

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, October 24, 2013

9:00 A.M.

Room 104A

515 East Amite Street

Jackson, Mississippi 39201

AGENDA

1. **Call to Order - Chair**
2. **Approval of Minutes of August 22, 2013 Meeting**
3. **Recognition of Dallas Baker**

Dallas has been elected as the 108th President of the Air & Waste Management Association.

4. **Commission Approval of Brownfield Agreement**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and The District Land Development Company, LLC regarding the remediation of brownfield property located on land just east of I-55 and north of Eastover Drive in Jackson, Mississippi. The site is hereafter referred to as the former "Mississippi School for the Blind Brownfield Agreement Site." Buildings slated for demolition on the Brownfield Agreement Site contained asbestos and old transformers needing proper disposal were located on the Site. 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 all applicable State and Federal laws and standards and will be protective of the public health and the environment.

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

The proposed amendments involve the adoption, by reference, of amendments to federal New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, and the Consolidated Air Rule as promulgated by the U.S. Environmental Protection Agency. Additionally, the amendments will correct certain paragraph numbering and cross-references as well as removing provisions regarding mercury emissions from electric utilities since the federal provisions that were adopted by reference have been vacated and are no longer in effect. The amendments will make the state regulations consistent with the federal requirements. A public hearing was held and no comments were received. We are recommending that the Commission adopt the amendments.

6. **Adoption of Amendments to 11 Mississippi Administrative Code, Part 2, Chapter 4, Ambient Air Quality Standards**

The proposed amendments concern the adoption, by reference, of amendments to the Federal National Ambient Air Quality Standards as promulgated in 40 CFR Part 50. A public hearing was held and no comments were received. We are recommending that the Commission adopt the amendments.

7. **Adoption of Amendments to 11 Mississippi Administrative Code, Part 2, Chapter 9, Regulations for Lead-Based Paint Activities**

The proposed amendments concern changes to make the regulations consistent with amendments to federal EPA regulations and the Mississippi Lead-Based Paint Activity Accreditation and Certification Act, as amended by Mississippi Senate Bill 2688 (Regular Session 2013). The changes include removal of the "Opt-Out Provision", as well as adding provisions to allow renovators to do paint chip sampling, and further defining the recordkeeping and reporting requirements for renovation activities. Other changes include minor clarification of certain definitions and provisions related to training program accreditation requirements, containment requirements, prohibited and restricted work practices, and signage and pre-renovation education requirements for child-occupied facilities. A public hearing was held and no comments were received. We are recommending that the Commission adopt the amendments.

8. **Stephanie Howard, Executrix of the Estate of Gerald Donald, Wayne County-Preliminary Filings-Approval and Adoption of Commission Order**

The attached order is being presented for the Commission's consideration related to the Commission's decision at its meeting on August 22, 2013, concerning preliminary Motion filings

by the Petitioner, Stephanie Howard, Executrix of the Estate of Gerald Donald, and the Oil Company Respondents. The Commission granted the Oil Company Respondents' Motion to Deny Discovery and denied the Petitioner's Motion to Compel and for Contempt and/or Sanctions. Staff will request that the Commission approve and adopt the proposed Commission order.

9. Presentation on Geologic Importance

Staff will give a presentation on the influence of geology on the industry and history of Pike County. Over the next few Commission meetings staff will present work, research, and geology of a few key counties within the State.

10. Asbestos Certifications

We have issued 220 asbestos certifications since the last report. This list will be available at the Commission meeting.

11. Lead Paint Certifications

We have issued 102 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 8 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

We have 5 emergency expenditures since the last report. See Attachment 1 at the end of this agenda.

14. Wastewater Operator Certifications

We have issued 57 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

15. Administrative Orders

We have issued 38 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.

16. Other Business

17. Confirmation of Meeting on Thursday, November 21, 2013.

18. Adjournment

EMERGENCY SERVICES CLEAN-UP

To: Complete Environmental & Remediation
Amount: \$603.12 **Date of Response:** 06/05/13
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an unknown acid spill in Leake County and prepare it for disposal at a HHW day.

To: Complete Environmental & Remediation
Amount: \$3,404.27 **Date of Response:** 06/25/13
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Clarke County.

To: United States Environmental Services
Amount: \$2,059.09 **Date of Response:** 08/22/13
For: Costs associated with providing supervision, labor, equipment and materials to provide waste disposal for MDEQ in Brandon, Ms from the Civil Support Team in Rankin County.

To: United States Environmental Services
Amount: \$3,000.04 **Date of Response:** 06/18/13
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Copiah County.

To: United States Environmental Services
Amount: \$2,213.87 **Date of Response:** 07/30/13
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a used oil spill in Simpson County.

ADMINISTRATIVE ORDERS

| | <u>Respondent</u> | <u>Order No.</u> | <u>Summary</u> |
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| 1 | Bean Excavating and Dirt Work Picayune, MS | Order No. 6296 13 Respondent agrees to pay MDEQ \$2,500 due and payable no later than July 31, 2013 as full and complete settlement thereof. | Respondent failed to notify MDEQ before demolition of a building on the campus of the Pearl River Community College in Poplarville, MS. |
| 2 | Land Shaper Asphalt Plant, Inc. Gulfport, MS | Order No. 6297 13 Respondent agrees to pay MDEQ \$45,000 in accordance with the following payment schedule: \$15,000 on or before October 1, 2013 \$15,000 on or before November 1, 2013 \$15,000 on or before December 1, 2013. | Respondent was in violation of the Mississippi Hot Mix Asphalt Facility General Permit Certificate of Coverage MSR700005. |
| 3 | The Refuge Subdivision Hattiesburg, MS | Order No. 6298 13 Respondent agrees to pay MDEQ \$1,400 within forty-five (45) days of this Agreed Order. | Respondent was in violation of the Mississippi Large Construction Storm Water General Permit Certificate Coverage Number MSR105763. |
| 4 | Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY-2013 Intended Use Plan Amendment Number 1 | Order No. 6299 13 | Came before the Commission on July 25, 2013, the recommendation of the Staff of the MDEQ that the Commission adopt the Water Pollution Control Revolving Loan Fund Program Final FY-2013 Intended Use Plan Amendment Number 1. |
| 5 | Calvin Page Gulfport, MS | Order No. 6300 13 Respondent agrees to pay MDEQ \$100 by August 30, 2013 | Respondent is the holder of Water Well Contractor's License No. UNR-0487. Respondent failed to submit proof of continuing education with his renewal form. |
| 6 | Fore Construction Harrison County, MS | Order No. 6301 13 Respondent agrees to comply with the requirements listed in Section 2, A – D of this Agreed Order which includes a penalty of \$25,000 due within forty-five (45) days of this Agreed Order. | Respondent failed to obtain proper storm water permit coverage before conducting mining activities. |
| 7 | Mississippi Phosphates Corporation Pascagoula, MS | Order No. 6302 13 | Respondent was in violation of Title V Air Operating Permit No. 1280-00044 and was ordered to cease and desist operating its sulfuric acid plants. |
| 8 | The District Land Development Company, LLC Jackson, MS | Order No. 6303 13 Respondent agrees to comply with the terms and conditions of participation in the Brownfields Program. | The Respondent has submitted and MDEQ has accepted the application for this Site to participate in the Brownfields Program. |

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| 9 | Stephanie Howard, Executrix of the Estate of Gerald Donald vs. Oil Company Respondents (Listed in this Agreed Order) | Order No. 6304 13 An agreement was reached by both parties and is set out in Sections 1 -3 of this Agreed Order. | On August 23, 2013, Counsel for both parties discussed the possibility of agreeing to the Reynolds Defendants' Motion to Stay, which was filed on behalf of all of the Oil Company Respondents, and to a continuance of the January 27,2014 hearing in this matter to allow the Reynolds Defendants' Circuit Court Motions, which were filed on behalf of all of the Oil Company Respondents to be heard and ruled upon. |
| 10 | Mississippi Phosphates Corporation Pascagoula, MS | Order No. 6305 13 Respondent agrees to operate Sulfuric Acid Plant No. 2 for sixty (60) days under the terms and conditions listed in Section 2 of this Agreed Order. As to Respondent's Sulfuric Acid Plant No. 3, the terms and conditions of Order No. 6302 13 shall remain in full force and effect until the Commission is satisfied that the repairs and/or upgrades have been made. | Respondent was in violation of Title V Air Operating Permit No. 1280-00044. |
| 11 | John McNeil, Jr. Mobile, AL | Order No. 6306 13 Respondent agrees to pay MDEQ \$100 by August 30, 2013. | Respondent is the holder of Water Well Contractor's License No. RGO-00797. Respondent failed to submit proof of continuing education with his renewal form. |
| 12 | Jackie Stuckey Columbia, MS | Order No. 6307 13 Respondent agrees to pay MDEQ \$100 by August 30, 2013. | Respondent is the holder of Water Well Contractor's License No. UNR-00686. Respondent failed to submit proof of continuing education with his renewal form. |
| 13 | Heath Williams Wiggins, MS | Order No. 6308 13 Respondent agrees to pay MDEQ \$100 by August 30, 2013. | Respondent is the holder of Water Well Contractor's License No. UNR-00790. Respondent failed to submit proof of continuing education with his renewal form. |
| 14 | True Temper Sports Amory, MS | Order No. 6309 13 Respondent agrees to pay MDEQ \$39,655 within forty-five (45) days of this Agreed Order. | Respondent was in violation of the Mississippi Hazardous Waste Management Regulations for Large Quantity Generators. |
| 15 | Craig Toon Mayfield, Kentucky | Order No. 6310 13 Respondent agrees to pay MDEQ \$100 by August 30, 2013. | Respondent is the holder of Water Well Contractor's License No. UNR-0575. Respondent failed to submit proof of continuing education with his renewal form. |
| 16 | Tombigbee Lumber Company, Inc. | Order No. 6311 13 Respondent agrees to pay MDEQ \$3,500 within forty five (45) days of this Agreed Order. | Respondent was in violation of discharging from the Wet Deck Operation without proper permit coverage. |
| 17 | Tri State Pole and Piling, Inc. Lucedale, MS | Order No. 6312 13 Respondent agrees to pay MDEQ \$1,800. Respondent shall pay \$900 within forty-five (45) days of this Agreed Order. Respondent agrees to pay MDEQ \$900 within ninety (90) days of this Agreed Order. | Respondent failed to inspect Hazardous Waste storage area weekly. Respondent violated the 90-day regulatory limit for accumulating hazardous waste on-site. |

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| 18 | McClain Lodge, LLC Brandon, MS | Order No. 6313 13 Respondent agrees to pay MDEQ \$15,000 within forty five (45) days of this Agreed Order. Respondent agrees to install erosion /sediment controls to minimize the offsite discharge of sediment. Respondent agrees to suspend any construction activities on the development until MDEQ issues permit coverage and the SWPPP has been fully implemented. | Respondent failed to obtain coverage under Mississippi Large Construction Storm Water General Permit before commencement of land disturbing activities. |
| 19 | Cooley Center, LLC and Cooley Center Hotel, LLC Starkville, MS | Order No. 6314 13 Respondent agrees to the terms and conditions of participation in the Brownfields Program as described in Section 5, A – C. | MDEQ has determined that the application submitted by the Respondent contains all the required sections and that this Agreed Order is appropriate at this time. |
| 20 | Robert Necaise Gulfport, MS | Order No. 6315 13 Respondent agrees to pay MDEQ \$100 by August 31, 2013. | Respondent is the holder of Water Well Contractor’s License No. UNR-00660. Respondent failed to submit proof of continuing education with his renewal form. |
| 21 | Mr. Lee Lambert Booneville, MS | Order No. 6316 13 In order to fully remediate the site and remove the waste tires, the Respondent and the Commission agree to comply with the requirements listed in Section 2, A – D of this Agreed Consent Order. | Respondent was stockpiling approximately 1000 waste tires on his property. |
| 22 | Mr. David Ward Glen, MS | Order No. 6317 13 In order to fully remediate the site and remove the waste tires, the Respondent and the Commission agree to comply with the requirements listed in Section 2, A – D of this Agreed Consent Order. | Respondent was stockpiling approximately 3000 waste tires on his property. |
| 23 | Ms. Deanna Dorman Prentiss County, MS | Order No. 6318 13 In order to fully remediate the site and remove the waste tires, the Respondent and the Commission agree to comply with the requirements listed in Section 2, A – D of this Agreed Consent Order. | Respondent was stockpiling approximately 300 waste tires on her property. |
| 24 | Mississippi Phosphates Corporation Pascagoula, MS | Order No. 6319 13 Respondent agrees to operate SAP No. 3 under the conditions listed in Section 2, A – K of this Agreed Order. | The Executive Director of MDEQ issued, on behalf of the MCEQ Order No. 6302 13, which required Respondent to immediately cease and desist operation of its two sulfuric acid plants. Subject to the terms and conditions detailed in the Agreed Order, the Commission agrees to allow Respondent to operate its Sulfuric Acid Plant No. 3 for a term of sixty (60) days, at which time the Commission and MDEQ will re-evaluate whether continued operation of SAP No. 3 will be allowed. |

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| 25 | William Coppage Leland, MS | Order No. 6320 13 Respondent agrees to pay MDEQ \$100 by August 31, 2013. | Respondent is the holder of Water Well Contractor's License No. UNR-00422. Respondent failed to submit proof of continuing education with his renewal form. |
| 26 | Johnston Tombigbee Furniture Company Columbus, MS | Order No. 6321 13 Respondent agrees to pay MDEQ \$10,000 within forty-five (45) days of this Agreed Order. | Respondent failed to characterize twenty-five (25) 54 gallon drums and two (2) 30 gallon drums of obsolete material in the hazardous waste storage area. Respondent exceeded the 90 day Hazardous Waste storage accumulation time limit. Observations included twenty-three (23) 55 gallon drums of steel bottoms and paint waste that exceeded the time limit. |
| 27 | Thad "Tim" M. Jones individually and d/b/a Southern Compliance Group, LLC Ridgeland, MS | Order No. 6322 13 Respondent agrees to pay MDEQ \$4,440.80 within one hundred eighty (180) days of this Agreed Order. Respondent agrees to forfeit his Mississippi UST Certified Contractor licensure as of June 15, 2013 for a period of two (2) years; after which time, the Respondent can reapply for licensure in accordance with UST Certified Contractor Regulations. | Violations are listed in Section 2, A – D of this Agreed Order. |
| 28 | Mr. Fred Martin d/b/a Martin's Scrap Yard | Order No. 6323 13 Respondent agrees to comply with the requirements listed in Section 5, A – C of this Agreed Order. | Respondent was accepting mixed loads of waste to sort out recyclables for sale without the proper storm water permit. Respondent was also in violation of burning waste. By certified letter, Respondent was required to cease all dumping and sorting of all waste material and unsorted recyclables as well as remove these materials from the Site to a proper disposal or recycling facility. Respondent was also required to cease all burning of waste. |
| 29 | Leading Edge Aviation Services, Inc. f/k/a Leading Edge Mississippi, Inc. Greenville, MS | Order No. 6324 13 Respondent agrees to pay MDEQ \$19,000 within forty-five (45) days of this Agreed Order. Respondent agrees to comply with the terms and conditions of Synthetic Minor Operating Permit 2800-00047 issued September 11, 2008. | Respondent was in violation of Synthetic Minor Operating Permit No. 2800-00047. |
| 30 | Richard Allbritton Midland, TX | Order No. 6325 13 Respondent agrees to pay MDEQ \$100 by August 31, 2013. | Respondent is the holder of Water Well Contractor's License No. UNR-00001880. Respondent failed to submit proof of continuing education with his renewal form. |
| 31 | Darrell Davis Brookhaven, MS | Order No. 6326 13 Respondent agrees to pay MDEQ \$100 by August 31, 2013. | Respondent is the holder of Water Well Contractor's License No. RPO-0737. Respondent failed to submit proof of continuing education with his renewal form. |

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| 32 | Specialty Abatement Services, Inc. Richland, MS | Order No. 6327 13 Respondent agrees to pay MDEQ \$5,000 no later than October 31, 2013. | Respondent failed to adequately wet regulated asbestos containing material during removal, as required. |
| 33 | Cameron Rig Solutions Vicksburg, MS | Order No. 6328 13 Respondent agrees to pay MDEQ \$9,800 within forty-five (45) days of this Agreed Order. | Respondent was in violation of the following permits: Title V Operating Permit No. 2780-00087, NPDES Permit MS0052183, and NPDES Permit MS0022802. |
| 34 | Brownstone Construction, LTD Vicksburg, MS | Order No. 6329 13 Respondent agrees to pay MDEQ \$2,500 no later than October 31, 2013. | Respondent proceeded with demolition operations without proper notice to MDEQ, as required. |
| 35 | Mississippi Power Company, Kemper IGCC Facility Kemper County, MS | Order No. 6330 13 Until such time as the Permit Board acts on Respondent's permit application (the "Interim Limits Period"), the Respondent agrees to comply with the interim effluent limitations listed in Section 2 of this Agreed Order. | Respondent was in violation of discharging from its reservoir without the proper permit. |
| 36 | Clark Oil Company Waynesboro, MS | Order No. 6331 13 Respondent agrees to pay MDEQ \$5,000 within forty-five (45) days of this Agreed Order. Respondent agrees to comply with the requirements listed in Section 3 of this Agreed Order. | Respondent owns and/or operates several UST's in several coastal counties. Respondent was notified of the violations listed in Section 2 of this Agreed Order. |
| 37 | Rolls Royce North America Rolls Royce, H 1 Test Site, Building 5002 Stennis Space Center, MS | Order No. 6332 13 Respondent agrees to pay MDEQ \$15,000 within sixty (60) days of this Agreed Order. | Respondent failed to timely submit the 2012 Annual Certification of Compliance as required by Title V Permit No. 1000-00050 Condition 4.2. |
| 38 | Ted Doukas, President Re: Mid Continent Tank Farm Site Meridian, MS | Order No. 6333 13 Respondent agrees to the terms and conditions listed in Section 3, A – C of this Order. | Respondent has agreed to submit this site for participation in the Uncontrolled Site Voluntary Evaluation Program |