

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, August 23, 2018

9:00 A.M.

Room 104A

515 East Amite Street

Jackson, Mississippi 39201

AGENDA

1. **Call to Order - Chair**
2. **Approval of Minutes of July 26, 2018 Meeting**
3. **Amendments to 11 Miss. Admin. Code Part 5, Chapter 2 – Underground Storage Tank Technical Regulations**

MDEQ staff is recommending that the Commission adopt amendments to the Commission's UST regulations, 11 Mississippi Administrative Code, Part 5, Chapter 2. In order to comply with the federal requirements of 40 CFR Part 280 and to be able to re-apply for state program approval for the MS UST Program under 40 CFR 281, MDEQ staff recommends including new and revised requirements for: integrity testing for containment sumps; piping replacements; fuel type changes; release detection; and walkthrough monthly and annual inspections. The proposed amendments also include additional changes to enhance and protect human health, safety, and the environment. These proposed changes include requirements for airport hydrant systems and field constructed tanks, lender liability requirements to maintain USTs for future operation, and more specific reporting requirements. These proposed changes will align regulatory requirements of the Commission with requirements of the federal regulations whereby allowing MDEQ to seek re-authorization for state program approval of our Underground Storage Tank Program. Staff recommends that the Commission adopt the regulation amendments.

4. **Amendments to 11 Miss. Admin. Code Part 5, Chapter 3 – Underground Storage Tank Regulations for the Certification of Persons Who Install, Alter, Test, and Permanently Close Underground Storage Tanks**

MDEQ staff is recommending that the Commission adopt amendments to the Commission's UST regulations, 11 Mississippi Administrative Code, Part 5, Chapter 3. The regulations have been proposed for amendment to address new UST certification types, clarify the requirements on when a UST certified contractor shall be employed to conduct UST related services, add experience requirements for UST certified contractor to ensure quality services are provided to the UST regulated community, and to be compliant with the Fair Labor statutes of Mississippi. The proposed changes include two new certified contractor classifications, define the activities that require a licensed UST contractor, add on-the-job training experience from a minimum of six (6) months to two (2) years, dependent on certification classification, and remove the requirement that an applicant must be a full-time employee of their employer to be a licensed certified contractor for that employer. Staff recommends that the Commission adopt the regulation amendments.

5. **Commission Approval of Brownfield Agreement**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and the City of Vicksburg regarding the remediation of brownfield property located at 1422 Martin Luther King Jr. Boulevard in Vicksburg, Mississippi. The administrative record for this environmental response project is referred to as the Kuhn Memorial Hospital site. Assessment of the site has determined the site is contaminated with asbestos containing material. Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be commercial or industrial in nature. 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. **Asbestos Certifications**

We have issued 115 asbestos certifications since the last report. This list will be available at the Commission meeting.

7. Lead Paint Certifications

We have issued 63 lead paint certifications since the last report. This list will be available at the Commission meeting.

8. Underground Storage Tanks (UST) Certifications

We have issued 9 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

9. Emergency Clean-Up Expenses

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

10. Administrative Orders

We have issued 5 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.

11. Other Business

12. Confirmation of the September 27, 2018 Commission meeting

13. Adjournment

EMERGENCY SERVICES CLEAN UP

To: CTEH
Amount: \$3,405.00 **Date of Response:** 06/19/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Rankin County.

To: Complete Environmental
Amount: \$29,358.03 **Date of Response:** 02/20/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Rankin County.

To: Enhanced Environmental & Emergency Services
Amount: \$104,109.91 **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: Enhanced Environmental & Emergency Services
Amount: \$9,573.29 **Date of Response:** 06/19/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Rankin County.

To: Enhanced Environmental & Emergency Services
Amount: \$3,735.13 **Date of Response:** 06/22/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel/oil spill in Hinds County.

To: Enhanced Environmental & Emergency Services
Amount: \$10,617.65 **Date of Response:** 05/31/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an asphalt sealant spill in Pearl River County.

To: Enhanced Environmental & Emergency Services
Amount: \$16,238.90 **Date of Response:** 04/20/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Jackson County.

To: Enhanced Environmental & Emergency Services
Amount: \$3,261.69 **Date of Response:** 05/14/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum products spill in Jackson County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,948.32 **Date of Response:** 05/29/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum product spill in Harrison County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Mike Griffin d/b/a/ 3 A's Well Service Harrison Co., MS	Order No. 6871 18 Respondent shall immediately cease and desist from engaging in the business of constructing or repairing 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 a water well/pump contractor in the state of Mississippi without the required license.
2	Buffalo Services Incorporated Pike Co., MS	Order No. 6872 18 Respondent agrees to pay MDEQ a penalty in the amount of \$20,000.00 within forty-five (45) days of the Agreed Order.	Respondent was in violation of MS Code Section 49-17-29 regarding waters of the state.
3	Terry Flowers Jones Co.	Order No. 6873 18 Respondent agrees with the terms and conditions listed in Section 3 of this Order.	Respondent's dam (Dam Inventory No. MS06161) has been declared a High Hazard dam as defined in MS Commission on Environmental Quality Dam Safety Regulation 11 Miss. Admin. Code Pt. 7 Ch. 3.
4	Travelers Casualty & Surety Company of America	Order No. 6874 18 Respondent agrees to pay MDEQ \$32,500.00 (full payment on Bond No. 087-S-106395412 within thirty (30) days of this Agreed Order and MDEQ agrees to accept this payment as full and complete settlement for the matters addressed herein.	This Agreed Order memorializes the forfeiture by Travelers Casualty & Surety Co. of Performance Bond No. 106395412 in the amount of \$32,500.00 to reclaim Permit No. P16-010. The Bond was assuring reclamation of a 13 acre surface mine in Yazoo County, Mississippi. The Principal, surface mine operator Dirtworks Inc. of Vicksburg, failed to reclaim Permit No. P16-010 in accordance with the permit and the reclamation plan. The funds from the forfeiture of the Bond will be used to reclaim the mine site.
5	Military Lee, LLC Lowndes Co., MS	Order No. 6875 18 Respondent agrees to comply with the terms and conditions in the Schedule Order for participation in the Brownfield Program.	Respondent has submitted an application to participate in the Brownfield program. Respondent has an interest in the former Lee Middle School in Columbus, Mississippi with plans to re-develop the property. This Agreed Order sets the terms and conditions for participating in the Brownfield Program.