

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, November 20, 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 September 25, 2014 Meeting**
- 3. Commission Approval of Brownfield Consulting Firms**

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 Firms:

Goodwyn, Mills and Cawood, Inc.
2660 East Chase Lane, Suite 200
Montgomery, Alabama 36117

- 4. FY 2016 Title V Fee Recommendation**

The Title V Air Advisory Council's recommendation on the Title V fee for the next fee year is required to be submitted to the Commission by January 1, 2015. The Title V Air Advisory Council will either present the Commission with the draft report containing the fee recommendation and request to proceed with public notice for the FY 2016, or they will submit a request for an extension for submitting the report.

- 5. Adoption of a Revision to the State Implementation Plan and "Regulations for Ambient Air Quality Nonattainment Areas", 11 Mississippi Administrative Code, Part 2, Chapter 11**

A public hearing was held on October 2, 2014, to receive comments concerning a Revision to the State Implementation Plan for the Control of Air Pollution (SIP Revision) and adoption of "Regulations for Ambient Air Quality Nonattainment Areas". The Department is proposing to adopt a SIP Revision which includes adoption of new air pollution control regulations specifically for the purposes of implementing federal requirements for areas designated as non-attainment for National Ambient Air Quality Standards. The proposed regulations are entitled 11 Mississippi Administrative Code, Part 2, Chapter 11, "Regulations for Ambient Air Quality Non-Attainment Areas". The regulations will be applicable to sources in DeSoto County, Mississippi as well as any other areas in Mississippi that may be designated non-attainment for air quality in the future. The SIP Revision also includes the required emissions inventory for DeSoto County, Mississippi. The only comments received were minor comments from EPA which we have incorporated. Copies of the SIP Revision and regulation have been provided. We are recommending that the Commission adopt the proposed SIP Revision and the proposed regulations.

- 6. Adoption of Amendments to "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants", 11 Mississippi Administrative Code, Part 2, Chapter 1**

A public hearing was held on October 8, 2014, to receive comments concerning proposed amendments to Commission air pollution control regulations: 11 Mississippi Administrative Code, Part 2, Chapter 1, "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants". The amendments involve changes to the open burning provisions found in Rule 1.3.G to allow MDEQ to delegate the regulation of the burning of residential yard waste (including leaves, limbs, and other natural vegetative

wastes) by individual residential property owners to local governments where that local government has adopted a locally enforceable ordinance that is sufficiently protective of air quality in its jurisdiction. The MDEQ has developed a companion “sample local ordinance” for local governments to consider when seeking this delegation that has also been made available to the public for comment. In addition, the amendments create “Air Quality Action Days” that would include the current Ozone Action Days. Air Quality Action Days would be days designated by the Executive Director of MDEQ where air quality data shows that a specific area of the state may be experiencing severely diminished air quality conditions. On these days, the burning of vegetative yard wastes and other types of prescribed open burning that may normally be allowed under the regulations will be prohibited. Additionally, other amendments involve the adoption, by reference, of recent amendments to federal regulations for New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, and the federal Consolidated Air Rule in order to make the state regulations consistent with the federal requirements and to maintain delegation. A transcript of the public hearing proceeding and copies of the proposed regulation amendments have been provided. The staff will recommend that the Commission adopt the proposed amendments to 11 Mississippi Administrative Code, Part 2, Chapter 1.

7. Asbestos Certifications

We have issued 223 asbestos certifications since the last report. This list will be available at the Commission meeting.

8. Lead Paint Certifications

We have issued 83 lead paint certifications since the last report. This list will be available at the Commission meeting.

9. Underground Storage Tanks (UST) Certifications

We have issued 5 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

10. Wastewater Operator Certifications

We have issued 113 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

11. Emergency Clean-Up Expenses

We have 14 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

12. 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 2** at the end of this agenda.

13. Other Business

14. Confirmation of Meeting on Thursday, January 22, 2015

15. Adjournment

EMERGENCY SERVICES CLEAN-UP

To: Complete Environmental & Remediation
Amount: \$2,881.92 **Date of Response:** 05/26/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a used oil spill in Lincoln County.

To: Complete Environmental & Remediation
Amount: \$4,563.55 **Date of Response:** 09/19/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a spill in Madison County.

To: Complete Environmental & Remediation
Amount: \$8,104.79 **Date of Response:** 08/15/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Noxubee County.

To: United States Environmental Services
Amount: \$770.34 **Date of Response:** 09/04/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a oil sheen in Madison County.

To: United States Environmental Services
Amount: \$686.32 **Date of Response:** 07/30/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and pick up a abandoned drum in Hinds County.

To: United States Environmental Services
Amount: \$2,803.94 **Date Of Response:** 08/22/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Rankin County.

To: United States Environmental Services
Amount: \$1,308.40 **Date Of Response:** 07/07/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel/oil spill in Harrison County.

To: United States Environmental Services
Amount: \$7,072.87 **Date of Response:** 07/03/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up sheen found at the harbor in Harrison County.

To: United States Environmental Services
Amount: \$2,179.75 **Date of Response:** 07/22/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Warren County.

To: United States Environmental Services
Amount: \$1,551.95 **Date of Response:** 06/08/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Hancock County.

To: United States Environmental Services
Amount: \$860.60 **Date of Response:** 06/14/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and provide air monitoring at Centergy Gas for MDEQ in Madison County.

To: United States Environmental Services
Amount: \$2,834.60 **Date of Response:** 08/05/14
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: \$28,586.18 **Date of Response:** 07/27/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a battery acid spill in Lauderdale County.

To: United States Environmental Services
Amount: \$8,192.84 **Date of Response:** 09/22/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Sunflower County.

ADMINISTRATIVE ORDERS

	Respondent	Order No.	Summary
1	Kansas City Southern Railroad Vicksburg, MS	Order No. 6451 14 Kansas City Southern Railroad agrees to comply with the terms and conditions listed A – C of this Order.	Kansas City Southern Railroad submits and MDEQ accepts this Site for participation in the Uncontrolled Site Voluntary Evaluation Program.
2	Robert Armstrong, Individually and D/B/A A and A Excavating Contractors, Inc. Brandon, MS	Order No. 6452 14 As confirmed during an inspection conducted by MDEQ on September 4, 2013, Respondents ceased all mining activities in areas where surface mining and/or storm water permit coverage had not been obtained. Additionally, Respondents installed additional storm water and erosion controls at the Site within the original permitted nine (9) acres and within the unpermitted 1.47 acres. Respondent agrees to comply with the requirements listed in Section 4 of this Agreed Order which includes a penalty due and payable to MDEQ in the amount of \$18,000. Respondents agree to pay \$9,000 within forty-five (45) days of this Agreed Order and \$9,000 within ninety (90) days of this Agreed Order.	Violations are listed in Section 2 of this Agreed Order.
3	Tyson Foods Vicksburg, MS	Order No. 6453 14 Respondent agrees to comply with the requirements listed in Section 2 of this Agreed Order.	Respondent was in violation of exceeding the effluent biochemical oxygen limits during the months of May, June and July of 2014.
4	George Blakeney Construction Company Stonewall, MS	Order No. 6454 14 Respondent agrees to pay MDEQ \$3,500 within thirty (30) days of this Agreed Order.	Respondent failed to comply with the Mississippi asbestos control regulations.
5	Broadmoor Utilities, Inc. Natchez, MS	Order No. 6455 14 Respondent agrees to comply with the requirements in Section 2 of this Agreed Order which includes payment to MDEQ in the amount of \$4,375 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0031658.
6	Robert S. Addison Jackson, MS	Order No. 6456 14 Respondent agrees to obtain storm water permit coverage prior to resuming any mining activities at the Site. Respondent agrees to pay MDEQ \$3,500 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain storm water permit coverage as required before surface mining operations.

7	City of Forest Forest, MS	Order No. 6457 14 Respondent agrees to pay MDEQ \$7,500. Respondent shall pay \$2,000 within forty-five (45) days of this Agreed Order. MDEQ shall hold in abeyance, and Respondent shall not be required to pay, the remaining penalty balance of \$5,500 pending Respondent's compliance with the terms of paragraph 2.B of this Order.	Respondent was in violation of NPDES Permit No. MS0020362.
8	Intended Use Plan (Amendment I)	Order No. 6458 14	This order is confirmation that on September 25, 2014, the Commission adopted the Water Pollution Control Revolving Loan Fund Program Final FY 2014 Intended Use Plan Amendment I, which will supersede and replace the previous Intended Use Plan.
9	Cite Armored, Inc. Holly Springs, MS	Order No. 6459 14 Respondent agrees to pay MDEQ \$101,382 in six monthly installments in the amount of \$16,897 per installment starting December 1, 2014 and ending May 1, 2014.	Violations are listed in Section 1, A – R of this Agreed Order.
10	Worthington Cylinders Mississippi, LLC New Albany, MS	Order No. 6460 14 Respondent agrees to pay MDEQ \$45,665 within forty-five (45) days of this Agreed Order.	Violations are listed in Section 1, A – R of this Agreed Order.
11	The Pantry, Inc. Cary, NC	Order No. 6461 14 Respondent agrees to pay MDEQ \$5,000 within forty-five (45) days of this Agreed Order.	Respondent owns and operates several underground storage tanks throughout Mississippi. Facilities and locations are listed in Section 1 of this Agreed Order. Violations of these facilities are listed in Section 2 of this Agreed Order.
12	Bolivar County Board of Supervisors Cleveland, MS	Order No. 6462 14 Respondent agrees to pay MDEQ \$4,000. Respondent shall pay \$2,500 within forty-five (45) days of this Agreed Order. \$1,500 shall be held in abeyance pending timely submittal of the 2014 calendar year annual report.	Respondent failed to submit the 2014 annual report to MDEQ in a timely manner.
13	Nissan North America Canton, MS	Order No. 6463 14 Respondent agrees to pay MDEQ \$5,000 within forty-five (45) days of this Agreed Order.	Respondent was in violation of discharging process water directly to the waters of the State.

14	Wilkinson County School District Woodville, MS	Order No. 6464 14 Respondent agrees to pay MDEQ \$2,187.50 in two installments. Respondent agrees to pay \$1,093.75 within forty-five (45) days of this Agreed Order and \$1,093.75 within ninety (90) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0039696.
15	Wilkinson County School District Woodville, MS	Order No. 6465 14 Respondent agrees to pay MDEQ \$2,187.50 in two installments. Respondent agrees to pay \$1,093.75 within forty-five (45) days of this Agreed Order and \$1,093.75 within ninety (90) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0029700.
16	Craddock Oil Company McComb, MS	Order No. 6466 14 Respondent agrees to comply with the requirements listed in Section 3 of this Agreed Order. Respondent further agrees to pay MDEQ \$5,000 within forty-five (45) days of this Agreed Order.	Respondent owns and operates several underground storage tanks in and around McComb, Mississippi. Facilities and locations are listed in Section 1 of this Agreed Order. Violations are listed in Section 2 of this Agreed Order.
17	Torque Converters, Inc. Ashland, MS	Order No. 6467 14 Respondent agrees to pay MDEQ \$6,250 within forty-five (45) days of this Agreed Order.	Violations are listed in Section 1, A – E of this Agreed Order.
18	Pinelands, LLC Jackson, MS	Order No. 6468 14 Respondent agrees to pay MDEQ \$25,000 by January 15, 2015.	Respondent failed to complete construction of a new sediment basin within the timeframe specified.