

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, May 27, 2021
9:00 A.M.
Room 104A
515 East Amite Street
Jackson, Mississippi 39201

Zoom Meeting

AGENDA

1. **Call to Order - Chair**
2. **Approval of the April 22, 2021 Telephonic Commission Meeting Minutes**
3. **Request from the Northeast Mississippi Solid Waste Management Authority for a Variance to State Siting Criteria for the Proposed Expansion Area at the Authority's Municipal Solid Waste Landfill**

The Mississippi Nonhazardous Solid Waste Management Regulations (11 Miss. Admin. Code Pt. 4 Ch. 1.), states that “*New landfills shall be located where there are adequate naturally occurring geological materials present of low permeability to act as a buffer between the base of the landfill liner and the top of the uppermost aquifer. Such materials shall generally consist of clays, silty clays, clayey silts, or other soils which have an average hydraulic conductivity of 1×10^{-6} cm/sec or less. The thickness, or depth, of these materials shall extend to at least five feet immediately beneath the base of the landfill liner.*” The Northeast Mississippi Solid Waste Management Authority is proposing an expansion of the disposal area at the existing Northeast Mississippi Regional Landfill and portions of the proposed disposal area (approximately 14%) do not appear to have the required naturally occurring buffer. Staff of the MDEQ Waste Division will present information regarding the landfill siting criteria and information on the existing Northeast Landfill. The Authority will present the details of their proposed expansion plans and relative information regarding the proposed variance request.

4. **Commission Approval of Brownfield Agreement - Delmar Plaza Holdings, LLC**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and Delmar Plaza Holdings, LLP regarding the remediation of brownfield property located at 12057 Highway 49 North in Gulfport, Mississippi. The administrative record for this environmental response project is referred to as the Exclusive Cleaners site. The Exclusive Cleaners, which is located within the Delmar Plaza Shopping Center, released dry cleaning solvents which has resulted in soil and groundwater contamination at this location. Delmar Plaza Holdings, LLC has agreed that the proposed remediation measures will be through the biological enhanced reductive dechlorination (ERD) and in-situ chemical reduction (ISCR) pathways, filing a land use restriction with the property deed, and entering into a Brownfield Agreement. The Brownfield Agreement Site will be subject to an environmental covenant restricting the future site use, including all impacted media. The draft Brownfield Agreement has completed the 30-day public comment period on May 10, 2021. No comments were received. The staff of the MCEQ has evaluated the proposed Brownfield Agreement and believes that, with the conditions and restrictions contained within the proposed Brownfield Agreement, the site will be in compliance with all applicable State and Federal laws and standards and will be protective of the public health and the environment once the Brownfield Agreement is completed.

5. **Restrictive Use Agreed Order and Environmental Covenant for FC Meyer Packaging, LLC**
(For Reporting Purposes Only)

Pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), the Executive Director of MDEQ approved the Restrictive Use Agreed Order and Environmental Covenants between the Commission and FC Meyer Packaging, LLC regarding the remediation of property located at 101 Ascher Street, Quitman, Clarke County, Mississippi. FC Meyer Packaging, LLC operated the site as a cardboard packaging manufacturing facility. Environmental Site Assessments have revealed presence of Trichloroethene impacting groundwater at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. The staff of the MCEQ has evaluated the proposed Restrictive Use Agreed Order and 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. Asbestos Certifications

We have issued 84 asbestos certifications since the last report. This list will be available at the Commission meeting.

7. Lead Paint Certifications

We have issued 60 lead paint certifications since the last report. This list will be available at the Commission meeting.

8. Wastewater Operator Certifications

We have issued 11 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

9. Emergency Clean-Up Expenses

We have 4 emergency expenditure since the last report. See **Attachment 1** at the end of this agenda.

10. Administrative Orders

We have issued 11 Agreed Orders and 3 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.

11. Other Business

12. Confirmation of the June 24, 2021 Commission Meeting

13. Adjournment

Emergency Services Clean-Up

To: E3 Environmental
Amount: \$6,009.04 **Date of Response:** 03/16/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum product spill from a leaking AST in Marshall County.

To: E3 Environmental
Amount: \$1,494.07 **Date of Response:** 03/01/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a POL discharge from a semi wreck in Jackson County.

To: E3 Environmental
Amount: \$2,402.34 **Date of Response:** 03/20/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a POL discharge in Harrison County.

To: E3 Environmental
Amount: \$19,247.49 **Date of Response:** 03/16/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help put out a tire fire in George County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	FC Meyer Packaging, LLC Clarke Co., MS	Order No. 7108 21 Respondent agrees to the remediation requirements/obligations to be conducted in this Brownfield Agreement Order.	Respondent and the MCEQ agree, through this Brownfield Agreement, that the contaminated Site will be in compliance with all applicable State and Federal laws and standards, once complete.
2	Modification to the Panola County Solid Waste Management Plan	Order No. 7109 21	This order approves a modification to the Panola County Solid Waste Management Plan requested by the Panola County Board of Supervisors to recognize an expansion of the City of Batesville's Class II rubbish site. This expansion will allow the development of an additional 3.0 acres increasing the total allowable disposal acreage to 5.1 acres. The order also requires the County to provide an update to MDEQ of the portion of the plan that addresses the prevention and clean-up of illegal dumping by July 31, 2021.
3	Aegis Operating Co., Inc. Madison Co., MS	Order No. 7110 21 Respondent agrees to pay MDEQ \$500.00 monthly, with the first payment due on April 1, 2021 and the last payment due on September 1, 2025, with each payment due on the first of each month, until the full amount due has been paid in reimbursement for the cost of remedial and cleanup action.	On October 11, 2019, Respondent's oil/gas well spilled oil/saltwater into Cane Creek in Madison County, Mississippi. As a result of the accident there was a release of pollution into the environment. Respondent's payments shall constitute a full settlement of Respondent's liability for payment of remedial and cleanup actions.
4	REDA, LLC Lowndes Co., MS	Order No. 7111 21 Brownfield schedule order and respondent agrees to obtain all property access agreements for Brownfield Program activities.	REDA, LLC desires to submit and MDEQ accepts the Site for participation in the Mississippi Brownfield Program pending REDA, LLC's receipt of site access for assessment and remediation activities.
5	Gold Coast Commodities, Inc. Rankin Co., MS	Order No. 7112 21	This Order provides findings of fact and conclusion of law and memorializes the Commission's decision related to the Gold Coast Commodities, Inc. evidentiary hearing held on November 19, 2020.
6	Underground Storage Tank Annual Fee	Order No. 7113 21	This Order sets the annual underground storage tank (UST) regulatory fee from July 1, 2021, to June 30, 2022, in the amount of \$150.00 per UST available for use to cover the costs to administer the UST program.

7	Transmontaigne Operating Company, LP Lauderdale Co., MS	Order No. 7114 21	Respondent has interest in a tract of land located in Meridian, MS. The site is contaminated with dissolved phase benzene, MTBE, naphthalene, 1,2,4-trimethylbenzene, Total Petroleum Hydrocarbons – Gasoline Range Organic, and Total Petroleum Hydrocarbons-Diesel Range Organics at levels in excess of the Target Remediation Goals (TRG's), and, therefore, remediation of the Site is necessary.
8	Title V State Operating Fee	Order No. 7115 21	This order sets the federally mandated Title V operating permit fee in an amount sufficient to cover the reasonable costs of administering the Mississippi Title V operating permit program from September 1, 2021 to August 31, 2022.
9	Mississippi Lignite Company Choctaw Co., MS	Order No. 7116 21	This Order authorizes the Commission 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.
10	Mississippi Lignite Company Choctaw Co., MS	Order No. 7117 21	This Order authorizes the Commission 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.
11	Liberty Fuels L.L.C. Kemper Co., MS	Order No. 7118 21	This Order sets the annual surface coal mining and reclamation permit fee from July 1, 2020, to June 30, 2021.

Amended Orders

1	Desoto County Regional Utility Authority	Amended Agreed Order No. 6958 19	Respondent agrees to comply with the requirements listed in Section I, II, and III of this Second Amendment to this Agreed Order.
2	McCarthy Building Companies, Inc. Lauderdale Co., MS	Amended Agreed Order No. 7054 20	Respondent agrees to comply with the amended requirements listed in Section I of this Agreed Order Amendment.
3	Pine Belt Regional Authority Solid Waste Management Plan (Multiple Counties and Municipalities)	Amended Administrative Order No. 7096 20	This order amends the reporting deadlines for the Authority in Order No. 7096 20 regarding various regional solid waste planning actions, granting additional time until August 31, 2021.