

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Wednesday, December 2, 2015

9:00 A.M.

Room 104A

515 East Amite Street

Jackson, Mississippi 39201

AGENDA

1. Call to Order - Chair

2. Approval of Minutes of October 22, 2015 Meeting

3. Commission Approval of Brownfield Obligation Transfer

On April 26, 2011, the Commission reached a Brownfield Agreement (#5953-11) with the City of Picayune and Stockstill Brothers Investment, LLC for the remediation of the former Arizona Chemical facility in Picayune, Mississippi. In accordance with Rule 2.1.5.C of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, the City of Picayune, Stockstill Brothers Investment, LLC and Huey P. Stockstill, LLC jointly have provided a petition to the MCEQ that Huey P. Stockstill, LLC has the financial, managerial, and technical resources to complete performance of the Brownfield Agreement obligations and agrees to complete this performance. The staff of the MDEQ has reviewed the petition, and hereby recommends that the Commission issue an order in accordance with the Brownfield Regulations approving the transfer of those obligations in Brownfield Agreement #5953-11 from the City of Picayune and Stockstill Brothers Investment, LLC to Huey P. Stockstill, LLC. Huey P. Stockstill, LLC plans to continue to use the property as an asphalt and concrete facility.

4. Commission Approval of Environmental Covenant

The staff recommends that the Commission approve the Environmental Covenant between the Commission and the Mississippi Department of Transportation regarding the remediation of property located adjacent to 5160 Highway 49E in Rising Sun, Mississippi, referred to as the "UMOJA Market Site." The UMOJA Market facility was a convenience store that operated above-ground fuel tanks. Leaks from above ground storage tanks, fuel dispensers and fuel distribution lines have each contributed to petroleum contamination at the site. Therefore, remediation of the site is necessary. The portion of the site owned by MDOT serves as a right-of-way easement for Highway 49E. 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 and Federal laws and standards and will be protective of the public health and the environment.

5. Commission Approval of Environmental Covenant

The staff recommends that the Commission approve two Environmental Covenants between the Commission and Washington County and the Washington County Economic Development Authority regarding the remediation of property located in Greenville, Mississippi, referred to as the Moore Company facility. The Moore Company facility manufactured automotive parts utilizing a stamping operation. Improper handling of chlorinated solvents used as a degreaser in their operation contributed to soil and groundwater contamination at the site. Therefore, remediation of the site is necessary. The former facility is currently being utilized by a company performing a similar operation on the original plant site owned by the Washington County Economic Development Authority. The adjacent property owned by Washington County is currently leased by a manufacturer of marine components. 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 and Federal laws and standards and will be protective of the public health and the environment.

6. Adoption of a Revision to the State Implementation Plan for the Purposes of a Redesignation Request and Maintenance Plan for DeSoto County, Mississippi

A public hearing was held on November 5, 2015, concerning a proposed Revision to the State Implementation Plan for the Control of Air Pollution (SIP Revision) for the Purposes of a Redesignation Request and Maintenance Plan for the portion of DeSoto County, Mississippi that is

designated as nonattainment for the 2008 National Ambient Air Quality Standard for ground-level ozone. The Department plans to request that the U.S. Environmental Protection Agency redesignate the aforementioned portion of DeSoto County, Mississippi as attainment for the 2008 ozone air quality standard pursuant to Section 107(d)(3) of the 1990 Clean Air Act Amendments. No comments from the public were received during the 30-day comment period. A transcript of the public hearing proceeding has been provided. We are recommending that the Commission adopt the SIP Revision.

7. Consideration of the Mississippi State Oil and Gas Board Amended Rule 68 Related to the Disposal of Naturally Occurring Radioactive Materials (NORM) Associated with the Exploration and Production of Oil and Gas

The Commission is required by statute to approve Mississippi State Oil and Gas Board Rules related to disposal of waste products brought to the surface from oil and gas wells. The Oil and Gas Board has been directed in a recent Mississippi Supreme Court decision to have the Commission approve Oil and Gas Board Rule 68 which is entitled “Disposal of Naturally Occurring Radioactive Materials (NORM) Associated with Oil and Gas Exploration and Production”. The principal thrust of the Rule is to authorize the surface and subsurface landspreading of NORM materials as additional disposal options available to oil and gas operators. Natural radioactive elements are present in low concentrations in the earth’s crust and these elements are brought to the surface through oil and gas exploration and production activities and must be properly disposed of. After the Supreme Court’s decision, MDEQ established a work committee to review the Oil and Gas Board Rule 68. The work committee included waste and groundwater experts from MDEQ with input from the State Health Department’s Division of Radiological Health. The work committee also reviewed other NORM land spreading regulations in Texas, New Mexico and Kansas. In addition, the committee met with industry representatives and the Oil and Gas Board to understand the provisions of Rule 68 as it was adopted. The committee recommended seven (7) changes to strengthen Rule 68, all of which have been adopted by the Oil and Gas Board at its meeting on November 18, 2015. The adopted Rule, including the changes recommended by MDEQ have been through public comment prior to the adoption by the Oil and Gas Board. The recommended changes include the integration of a concentration level for Radium 226 or Radium 228 of 5 pCi/g; limitation on the landspreading activity to the site of generation; requirement of surface land owner consent for landspreading activities; a minimum setback of 300 feet to an inhabited dwelling; clarification that landspreading is limited to noncommercial activities; confinement of landspreading activity to NORM-impacted soils and NORM-impacted scale; and the defined permit duration or term of up to five (5) years. Copies of a comment letter from oil and gas companies; the submittal letter from the Oil and Gas Board; and the Findings of Fact, and Conclusion of Law and Order from the Oil and Gas Board which includes Amended Oil and Gas Board Rule 68 are being provided to the Commission members for review. Staff of MDEQ recommends the Commission approve the Oil and Gas Board Amended Rule 68.

8. Asbestos Certifications

We have issued 81 asbestos certifications since the last report. This list will be available at the Commission meeting.

9. Lead Paint Certifications

We have issued 54 lead paint certifications since the last report. This list will be available at the Commission meeting.

10. Underground Storage Tanks (UST) Certifications

We have issued 13 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

11. Wastewater Operator Certifications

We have issued 76 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

12. Emergency Clean-Up Expenses

We have 11 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

13. 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.

14. Other Business

15. Confirmation of meeting on January 28, 2016

16. Adjournment

EMERGENCY SERVICES CLEAN-UP

To: Complete Environmental & Remediation
Amount: \$2,404.82 **Date of Response:** 05/25/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Hinds County.

To: Complete Environmental & Remediation
Amount: \$3,238.78 **Date of Response:** 08/05/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and inspect an abandoned tank battery in Franklin County.

To: Complete Environmental & Remediation
Amount: \$6,131.91 **Date of response:** 08/19/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to a diesel spill in Madison County.

To: United States Environmental Services
Amount: \$1,384.38 **Date of Response:** 07/27/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an abandoned medical waste spill in Harrison County.

To: United States Environmental Services
Amount: \$2,319.37 **Date of Response:** 09/21/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Hinds County.

To: United States Environmental Services
Amount: \$3,266.66 **Date of Response:** 09/03/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Lauderdale County.

To: United State Environmental Services
Amount: \$2,249.99 **Date of Response:** 03/19/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up several abandoned containers alongside the highway in Lafayette County.

To: United States Environmental Services
Amount: \$2,549.50 **Date of Response:** 06/17/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a hydraulic oil spill found in a ditch in Lafayette County.

To: United States Environmental Services
Amount: \$501.30 **Date of Response:** 10/19/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to a log truck wreck in Attala County.

To: United States Environmental Services
Amount: \$1,344.25 **Date of Response:** 07/06/15
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: \$4,169.55 **Date of Response:** 08/11/15
For: Costs associated with providing supervision, labor, equipment and materials to pick up drums on the side of the road in Adams County.

ADMINISTRATIVE ORDERS

| | <u>Respondent</u> | <u>Order No.</u> | <u>Summary</u> |
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| 1 | Mississippi Phosphates Corporation Liquidation Trust Robert E. Ogle, Trustee of the MPD Liquidation Trust Created under the Chapter 11 Bankruptcy of Mississippi Phosphates Corporation C/O The Claro Group, LLC Houston, TX | Order No. 6574 15 This Agreed Order between the Commission and MPC Liquidation Trust specifies the requirements, duties, and responsibilities of the MPC Liquidation Trust related to environmental permits previously held by MPC Liquidation Trust and outstanding orders between the Commission and MPC. Some of the environmental permits previously held by MPC will be shared between MPC Environmental Trust and the MPC Liquidation Trust in a Co-permittee arrangement related to outfalls, emission points and permit requirements. | The responsibilities and requirements of Mississippi Phosphates Corporation Liquidation Trust are listed in Section 2 of this Agreed Order. |
| 2 | The MPC Environmental Trust Project Navigator, Ltd., as the Environmental Trustee of the Environmental Trust created under the Chapter 11 bankruptcy of Mississippi Phosphates Corporation Brea, CA | Order No. 6575 15 This Agreed Order between the Commission and MPC Liquidation Trust specifies the requirements, duties, and responsibilities of the MPC Liquidation Trust related to environmental permits previously held by MPC Liquidation Trust and outstanding orders between the Commission and MPC. Some of the environmental permits previously held by MPC will be shared between MPC Environmental Trust and the MPC Liquidation Trust in a Co-permittee arrangement related to outfalls, emission points and permit requirements. | The responsibilities and requirements of Mississippi Phosphates Corporation Liquidation Trust are listed in Section 2 of this Agreed Order |
| 3 | Fred Netterville Lumber Company Woodville, MS | Order No. 6576 15 Respondent agrees to pay MDEQ a penalty in the amount of \$10,000.00 within forty-five (45) days of this Agreed Order. | Respondent failed to retain permit required records for a minimum of three years (Water NPDES Permit No. MS0048577, Condition T-18) and to submit accurate discharge monitoring reports and inadequate implementation of the Water NPDES self-monitoring program, Condition T-19) |
| 4 | Plantation Pipe Line Company Seminary, MS | Order No. 6577 15 Respondent agrees to submit this site for participation in the Uncontrolled Site Voluntary Evaluation Program created by Miss. Code Ann. 17-17-54 | Respondent agrees to the terms and conditions listed in Section 3 of this order. |
| 5 | Mueller Cooper Tube Company Fulton, MS | Order No. 6578 15 Respondent agrees to pay MDEQ a penalty in the amount of \$6,580.00 within forty-five (45) days of this Agreed Order. | Respondent was in violation of MSP 090174. |
| 6 | U.S. Galvanizing, LLC Kosciusko, MS | Order No. 6579 15 Respondent agrees to pay MDEQ a penalty in the amount of \$15,476.00 within forty-five (45) days of this Agreed Order. | Violations are listed in Section 1- A-O of this Agreed Order. |
| 7 | City of Lumberton Lumberton, MS | Order No. 6580 15 Respondent agrees to resolve the overdue monthly payments and penalty % as follows: By October 25, 2015, a check made payable to State Treasury Fund #3359700000, in the amount of \$19,333.03. By October 25, 2015, a check made payable to State Treasury Fund | This Agreed Order of Settlement confirms that the Respondent has failed to submit monthly payments in a timely manner regarding SRF Loan Agreement and Repayment Agreement No. SRF C280819-01-3 |

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| | | #3359700000, in the amount of \$31,317.42 for 2 of the 19 outstanding repayments. Resume making Repayments to MDEQ in the amount of \$15,658.71 every other month by the eighth day of the month, beginning December 8, 2015, until the entire remaining balance of 17 repayments, totaling \$266,198.07, is repaid. | |
| 8 | Beaver Lake Shores, Inc. Fulton, MS | Order No. 6581 15 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within forty-five (45) days of this Agreed Order. | Respondent was in violation of polluting state waters. |
| 9 | Hernando Town Properties, LLC Hernando, MS | Order No. 6582 15 Respondent agrees to the payment terms and conditions of this Agreed Order. | Respondent has successfully completed an application for this site to participate in the Brownsfields Program. |
| 10 | Adoption of Amendments Regarding Delegation of Authority | Order No. 6583 15 | This Order confirms the Adoption of Proposed Amendments to Commission's Regulations regarding the delegation of authority from the MCEQ to the Executive Director of MDEQ. |
| 11 | Adoption of Amendments Regarding Review and Reproduction of Public Records | Order No. 6584 15 | This order confirms the Commission's adoption of the Regulations Regarding the Review and Reproduction of Public Records, 11 Miss. Admin Code Pt. 1, Ch. 2 |
| 12 | Adoption of Amendments entitled "Hazardous Waste Management Regulations" | Order No. 6585 15 | This order confirms the adoption of proposed amendments to Miss. Admin. Code Part 3, Ch. 1, entitled "Hazardous Waste Management Regulations." |
| 13 | R. L. Isom Holly Springs, MS | Order No. 6586 15 Respondent agrees to pay MDEQ a sum of \$3,000.00 due and payable no later than Dec. 31, 2015 as full and complete settlement for violations. | Respondent failed to perform an asbestos inspection and failed to submit notification before start of operations. Respondent was deficient of emission control procedures. Respondent failed to use a commission certified firm prior to lead-based paint renovations. |
| 14 | Magnolia Electric Power Association Summit, MS | Order No. 6587 15 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within forty-five (45) days of this Agreed Order. | Respondent was in violation of Mississippi's Large Construction Storm Water General Permit Certificate of Coverage No. MSR 106765 |
| 15 | Lafayette County Board of Supervisors Oxford, MS | Order No. 6588 15 Respondent agrees to pay MDEQ a penalty in the amount of \$9,050.00 within forty-five (45) days of this Agreed Order. | Respondent was in violation of Mississippi's Large Construction Storm Water General Permit Certificate of Coverage No. MSR 106733 |
| 16 | Valerie Habeeb Oxford, MS | Order No. 6589 15 Respondent agrees to pay MDEQ a penalty in the amount of \$3,500.00 within forty-five (45) days of this Agreed Order. | Respondent failed to obtain coverage under Mississippi's Small Construction Storm Water General Permit before commencement of land disturbing activities. |
| 17 | Joseph A. Tillman Athens, AL | Order No. 6590 15 Respondent agrees to pay MDEQ a penalty in the amount of \$1,380.00. Respondent's check will be processed for payment following the execution of this Agreed Order. | Respondent was in violation of operating without the required license. |
| 18 | Joseph Craig Penton Birchwood, TN | Order No. 6591 15 Respondent agrees to pay MDEQ a penalty in the amount of \$650.00. Respondent's check will be processed for payment following the execution of this Agreed Order. | Respondent was in violation of operating without the required license. |

