

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

**Thursday, August 24, 2017
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 2017-June 2018)**
- 3. Approval of Minutes of May 25, 2017 Meeting**
- 4. Compliance with Mississippi Code Annotated Section 49-2-5(3)**

This state statute provides that any commission member who does not attend three consecutive regular meetings of the commission is subject to removal by a majority vote of the commission members. The Commission will consider whether to remove Commissioner Flowers from the Commission pursuant to the statute because he has not attended the last three consecutive commission meetings.

- 5. Serenity Lane-Pearl River County-Proposed Final Order**

Following a presentation by designated Hearing Officer Frank Spencer at its meeting on May 25, 2017, the Commission adopted his Findings and Recommendations related to the Serenity Lane evidentiary hearing previously held on October 17 and 18, 2016, and determined in part there was no need for further assessment or remediation activities at the site. A proposed final Order has been provided to the Commission members, which memorializes the Commission's decision in this matter. Staff recommends the Commission adopt the final Order.

- 6. Pearl River Basin Development District-Appointment to the Board of Directors**

Pursuant to Miss. Code Ann. § 51-11-5, the Commission is required to appoint a member of the Board of Directors of the Pearl River Basin Development District ("PRBDD"). Keith Harkins, who has retired from MDEQ, previously was appointed by the Commission. Staff recommends that Alice Perry be appointed by the Commission to replace Keith and serve on the Board of Directors of PRBDD during the last months of the existence of the PRBDD, which will be legislatively dissolved effective June 30, 2018.

- 7. Commission Approval of Proposed Amendments to 11 Miss. Admin. Code Pt. 6, Ch. 3, entitled Mississippi Commission on Environmental Quality Regulations for the Certification of Municipal and Domestic Wastewater Facility Operators**

The proposed amendments revise the Professional reference section to require that references be obtained from certified operators at the same classification or higher than the classification being requested; amends experience requirements to require that one year of experience be under the supervision of a certified operator; adds requirement that a certified operator's principal residence be no more than 50 miles from any system being operated by that certified operator; requires that operators attend an approved wastewater operator short course for the appropriate classification within 12 months prior to testing for that classification; allows for reciprocity to be granted to any state that has entered into a reciprocity agreement with the Department; and corrects errors and omissions. A public hearing on the amendments was held on May 25, 2017. Staff will recommend adoption of the proposed amendments.

- 8. Water Pollution Control Revolving Loan Fund (WPCRLF) Program
Adoption of FY-2017 Intended Use Plan**

The staff will recommend adoption by the Commission of the FY-2017 Intended Use Plan. This document 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. Public comments on the draft Intended Use Plan have been solicited through a public comment period and a public hearing.

9. Commission Approval of Brownfield Agreement

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and MMC Materials, Inc. regarding the remediation of brownfield property located at 2251 Manufacturer's Blvd in Brookhaven, Mississippi. The administrative record for this environmental response project is referred to as the MMC Materials Brownfield Agreement Site. The subject property is located adjacent to the former Escambia Wood Treating facility. Assessments conducted on the subject property have demonstrated that shallow soils at the site have been impacted by deposition of dust from the adjacent former wood treating operation resulting in soil concentrations at levels exceeding the Brownfield Target Remediation Goals. Therefore, remediation of the MMC Materials Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be a MMC Materials concrete operation. 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.

10. Commission Approval of Environmental Covenant

The staff recommends that the Commission approve the Environmental Covenants between the Commission and Norfolk Southern Corporation regarding the remediation of property located at 3701 3rd Street South, Meridian, MS. Norfolk Southern Corporation operated the site as the Norfolk Southern Railyard. Environmental Site Assessments have revealed a release of petroleum impacting soils and 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 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.

11. Asbestos Certifications

We have issued 417 asbestos certifications since the last report. This list will be available at the Commission meeting.

12. Lead Paint Certifications

We have issued 147 lead paint certifications since the last report. This list will be available at the Commission meeting.

13. Underground Storage Tanks (UST) Certifications

We have issued 21 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

14. Wastewater Operator Certifications

We have issued 53 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

15. Emergency Clean-Up Expenses

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

16. Administrative Orders

We have issued 18 Administrative Orders, and 1 Amended Agreed Order, 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.

17. Other Business

18. Confirmation of meeting on September 28, 2017

19. Adjournment

EMERGENCY SERVICES CLEAN UP

To: CTEH
Amount: \$2,578.30 **Date of Response:** 05/02/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and perform air monitoring services in Warren County.

To: CTEH
Amount: \$5,115.01 **Date of Response:** 05/14/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an unknown chemical release at Love's Truck Stop in Pearl River County.

To: CTEH
Amount: \$1,400.00 **Date of Response:** 04/06/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to an odor complaint in Warren County.

To: Complete Environmental
Amount: \$895.10 **Date of Response:** 04/12/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to an unknown spill in Hancock County.

To: Enhanced Environmental & Emergency Services
Amount: \$14,318.78 **Date of Response:** 05/02/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a Nitric Acid spill in Warren County. Disposal bill pending.

To: Enhanced Environmental & Emergency Services
Amount: \$4,068.74 **Date of Response:** 05/17/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Yazoo County.

To: Enhanced Environmental & Emergency Services
Amount: \$1,822.00 **Date of Response:** 05/05/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and pick up an abandoned drum in Noxubee County.

To: Enhanced Environmental & Emergency Services
Amount: \$1,637.68 **Date of Response:** 05/12/17
For: Costs associated with providing supervision, labor, equipment and material to respond to and clean up a petroleum product spill in Harrison County.

To: Enhanced Environmental & Emergency Services
Amount: \$3,892.50 **Date of Response:** 11/01/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up hot wax from an overturned tanker in Pearl River County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	BNSF Railway Company Monroe Co., MS	Order No. 6756 17 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has an interest in a tract of land located in Amory, MS. The Site is contaminated with free-phase Total Petroleum Hydrocarbon, Diesel Range Organics at levels in excess of the Target Remediation Goals (TRG's) as established by the MDEQ, and, therefore, remediation of the Site is necessary.
2	Mississippi Lignite Mining Company Choctaw Co., MS	Order No. 6757 17	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.
3	Liberty Fuels Company, L.L.C. Kemper Co., MS	Order No. 6758 17	This Order authorizes the Mississippi Commission on Environmental Quality to set a permit fee to be charged by the Commission for review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
4	Kemper County Solid Waste Management Plan	Order No. 6759 17 Respondent agrees to comply with the requirements listed in Section 4 of this Order. This Order also includes a summary table of the reporting dates to MDEQ for the plan. This table should be added to the Implementation Schedule section of the Plan.	This Order grants the approval of the comprehensive update of the Kemper County Solid Waste Management Plan and addresses the schedule for implementation by the County and the participating municipalities of DeKalb and Scooba, Mississippi. The approval of the Plan continues the deferral of the moratorium imposed by Miss. Code Ann. Section 17-17-59.
5	Midstates Petroleum Company LLC Clay & Panola Co., MS	Order No. 6760 17 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within one-hundred eighty (180) days of this Agreed Order.	Respondent owns/or operates several UST's in Mississippi. Facilities are listed in Section I and violations are listed in Section 2 of this Agreed Order.
6	WALM Properties, LLP Clay Co., MS	Order No. 6761 17 Respondent agrees to comply with the requirements/obligations listed under #5 of this Brownfield Agreement.	Respondent has an interest in a tract of land located in West Point, MS known as the former Big Yank Building. Contaminations of the Site are listed in Section 2 of this Brownfield Agreement Order.
7	First Chemical Corporation Jackson Co., MS	Order No. 6762 17 Respondent agrees to comply with the terms and conditions listed under Section #2 of this Agreed Order.	Violation of MS Air Pollution Control Title V Permit No. 1280-00022.

8	<p>NCI Building Systems, Inc. Lowndes Co., MS</p> <p>Robertson-Ceco II Corporation dba Ceco Building Systems Houston, TX</p> <p>Grandview Investments, LLC Lowndes Co., MS</p>	<p>Order No. 6763 17</p> <p>The Respondents and the Commission are in agreement with the conditions listed in Section 3 of this Agreed Order.</p>	<p>This Order was issued to approve the transfer of financial, managerial and technical obligations to Grandview Investments, LLC.</p>
9	<p>City of Gulfport Harrison Co., MS</p>	<p>Order No. 6764 17</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$18,315.09 within forty-five (45) days of this Agreed Order.</p>	<p>Respondent was in violation of the Mississippi Small Municipal Separate Storm Sewer System (MS4) Storm Water General NPDES Permit MSRMS4002.</p>
10	<p>Key Energy Services Jones Co., MS</p>	<p>Order No. 6765 17</p> <p>Respondent agrees to comply with the terms and conditions listed under #3 of this Agreed Order.</p>	<p>Key Energy Services, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.</p>
11	<p>Best Foam, Inc. Pontotoc Co., MS</p>	<p>Order No. 6766 17</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within forty-five (45) days of this Agreed Order.</p>	<p>Respondent was in violation of discharging storm water at its facility without a permit.</p>
12	<p>ORG Mississippi Holdings, LLC Neshoba Co., MS</p>	<p>Order No. 6767 17</p> <p>Respondent agrees to comply with the terms and conditions listed under #3 of this Agreed Order.</p>	<p>ORG Mississippi Holdings, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.</p>
13	<p>Wesson POTW Copiah Co., MS</p>	<p>Order No. 6768 17</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$2, 812.50 within forty-five (45) days of this Agreed Order.</p>	<p>Respondent was in violation of NPDES Permit No. MS0023779.</p>
14	<p>Genesis Rail Services, LLC Natchez Terminal Adams Co., MS</p>	<p>Order No. 6769 17</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$21,000.00 within forty-five (45) days of this Agreed Order.</p>	<p>Respondent was in violation of NPDES MS0047422.</p>
15	<p>River City Roll Offs LLC, Warren Co., MS</p>	<p>Order No. 6770 17</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$4,000.00 of which the first of two installments in the amount of \$2,000.00 to MDEQ will be payable within forty-five days of this Agreed Order and the second installment in the amount of \$2,000.00 due within ninety (90) days after the Effective Date.</p>	<p>Respondent was in violation of Solid Waste Management General Permit No. SWGP-R1-051.</p>

16	CF Industries Nitrogen, LLC Yazoo Co., MS	Order No. 6771 17 Respondent agrees to pay MDEQ a penalty in the amount of \$95,625.00 of which Respondent shall pay by certified check or money order \$25,625.00 to MDEQ within forty-five (45) days of the Effective Date. The remaining payment schedule is listed in section 2 of this Agreed Order. The remaining balance is subject to the requirements of the Memorandum of Agreement (MOA) that is found attached as Exhibit "A" to this Agreed Order.	Violation of Title V Operating Permit No. 3020-00010.
17	Hinds County Board of Supervisors	Order No. 6772 17 This order approves the modification of the Hinds County Solid Waste Management Plan.	This order approves a modification to recognize an expansion of the Faircloth Class I Rubbish Site in Hinds County operated by Faircloth Rubbish Landfill, Inc. for the continued disposal of construction and demolition rubbish debris and other class I rubbish waste from area residents and businesses.
18	Caterpillar, Inc. Alcorn Co., MS	Order No. 6773 17 Respondent agrees to comply with the terms and conditions listed under #3 of this Agreed Order.	Caterpillar, Inc. desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.

Amended Orders

1	Cleveland POTW Bolivar Co., MS	Amended Agreed Order No. 6600 15	Respondent agrees to comply with the amended requirements listed in Section I of this Agreed Order Amendment.
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