

# MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, August 25, 2016  
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 2017 (July 2016-June 2017)**
3. **Approval of Minutes of June 23, 2016 Meeting**
4. **Commission Approval of Environmental Covenant - Cavenham Forest Industries LLC, Baxterville, Lamar County**

The staff recommends that the Commission approve the Environmental Covenant between the Commission and Cavenham Forest Industries, LLC regarding the remediation of property located at 5060 Highway 13, Baxterville, MS. Environmental Site Assessments have revealed a release of the pesticide Benzene Heptachloride impacting groundwater at concentrations in excess of Target Remediation Goals (TRGs). Since 1997, remediation has been conducted under a MDEQ approved remedial action plan. The staff of the MDEQ 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.

5. **Commission Approval of Environmental Covenant - Schlumberger Technology Corporation, Hattiesburg, Forrest County**

The staff recommends that the Commission approve the Environmental Covenant between the Commission and Schlumberger Technology Corporation regarding the remediation of property located at 1232 James Street, Hattiesburg, MS. Environmental Site Assessments have revealed a release of chlorinated solvents impacting groundwater at concentrations in excess of Target Remediation Goals (TRGs). Remediation efforts have been conducted by Schlumberger Technology Corporation under an MDEQ approved remedial action plan. The staff of the MDEQ 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.

6. **Resolution of the Commission Declaring the Need for the Issuance of General Obligation Bonds of the State of Mississippi for the Repair and Renovation of High Hazard Dams in DeSoto County**

Section 61 of House Bill 1729 (Regular Session 2016) provided the Bond Commission with the authority to issue general obligation bonds of the State in an amount not to exceed Six Hundred Twenty-Five Thousand Dollars (\$625,000) for the purpose of paying the costs of repair and renovation of high hazard dams in DeSoto County. Pursuant to Section 61 of House Bill 1729 and in order to fulfill the intent of the Legislature, the Commission on behalf of MDEQ must declare the necessity of the issuance of these bonds for the purpose of paying the costs of repair and renovation of high hazard dams in DeSoto County. Therefore, MDEQ staff recommends the Commission adopt and approve the attached Commission Resolution.

7. **Commission Designated Hearing Officer-Serenity Lane Evidentiary Hearing**

Due to the recent fee legislation, the Office of Attorney General has informed MDEQ that it will no longer provide hearing officers for evidentiary hearings before the Commission and the Permit Board. The fee legislation prevents the Office of Attorney General from charging fees for its services. The Commission previously designated Special Assistant Attorney General Chuck Rubisoff as the hearing officer for the Serenity Lane evidentiary hearing which is scheduled for October 17-19. Due to the aforementioned legislation, Mr. Rubisoff has withdrawn as hearing officer. Miss. Code Ann. Section 49-17-33 allows the designated hearing officer to conduct the hearing in the name of the Commission and provide the record of the hearing and findings and a recommendation for the Commission's review

and consideration. Pursuant to Miss. Code Ann. Section 49-17-33, staff of MDEQ recommends that the Commission designate Frank Spencer, former Special Assistant Attorney General, as the replacement hearing officer for the Commission in the upcoming Serenity Lane Evidentiary hearing.

**8. Commission Designated Hearing Officers**

Pursuant to Miss. Code Ann. Sections 49-17-31 and 49-17-33, MDEQ further recommends that the following individuals be designated by the Commission to serve as hearing officers in future Commission evidentiary hearings:

Ricky Boggan  
Rick Gamblin  
Leyser Hayes  
Steve Ray  
Trey Smith  
Frank Spencer

**9. Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Conditional Adoption of FY-2016 Intended Use Plan**

Due to the necessity for action on the FY-2016 Intended Use Plan prior to September 30, 2016, staff will recommend adoption by the Commission of the FY-2016 WPCRLF Intended Use Plan, subject to completion of the required public notice period and public hearing, and provided that any resulting public comments are resolved without significant changes. The staff recommendation includes Commission delegation of authority to the Executive Director to execute an order approving the Intended Use Plan if there are no significant changes or comments resulting from public participation. The Plan is currently at public notice and a public hearing is scheduled for Thursday, September 8, 2016. 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 Plan also reflects the implementation of the new federal requirements which apply to FY-2016 and after loan projects.

**10. Asbestos Certifications**

We have issued 190 asbestos certifications since the last report. This list will be available at the Commission meeting.

**11. Lead Paint Certifications**

We have issued 89 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 40 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. Emergency Clean-Up Expenses**

Emergency expenditures since the last report will be reflected on next month's Commission agenda.

**14. Administrative Orders**

We have issued 18 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 1** at the end of this agenda.

**15. Other Business**

**16. Confirmation of meeting on September 22, 2016**

**17. Adjournment**

**(Attachment 1)**  
**8/25/2016**

**ADMINISTRATIVE ORDERS**

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Schulz Xtruded Products Desoto Co., MS	Order No. 6657 16 Respondent agrees to pay MDEQ a penalty in the amount of \$15,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Pretreatment Permit No. MSP092324.
2	Stephanie Howard, Executrix of the Estate of Gerald Donald	Order No. 6658 16 Following a presentation by Commission designated Hearing Officer, Ricky Luke, which included his Findings and Recommendation, a Motion to Lift Stay and Motion to Dismiss filed by the oil company defendants in the referenced matter were granted by the Commission at its meeting on April 28, 2016. A previous hearing was held before Hearing Officer Luke on December 9, 2015, related to the Motions.	This final Order adopted by the Commission on June 23, 2016, memorializes the Commission's decision and grants the oil companies' Motion to Lift Stay and the Motion to Dismiss with prejudice and also includes a requirement that a certified copy of the Order be filed in the land records of the Chancery Clerk of Wayne County to provide notice to potential purchasers of the subject property.
3	Adoption of Title 11 of the Mississippi Administrative Code, Part 6, Chapter 9	Order No. 6659 16	This Order confirms the adoption of the proposed amendments for MDEQ's regulation for "Mississippi 2016 Section 303(d) List of Impaired Water Bodies."
4	Croft LLC Pike Co., MS	Order No. 6660 16 Respondent agrees to pay MDEQ a penalty in the amount of \$14,700.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I (A-C) of this Agreed Order.
5	Wal-Mart Real Estate Business Trust Jackson Co., MS	Order No. 6661 16 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has interest in a tract of land located in Pascagoula, MS. The site is contaminated with petroleum related contaminants in the groundwater and soils at levels in excess of the Target Remediation Goals (TRGs) as established by the MEDQ, and, therefore, remediation of the Site is necessary.
6	Hernando Town Properties, LLC DeSoto Co., MS	Order No. 6662 16 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has interest in a tract of land located in Hernando, MS. The site is contaminated with Total Petroleum Hydrocarbons- Gasoline and Diesel Range Organics in the groundwater and soils at levels in excess of the Target Remediation Goals (TRGs), and, therefore, remediation of the Site is necessary.
7	Huron-Smith Oil Company Panola Co, MS	Order No. 6663 16 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has interest in a tract of land located in/near Batesville, MS. The site is contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, and Naphthalene at levels in excess of the Target Remediation Goals (TRGs), and, therefore, remediation of the Site is necessary.
8	Transmontaigne Operating Company LP Washington Co., MS	Order No. 6664 16 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has interest in a tract of land located in Greenville, MS. The site is contaminated with Ammonia and Nitrate at levels in excess of the Target Remediation Goals (TRGs), and, therefore, remediation of the Site is necessary.

<b>9</b>	Tupelo Redevelopment Agency Lee Co., MS	Order No. 6665 16	Respondent has successfully completed Brownfield Agreement #5180-06. Notice of Brownfield Agreement Site is hereby cancelled, and Environmental Covenant is hereby terminated.
<b>10</b>	Spring Plaza Limited Partnership Jackson Co., MS	Order No. 6666 16 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has interest in a tract of land located in Ocean Springs, MS. The site is contaminated with Tetrachloroethene, Trichloroethene, Cis-1, 2 Dichloroethene, and Vinyl Chloride in the groundwater and soils at levels in excess of the Target Remediation Goals (TRGs), and, therefore, remediation of the Brownfield Agreement Site is necessary.
<b>11</b>	Spring Plaza Limited Partnership Jackson Co., MS	Order No. 6667 16 Respondent agrees to the payment terms and conditions of this Agreed Order.	Respondent has successfully completed an application for this site to participate in the Brownfield Program.
<b>12</b>	Crown Health Care Laundry Marion Co., MS	Order No. 6668 16 Respondent agrees to pay MDEQ a penalty in the amount of \$10,313.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I (A-B) of this Agreed Order. Violation of Water Pretreatment Permit No. MSP092312
<b>13</b>	Clean Earth Inc., Clean Earth Inc. Medical Waste Processing Facility Forrest Co., MS	Order No. 6669 16 Respondent agrees to pay MDEQ a penalty in the amount of \$4,000.00 within forty-five (45) days of this Agreed Order	Respondent was in violation of Solid Waste Management Permit No. SW0180050500
<b>14</b>	Kenny McGill d/b/a Kenny's Pump & Well Repair Kiln, MS	Order No. 6670 16 Respondent has requested reinstatement of his license and has verbally agreed to pay all fees associated with such reinstatement.	Respondent was in violation of allowing his Pump Installer's License (No. RPO-00000751) to expire on June 30, 2015.
<b>15</b>	Liberty Fuels Company, L.L.C. Kemper Co., MS	Order No. 6671 16 Liberty Fuels Company, L.L.C. agrees to pay MDEQ \$125,000.00. Payments shall be set in equal installments of \$31,250.00 each and due as follows: Payment 1: September 10, 2016 Payment 2: October 10, 2016 Payment 3: January 10, 2017 Payment 4: April 10, 2017	This Order authorizes the Mississippi Commission on Environmental Quality to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
<b>16</b>	Mississippi Lignite Mining Company, Red Hills Mine Choctaw Co., MS	Order No. 6672 16 Mississippi Lignite Mining Company agrees to pay MDEQ \$125,000.00. Payments shall be set in equal installments of \$31,250.00 each and due as follows: Payment 1: September 10, 2016 Payment 2: October 10, 2016 Payment 3: January 10, 2017 Payment 4: April 10, 2017	This Order authorizes the Mississippi Commission on Environmental Quality to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
<b>17</b>	Drexel Chemical Company Tunica Co., MS	Order No. 6673 16 Respondent agrees to pay MDEQ a penalty in the amount of \$12,000.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I (A-D) of this Agreed Order.
<b>18</b>	Alcorn County Solid Waste Management Plan Modification Alcorn Co., MS	Order No. 6674 16	This Order approves the modification of the Alcorn County Solid Waste Management Plan. Expansion of the site's disposal area is needed in order to meet the city's needs and to comply with state laws.