter of the Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 7, Chapter 3, Entitled "Dam Safety Regulations"	Order No. 6858 18	This order confirms the adoption of the proposed amendments for MDEQ's "Dam Safety Regulations".
10	Lauderdale County Board of Supervisors Lauderdale Co., MS	Order No. 6859 18	This order approves the modification to the Lauderdale County Solid Waste Management Plan. Specifically, the order approves a modification to recognize an expansion of the H.E. Mosley Inc. Class I Rubbish Landfill in Lauderdale County operated by H.E. Mosley for the continue disposal of class I rubbish waste in Lauderdale County.
11	Desoto County Board of Supervisors Desoto Co., MS	Order No. 6860 18	This order approves the modified version of the Desoto County Solid Waste Management Plan as requested by the Desoto County Board of Supervisors (Board). Specifically, the order approves the Boards modification to include nine (9) additional areas all owned by Roundaway Farms, Inc. for the land application of biosolids from the Desoto County Regional Utility Authority wastewater treatment plants.
12	Imbeau Bayou Plantation Quitman Co., MS	Order No. 6861 18 Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section 1-A&B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-46782.
13	Michael Stephen Havard George Co., MS	Order No. 6862 18 Respondent shall pay all outstanding fees and a penalty in the total aggregate amount of \$620.00 (Six hundred Twenty Dollars) to reinstate his license through June 30, 2018.	Respondent was in violation of fulfilling requirements for renewing his license.
14	BCF-09 Tunica Co., MS	Order No. 6863 18 Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section 1-A&B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-45777
15	BCF-09 Tunica Co., MS	Order No. 6864 18 Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section 1-A&B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-45779
16	BCF-09 Tunica Co., MS	Order No. 6865 18 Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section 1-A&B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-45776
17	MTB Properties, LLC Oktibbeha Co., MS	Order No. 6866 18 Respondent agrees to the payment terms and conditions listed in this Agreed Order.	This order is the Brownfields Schedule order that covers the financial arrangement of the Brownfields agreement.
18	Weyerhaeuser Company, NR Neshoba Co., MS	Order No. 6867 18 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has an interest in a tract of land located in Philadelphia, MS. The Site is contaminated with Pentachlorophenol and Diesel Range Organics at levels in excess of the Target Remediation Goals (TRG's), and, therefore, remediation of the Site is necessary.
19	Johnston-Tombigbee Furniture Manufacturing Company Columbus, MS	Order No. 6868 18 Respondent agrees to comply with the terms and conditions listed under Section #2.	Respondent was in violation of Title V Permit No. 1680-00024.

20	City of Hattiesburg Forrest Co., MS	Order No. 6869 18	This Agreed Order incorporates the terms of settlement in a citizen's suit brought by Gulf Restoration Network against the City of Hattiesburg. The City agrees to a \$1500 per day stipulated penalty as they are assessed by MDEQ for violations of Permit MS0020303 that meet or exceed the definition of Significant Noncompliance.
21	Clifford R. Woolfolk Tate Co., MS	Order No. 6870 18 Respondent has requested reinstatement of his license and has agreed to pay the \$210.00 in fees associated with such reinstatement.	Respondent did not comply with all terms for renewing his Pump Installer's License No. (RPO-00006176), which expired on June 30, 2018.

Amended Orders

1	Valley Services, Inc. dba Traditions Rankin Co., MS	Amended Agreed Order No. 6839 18	Respondent agrees to comply with the amended requirements listed in Section I of this Agreed Order Amendment.
2	Yazoo Valley Electric Power Association Yazoo Co., MS	Amended Agreed Order No. 6852 18	Respondent agrees to comply with the amended requirements listed in Section I of this Agreed Order Amendment.