

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, February 25, 2016

9:00 A.M.

Room 104A

515 East Amite Street

Jackson, Mississippi 39201

AGENDA

1. **Call to Order - Chair**
2. **Approval of Minutes of December 2, 2015 Meeting**
3. **Presentation of EPA Awards to MDEQ Employees**
4. **Commission Approval of Brownfield Agreement**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and Chevron Products Company regarding the remediation of brownfield property generally located at 3500 Old Airport Road in Moss Point, Mississippi. The site is hereafter referred to as the "Delmas Nursery Brownfield Agreement Site." Past use of the facility included a plant nursery. Assessments revealed an area of limited contamination resulting from the nursery operations. Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be an employee parking lot for the Chevron Refinery. 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. **Commission Approval of Brownfield Agreement**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and Stark Alan, LLC regarding the remediation of brownfield property located at 335 Highway 12, in Starkville, Mississippi. The site is hereafter referred to as the SunSations property which was impacted by a release on the adjacent One Hour Cleaners Brownfield Agreement Site. Assessments revealed an area of limited contamination resulting from the adjacent former dry cleaner operation. Therefore, remediation of the Brownfield Agreement Site is necessary. The use of the Site will continue to be commercial with an environmental covenant restricting the future site use along with limitations on certain activities on the property. 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 Consulting Firms**

The staff has reviewed applications from consulting firms requesting to be listed as Brownfield Consulting Firms and has determined them to be complete and acceptable. Therefore, the staff recommends that the Commission approve the following firms as Brownfield Consulting Firms:

Stanley Consultants, Inc.
2658 Crosspark Rd., Suite 100
Coralville, IA

7. **Modification of Wastewater Operator Certification Exam Fee**

Staff will ask the Commission to consider a proposed increase of the Wastewater Operator Program Exam fee from \$35 to \$40 beginning in 2016. The last exam fee increase was in 2009 from \$25 to \$35. Staff is requesting this exam fee increase because the cost for each exam with the testing contractor, Association of Boards of Certification (ABC), has gone up to \$40. For this reason staff is recommending the Commission increase the exam fee from \$35 to \$40.

8. **FY 2017 Title V Fee Recommendation - Approval to Proceed to Public Notice of Hearing**

A copy of the draft report containing the Title V Advisory Council's Title V fee recommendation for the upcoming fee year has been forwarded to the Commission. We are requesting approval to hold a public hearing to receive comments regarding the proposed fee and to proceed with public

notice of the hearing. After the public hearing has been held, the public comment period has ended, and comments have been reviewed, staff will bring the fee recommendation back before the Commission for final action.

9. Proposed Amendments to Regulations for Water Quality Criteria for Intrastate, Interstate, and Coastal Waters (11 Miss. Admin. Code Pt. 6, Ch. 2)

MDEQ is required by the Clean Water Act to routinely review and update the state's water quality standards document in a process known as the triennial review. The last modifications to Mississippi's Water Quality Standards were adopted by the Commission in June 2012. The public comment period ended with a public hearing on November 5, 2015. Comments were received from the Gulf Restoration Network. MDEQ staff have reviewed, evaluated, and responded to these comments. Copies of the comments and the responsiveness summary have been provided to the Commission for review. The modifications to the water quality standards for this triennial review are as follows: 1) the bacterial indicator for freshwaters has been changed from fecal coliform to e.coli based on EPA recommendations; 2) language has been modified for clarification of pH criteria; 3) definitions of e. coli and enteric pathogens have been added to the definitions section; 4) Table 3. Mississippi Surface Water Intakes for Public Water Supply has been updated to list the Tenn-Tom Waterway intake as "active" instead of "under construction," and, 5) the location description for Turkey Creek was corrected within the water use classification tables to reflect the change in name of the referenced school. The description was changed from "Forest Heights Middle School to Bernard Bayou" to "North Gulfport 8th Grade to Bernard Bayou." Based on comments received during the public notice period, modifications have been made to the document that was released for public notice. Based on evaluation of public comments received, language was added to "Rule 2.1 General Conditions" under "Section B. Sampling and Assessment" that references the methodology applied for water quality assessments.

10. Proposed 2016 Mississippi Section 303(d) List of Impaired Water Bodies

Staff will brief the Commission on the proposed 2016 Mississippi Section 303(d) List of Impaired Water Bodies. Public notice of the draft 303(d) list began on February 9, 2016. A public hearing is scheduled for March 14, 2016 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 2016 Mississippi Section 303(d) List of Impaired Water Bodies.

11. Water Pollution Control (Clean Water) Revolving Fund Loan Program, Letter to the Commission from the Program Auditors, Windham & Lacey, PLLC

In accordance with federal requirements, the WPCRLF Loan Program is audited each year. This letter fulfills a requirement that the auditors provide notification regarding the conduct and results of the audit, directly to the governing authority of the program being audited. As reflected in the letter, there were no problems encountered while conducting this year's recently completed audit, and no findings or recommendations resulted from the audit.

12. Update Commission on Delta Sustainable Water Resources Task Force

Staff will provide an update to the Commission on the Delta Sustainable Water Resources Task Force along with the Voluntary Metering Goals.

13. Asbestos Certifications

We have issued 355 asbestos certifications since the last report. This list will be available at the Commission meeting.

14. Lead Paint Certifications

We have issued 133 lead paint certifications since the last report. This list will be available at the Commission meeting.

15. Underground Storage Tanks (UST) Certifications

We have issued 24 certifications to those who install, alter, or remove underground storage tanks

since the last report. This list will be available at the Commission meeting.

16 Emergency Clean-Up Expenses

We have 9 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

17. Administrative Orders

We have issued 29 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.

18. Other Business

19. Confirmation of meeting on March 24, 2016

20. Adjournment

EMERGENCY SERVICES CLEAN-UP

To: Complete Environmental & Remediation
Amount: \$3,597.30 **Date of Response:** 11/04/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an engine oil spill in Clarke County.

To: Complete Environmental & Remediation
Amount: \$4,251.72 **Date of Response:** 06/27/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Scott County.

To: United States Environmental Services
Amount: \$1,792.75 **Date of Response:** 10/15/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Hinds County.

To: CTEH
Amount: \$9,054.78 **Date of Response:** 12/18/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and provide air monitoring for an odor smell of gasoline in Pike County.

To: Complete Environmental & Remediation
Amount: \$1,073.96 **Date of Response:** 09/18/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Pike County.

To: Complete Environmental & Remediation
Amount: \$4,036.96 **Date of Response:** 10/01/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel/oil spill in Scott County.

To: United States Environmental & Remediation
Amount: \$7,285.09 **Date of Response:** 12/04/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a gasoline spill in Hinds County.

To: United States Environmental Services
Amount: \$7,329.15 **Date of Response:** 11/18/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up hydraulic oil spill in Noxubee County.

To: United States Environmental Services
Amount: \$3,900.10 **Date of Response:** 11/18/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to an odor smell of gasoline in a storm drain in Newton County.

ADMINISTRATIVE ORDERS

| | <u>Respondent</u> | <u>Order No.</u> | <u>Summary</u> |
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| 1 | Tunica Properties, LLC Tunica Co., MS | Order No. 6592 15 Respondent agrees to pay MDEQ a penalty in the amount of \$2,500.00 within forty-five (45) days of this Agreed Order. | Respondent was in violation of product acceptance (UST Regulation Section 280.36) and in violation of the removal of the delivery prohibition tags (UST Regulation Section 280.36 (c)(1). |
| 2 | Cooper Lighting, LLC Warren Co., MS | Order No. 6593 15 This Agreed Order between the Commission and Cooper Lighting, LLC specifies the requirements, duties, and responsibilities of Cooper Lighting, LLC related to the Uncontrolled Site Voluntary Evaluation Program created in Miss. Code Ann. 17-17-54 (2) (Supp 1996) | The responsibilities and requirements of Cooper Lighting, LLC are listed in Section 3 of this Agreed Order. |
| 3 | H E Mosley, Inc. Lauderdale Co., MS | Order No. 6594 15 Respondent agrees to pay MDEQ a penalty in the amount of \$8,000.00. Respondent shall pay the first of two installments in the amount of \$3,000.00 within forty-five (45) days of this Agreed Order. Respondent shall pay the second installment in the amount of \$3,000.00 within ninety (90) days after the Effective Date. Complainant shall hold in abeyance \$2,000.00 pending compliance with the terms of Section 3. | Respondent failed to submit the 2014 annual report for the H.E. Mosley, Inc. Class 1 Rubbish Landfill |
| 4 | Faircloth Landfill, Inc. Hinds Co., MS | Order No. 6595 15 Respondent agrees to pay MDEQ a penalty in the amount of \$1,500.00 within forty-five (45) days of this Agreed Order. | Respondent was in violation of NPDES Permit No. MSR500094. |
| 5 | Magness Oil Company Tunica Co., MS | Order No. 6596 15 Respondent shall provide documentation that five employees, who manage the delivery and/or compliance issues for UST sites that Respondent owns or services, have satisfactorily completed Practical American Safety Solutions (PASS) training for Compliance Manager in MS. Respondent also agrees to pay MDEQ a penalty in the amount of \$5,000.00 within forty-five (45) days of this Agreed Order. | Respondent was in violation of product acceptance (UST Regulation Section 280.36) and in violation of the removal of the delivery prohibition tags (UST Regulation Section 280.36 (c)(1). |
| 6 | South Mississippi Electric Power Association Career Center Forrest Co., MS | Order No. 6597 15 Respondent agrees to pay MDEQ a penalty in the amount of \$10,500.00 within forty-five (45) days of this Agreed Order. | Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit before commencement of land disturbing activities. |

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| 7 | Leaf River Energy Center, LLC Smith Co., MS | Order No. 6598 15 Respondent agrees to pay MDEQ a penalty in the amount of \$90,000.00 within forty-five (45) days of this Agreed Order. | Violations are listed in Section 1 (A-F) of this Agreed Order. |
| 8 | Gulf Coast Shipyard Group Harrison Co., MS | Order No. 6599 15 Respondent agrees to pay MDEQ a penalty in the amount of \$82,500.00 within forty-five (45) days of this Agreed Order. | Violations are listed in Section 1 (A-H) of this Agreed Order. |
| 9 | City of Cleveland Bolivar Co., MS | Order No. 6600 15 Respondent agrees to the terms and conditions listed in Section 2 of this Agreed Order. | Violations are listed in Section 1 of this Agreed Order. |
| 10 | City of Picayune, MS Stockstill Brothers Investment, LLC Picayune, MS Huey P. Stockstill, LLC Pearl River Co., MS | Order No. 6601 15 Respondent agrees to the requirements in Section 3 of this Agreed Order. | This Agreed Order approves the transfer of financial, managerial and technical obligations to Huey P. Stockstill, LLC in order to ensure the conditions set forth in the Brownfield Agreement Order No. 5953-11 are satisfied. An Amendment Environmental Covenant Notice of Brownfield Agreement Site (County of Pearl River) is attached to this Agreed Order. |
| 11 | Moore Company, Inc. Washington Co., MS | Order No. 6602 15 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order. | Respondent has interest in a tract of land located on and adjacent to 1281 Pickett Street, in Greenville, Washington County, Mississippi. The Site is contaminated with 1, 1-Dichloroethene, cis-1, 1-Dichloroethene, Trichloroethene and Vinyl Chloride at levels in excess of the Target Remediation Goals ("TRG's) as established by the MDEQ, and therefore, remediation of this Site is necessary. |
| 12 | Hammett Gravel Company, Inc., Yazoo Pit Yazoo Co., MS | Order No. 6603 15 Respondent agrees to pay MDEQ a penalty in the amount of \$45,000.00. Respondent shall pay the first of three equal installments of \$15,000.00 to MDEQ no later than Dec. 31, 2015. The second installment of \$15,000.00 shall be paid to MDEQ no later than Jan. 29, 2016. The final installment of \$15,000.00 shall be paid to MDEQ no later than Feb. 29, 2016. | Violations are listed in Section I of this Agreed Order. |
| 13 | THB Construction, LLC Hinds Co., MS | Order No. 6604 15 Respondent agrees to pay MDEQ a penalty in the amount of \$1,000.00 within thirty (30) days of this Agreed Order. | Respondent was in violation of Air and Water Pollution Control Laws under Miss. Code Ann. 49-17-17. |
| 14 | Michael Bollero Aries Building Systems, LLC Pike Co., MS | Order No. 6605 15 Respondent agrees to pay MDEQ a penalty in the amount of \$9,999.00 within forty-five (45) days of this Agreed Order. Weather permitting, the | Respondent was in violation of the following: Failure to implement Storm Water Pollution Prevention Plan (SWPPP) as submitted; Failure to maintain all controls; |

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| | | Respondent shall also implement the site specific SWPPP within ninety (90) days of this Agreed Order. | Failure to perform weekly inspections. |
| 15 | Land Shaper, Incorporated Harrison Co., MS | Order No. 6606 15 Respondent agrees to pay MDEQ a penalty in the amount of \$17,500.00 within forty-five (45) days of this Agreed Order. | Respondent was in violation of Mississippi's Multimedia Hot Mix Asphalt Facility General Permit Certificate of Coverage Number MSR700005. |
| 16 | Norbord Industries, Inc. Lee Co., MS | Order No. 6607 15 Respondent agrees to pay MDEQ a penalty in the amount of \$18,500.00 within forty-five (45) days of this Agreed Order. | Respondent was in violation of the following: Failure to conduct weekly equipment inspections; Failure to conduct monthly inspections for Visible Emissions and Visible Emissions Evaluations (VEE) for all equipment with the exception of the Wafer Drying System; Failure to monitor and record pressure drop readings for all baghouses on a daily basis. |
| 17 | Humphreys County Board of Supervisors Humphreys Co., MS | Order No. 6608 16 The Thirteen (13) land applications are listed in Section 3 of this Order. | This Order is an amendment to Commission Order No. 3085 95 executed on June 30, 1995. On June 1, 2015, the Humphreys County Board of Supervisors adopted a resolution which will allow Thirteen (13) additional land application sites for municipal bio-solids and certain food processing residuals from waste water treatment facilities. |
| 18 | Gulf South Pipeline Company, LP Forrest, Jasper, and Jackson Counties | Order No. 6609 16 Respondent agrees to pay MDEQ a penalty in the amount of \$28,750.00 within forty-five (45) days of this Agreed Order. | Violations are listed in Section I of this Agreed Order. |
| 19 | Titan Tire International, Inc. C/O Watkins & Eager, PLLC Adams Co., MS | Order No. 6610 16 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order. | Titan International, Inc. desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program. |
| 20 | Kenny McGill d/b/a Kenny's Pump & Well Service Hancock Co., MS | Order No. 6611 16 Respondent shall immediately cease and desist from engaging in the business of constructing or repairing water wells; and Respondent shall immediately cease and desist from advertising and holding himself out to be a water well driller or pump installer/servicer. | Respondent was in violation of operating as water well/pump contractor in Hancock County without the required license. |
| 21 | Innocor Foam Technologies ACP, Inc. Lee Co., MS | Order No. 6612 16 Respondent agrees to pay MDEQ a penalty in the amount of \$37,000.00 within forty-five (45) days of this Agreed Order. | Respondent was in violation of the facility's Title V Permit No. 1540-00046. |
| 22 | Huron Smith Oil Company Panola Co., MS | Order No. 6613 16 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order. | Huron Smith Oil Co., Inc. desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program. |

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| 23 | Kemper County Board of Supervisors Kemper Co., MS | Order No. 6614 16 Respondent agrees to comply with the requirements listed in Section 6, A & B of this Order. These actions must be taken by the County to finalize the approval of the comprehensive update of the Kemper County Plan as required by State Law and the Solid Waste Planning Grant Assistance Agreement No. SWP031. | Respondent failed to provide documentation of compliance with State Law regarding the adoption of the Kemper County Solid Waste Management Plan. |
| 24 | Barnett Plaza, LLC Harrison Co., MS | Order No. 6615 16 Respondent agrees to pay MDEQ a penalty in the amount of \$1,000.00 within thirty (30) days of this Agreed Order. | Respondent was in violation of commencing facility renovations and an asbestos abatement project without a Commission certified asbestos abatement contractor. |
| 25 | Thrash Commercial Contractors, Inc. Hinds Co., MS | Order No. 6616 16 Respondent agrees to pay MDEQ a penalty in the amount of \$12,500.00 within forty-five (45) days of this Agreed Order. | Violations are listed in Section I of this Agreed Order. |
| 26 | Enpro Industries, Inc. Yalobusha Co., MS | Order No. 6617 16 Respondent has been "ordered" to MDEQ for approval a Vapor Intrusion Assessment Work Plan and a Groundwater Corrective Action Plan. Actions are listed in Section 5 of this Order. | Respondent was in violation of causing vapor intrusion impacts affecting as many as twenty-eight residential homes and eleven commercial facilities. |
| 27 | Pike County Board of Supervisors Pike Co., MS | Order No. 6618 16 Respondent agrees to pay MDEQ a penalty in the amount of \$30,000.00 within forty-five (45) days of this Agreed Order | Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit for construction activities. |
| 28 | Huey P. Stockstill, LLC and William Gerald Clark Harrison Co., MS | Order No. 6619 16 | This Order confirms that the environmental assessment of the Stockstill Site and the East Site is complete and also approves the completion of the Restrictive Use Agreed Order No. 5589 09. No further action is required. |
| 29 | Clarence W. Woods III, D/B/A Pine Belt Waste Systems, LLC, and Clarence W. Woods III, D/B/A Northgate Rubbish Site, and Clarence W. Woods Individually Forrest Co., MS | Order No. 6620 16 Respondent agrees to comply with the requirements listed in Section 6 of this Order. | Respondents were in violation of the Mississippi Surface Mining and Reclamation Act, the Mississippi Air and Water Pollution Control Law and the rules and regulations of the Mississippi Commission on Environmental Quality. |