

# MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, November 10, 2016

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 25, 2016 Meeting**
3. **Titan International, Inc. and The City of Natchez-Natchez, Adams County**

Pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), the Executive Director of MDEQ approved the Environmental Covenant between the Commission and the City of Natchez regarding the remediation of property located at 89 Kelly Street, Natchez, MS. The accompanying Restricted Use Agreed Order between the Commission, Titan International, Inc. and the City of Natchez was also approved by the Executive Director. Environmental Site Assessments have revealed a release of Trichloroethene and petroleum compounds impacting groundwater at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. The staff of the MDEQ has evaluated the Environmental Covenant and Restricted Use Agreed Order and believes that, with the conditions and restrictions contained within, the site will comply 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.

4. **Commission Rescind Brownfield Agreement and Accompanying Environmental Covenant-Wal-Mart Real Estate Business Trust-Pascagoula, Jackson County**

During the June 23, 2016, Commission Meeting, the staff recommended the Commission approve the Brownfield Agreement between the Commission and Wal-Mart Real Estate Business Trust regarding the remediation of brownfield property located in the southwest quadrant of the Communny Avenue and Market Street intersection in Pascagoula, Mississippi. The administrative record for this environmental response project is referred to as Estabrook Toyota. The Commission approved this request and the Brownfield Agreement Order Number 6661 16 was executed on June 23, 2016.

Wal-Mart Real Estate Business Trust has now requested that MDEQ rescind Brownfield Agreement Order Number 6661 16 because Wal-Mart Real Estate Business Trust no longer has an interest in the Estabrook Toyota property and does not plan to purchase the property. The staff of the MDEQ has evaluated the request to rescind the Brownfield Agreement Order and recommends that in accordance with applicable State laws and standards, Wal-Mart Real Estate Business Trust is not responsible for remediation of the petroleum related contaminants in the groundwater and soil. Staff recommends the Commission rescind Brownfield Agreement Order Number 6661 16 between MDEQ and Wal-Mart Real Estate Business Trust and the accompanying Environmental Covenant.

5. **Delegation of Commission's Authority to Executive Director**

Staff requests the Commission delegate its authority, pursuant to Miss. Code Ann. §§ 49-17-17 (n), (o), and 49-2-9 (1)(f), to apply for, receive, and expend any federal or state funds or contributions, gifts, devices, bequests, or funds from any other sources to the Executive Director.

6. **Adoption of amendments to 11 Mississippi Administrative Code, Part 2, Chapter 1, "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants" and a Revision to the Mississippi State Implementation Plan for the Control of Air Pollution**

The amendments to 11 Miss. Admin. Code, Pt. 2, Ch. 1, involve:

1. Amendments to Rule 1.10 and an associated Revision to the State Implementation Plan for Control of Air Pollution (SIP Revision) regarding startups, shutdowns, and/or malfunctions of air emissions equipment in order to comply with federal requirements of the U.S. Environmental Protection Agency. This action is a response to a USEPA SIP Call to address a Finding of Substantial Inadequacy with the existing SIP provisions for Upsets, Startups, and Shutdowns. The amendments and associated SIP Revision are intended to address state regulation inconsistencies with recent changes to USEPA policies for startup, shutdown, and malfunction events.

2. Amendments to Rules 1.6.C. and 1.8.A to update the state adoption, by reference, of recent amendments to Federal New Source Performance Standards (NSPS) in 40 CFR Part 60, Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Parts 61 and 63, and Federal Consolidated Air Rules (CAR) in 40 CFR Part 65. This action will update the federal delegation to the state.

3. Deletion of Rule 1.14, “Provisions for the Clean Air Interstate Rule” (CAIR) since the federal provisions referenced in Rule 1.14. have been revoked and are no longer in effect.

A public hearing was held on September 16, 2016 following a 30-day public comment period. Commenters requested additional time to submit comments and the comment period was extended until October 6, 2016. Several comments were received. A copy of the public hearing transcript including all comments submitted has been provided. The staff will recommend that the Commission adopt the regulation amendments and SIP Revision.

**7. FY 2018 Title V Fee Recommendation - Approval to Proceed to Public Notice of Hearing**

A copy of the draft report containing the Title V Advisory Council's Title V fee recommendation for the upcoming fee year has been forwarded to the Commission. We are requesting approval to hold a public hearing to receive comments regarding the proposed fee and to proceed with public notice of the hearing. After the public hearing has been held, the public comment period has ended, and comments have been reviewed, staff will bring the fee recommendation back before the Commission for final action.

**8. Asbestos Certifications**

We have issued 386 asbestos certifications since the last report. This list will be available at the Commission meeting.

**9. Lead Paint Certifications**

We have issued 144 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 38 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. Emergency Clean-Up Expenses**

We have 20 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

**12. Administrative Orders**

We have issued 26 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.

**13. Other Business**

**14. Confirmation of the next Commission meeting**

**15. Adjournment**

**EMERGENCY SERVICES CLEAN-UP**

**To:** CTEH  
**Amount:** \$20,026.41 **Date:** 04/28/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a gasoline spill in Yazoo County.

**To:** Complete Environmental  
**Amount:** \$3,763.00 **Date:** 03/05/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Pike County.

**To:** United States Environmental Services  
**Amount:** \$11,904.19 **Date:** 12/28/15  
**For:** Costs associated with providing personnel, equipment and materials for a soybean oil spill in Coahoma County.

**To:** United States Environmental Services  
**Amount:** \$2,226.92 **Date:** 03/09/16  
**For:** Costs associated with providing personnel, equipment and materials for a diesel spill in Desoto County.

**To:** United States Environmental Services  
**Amount:** \$2,069.15 **Date:** 03/29/16  
**For:** Costs associated with providing personnel, equipment and materials for a truck wreck in Marshall County.

**To:** United States Environmental Services  
**Amount:** \$2,368.50 **Date:** 03/15/16  
**For:** Costs associated with providing personnel, equipment and materials to respond to an abandoned drum in Jackson County.

**To:** United States Environmental Services  
**Amount:** \$1,486.77 **Date:** 05/14/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a gasoline spill in Jackson County.

**To:** United States Environmental Services  
**Amount:** \$56,547.09 **Date:** 04/06/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a gasoline spill in Jackson County.

**To:** CTEH  
**Amount:** \$3,965.00 **Date:** 07/15/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a tire fire in Forrest County.

**To:** CTEH  
**Amount:** \$14,026.56 **Date:** 06/07/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and provide air monitoring services in Calhoun County.

**To:** CTEH  
**Amount:** \$1,226.48 **Date:** 07/28/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and provide air monitoring services in Washington County.

**To:** Complete Environmental  
**Amount:** \$9,765.42 **Date:** 07/14/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum product spill in Lee County.

**To:** Complete Environmental  
**Amount:** \$7,120.14 **Date:** 08/31/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Forrest County.

**To:** Complete Environmental  
**Amount:** \$1,058.20 **Date:** 08/31/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an unknown spill in Franklin County.

**To:** Complete Environmental  
**Amount:** \$15,549.25 **Date:** 07/21/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a crude oil spill in Jasper County.

**To:** United States Environmental Services  
**Amount:** \$6,737.50 **Date:** 03/02/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a meth lab pack in Pearl River County.

**To:** United States Environmental Services  
**Amount:** \$6,135.98 **Date:** 06/02/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to an unknown odor resulting from a diesel spill in Hinds County.

**To:** United States Environmental Services  
**Amount:** \$697.24 **Date:** 07/01/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and check on a fish kill from an anhydrous ammonia release in Jackson County.

**To:** United States Environmental Services  
**Amount:** \$2,473.48 **Date:** 07/18/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a gasoline spill from an abandoned vessel in Jackson County.

**To:** United States Environmental Services  
**Amount:** \$972.90 **Date:** 06/06/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to an unknown odor resulting from a diesel spill in Hinds County. This invoice is for disposal costs.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	International Paper, Vicksburg Mill Warren Co., MS	Order No. 6675 16 Respondent agrees to pay MDEQ a penalty in the amount of \$79,500.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I (A-C) with an Additional Violation (A) of this Agreed Order.
2	B and D Plastics LLC Jackson Co., MS	Order No. 6676 16 Respondent agrees to pay MDEQ a penalty in the amount of \$21,318.35, which includes the total past due Title V fees of \$19,380.32 and a 10% late penalty payment of \$1,938.03 for Federal Fiscal Years 2013, 2014, and 2015 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I (A-C) of this Agreed Order. The Respondent has taken the steps listed in Section II of this Agreed Order to come into compliance.
3	Morgan City Water and Sewer Association Leflore Co., MS	Order No. 6677 16 Respondent agrees to comply with the requirements/obligations listed in Section 2 of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0024716
4	Cavenham Forest Industries LLC c/o Three Rivers Management, Inc.	Order No. 6678 16 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has interest in a tract of land located in Baxterville, MS. The site is contaminated with the pesticide Benzene Heptachloride at levels in excess of the Target Remediation Goals (TRG's), and, therefore, remediation of the Brownfield Agreement Site is necessary.
5	Schlumberger Technology Corporation Forrest Co., MS	Order No. 6679 16 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has interest in a tract of land located in Hattiesburg, MS. The site is contaminated with Tetrachloroethene, Trichloroethylene, CIS 1,2-Dichloroethene, Vinyl Chloride, and Chloroethane in the groundwater and soils at levels in excess of the Target Remediation Goals (TRGs), and, therefore, remediation of the Brownfield Agreement Site is necessary.
6	Winston County Board of Supervisors Winston Co., MS	Order No. 6680 16 The issuance of this order grants approval from MDEQ of the modification of the Winston County Solid Waste Management Plan for the re-designation of an area of the Louisville Landfill to a class I rubbish site.	This order approves the modification to the Winston County Solid Waste Management Plan.
7	City of Jackson Hinds Co., MS	Order No. 6681 16 Respondent agrees to pay MDEQ a penalty in the amount of \$6,250.00 within forty-five (45) days of this Agreed Order.	The respondent was in violation of exceeding the effluent total recoverable copper limitation during July, October, November, and December 2013.
8	Goodloe Construction, LLC Rankin Co., MS	Order No. 6682 16 Respondent agrees to pay MDEQ a penalty in the amount of \$10,500.00 within forty-five (45) days of this Agreed Order.	The respondent was in violation of Storm Water General Permit Certificate of Coverage MSR106978.

<b>9</b>	Fairbanks Scales, Inc. Lauderdale Co., MS	Order No. 6683 16 Respondent agrees to pay MDEQ a penalty in the amount of \$32,910.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I (A-G) of this Agreed Order.
<b>10</b>	Olive Properties Rankin Co., MS	Order No. 6684 16 Respondent agrees to pay MDEQ a penalty in the amount of \$6,650.00 within forty-five (45) days of this Agreed Order.	The respondent was in violation of Storm Water General Permit Certificate of Coverage MSR106359.
<b>11</b>	J Bush MS Enterprises, LLC Warren Co., MS	Order No. 6685 16 Respondent agrees to pay MDEQ a penalty in the amount of \$500.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit for construction activities.
<b>12</b>	Mac's Construction Company, Inc. Madison Co., MS	Order No. 6686 16 Respondent agrees to pay MDEQ a penalty in the amount of \$4,200.00 within forty-five (45) days of this Agreed Order.	The respondent was in violation of Storm Water General Permit Certificate of Coverage MSR107039.
<b>13</b>	River City Dirtworks LLC, and Mr. Robert W. Keyes, Jr., Individually Warren Co., MS	Order No. 6687 16 Respondent agrees to pay MDEQ a penalty in the amount of \$15,000.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I (A-G) of this Agreed Order.
<b>14</b>	Canton Public School District Madison Co., MS	Order No. 6688 16 Respondent agrees to pay MDEQ a penalty in the amount of \$6,000.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit for construction activities.
<b>15</b>	Mississippi CVS Pharmacy, L.L.C. Scott Co., MS	Order No. 6689 16 Respondent agrees to pay MDEQ a penalty in the amount of \$23,948.50 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I (A-D) of this Agreed Order.
<b>16</b>	Town of New Houlka Chickasaw Co., MS	Order No. 6690 16 Respondent agrees to pay MDEQ a penalty in the amount of \$3,750.00 within forty-five (45) days of this Agreed Order and further agrees to meet all requirements listed in Section II of this Agreed Order.	Violations are listed in Section I (A-F) of this Agreed Order.
<b>17</b>	Applewhite Recycling Systems LLC, Talley Disposal LLC, and Waste Pro Meridian Landfill II, LLC Lauderdale and Jackson Co., MS	Order No. 6691 16 Respondent agrees to pay MDEQ a penalty in the amount of \$86,050.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I (A-E) of this Agreed Order.
<b>18</b>	Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY 2016 Intended Use Plan	Order No. 6692 16	This order confirms the Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY 2016 Intended Use Plan, which will supersede and replace the previous, and now expired, Final FY 2016 Intended Use Plan, codified at 11 Miss. Admin. Code Part 6, Chapter 8.
<b>19</b>	Matter of Vermilion Land Company, LLC Pearl River Co., MS	Order No. 6693 16 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Vermilion Land Company, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.

<b>20</b>	Birdsong Construction Company, Inc. Hinds Co., MS	Order No. 6694 16 Respondent agrees to pay MDEQ a penalty in the amount of \$7,000.00 within forty-five (45) days of this Agreed Order.	The respondent was in violation of Storm Water General Permit Certificate of Coverage MSR322400.
<b>21</b>	Mr. Jonathan Self Rankin Co., MS	Order No. 6695 16 Respondent shall immediately cease and desist from engaging in the business of surface mining operations. Complainant will consider authorizing Respondent to resume operating the Site only after the orders listed in Section 6 of this Order are fulfilled.	Respondent was in violation of Surface Mining Operations listed in Section V of this Order.
<b>22</b>	Crown Cork and Seal USA, Inc. Panola Co., MS	Order No. 6696 16 Respondent agrees to pay MDEQ a penalty in the amount of \$75,000.00 within forty-five (45) days of this Agreed Order.	The respondent was in violation of Pretreatment Permit No. MSP090321
<b>23</b>	Town of Leakesville Greene Co., MS	Order No. 6697 16 Respondent agrees to comply with the requirements/obligations listed under #2 of this Agreed Order.	The respondent was in violation of NPDES Permit No. MS0020664.
<b>24</b>	Matter of Judith Wood Property DeSoto Co., MS	Order No. 6698 16 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Judith Wood Property desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.
<b>25</b>	Franklin Lumber Company Franklin Co., MS	Order No. 6699 16 Respondent agrees to pay MDEQ a penalty in the amount of \$1,100.00 within forty-five (45) days of this Agreed Order.	The respondent was in violation of Synthetic Minor Operating Permit No. 0820-00017. Violations are listed in Section I of this Agreed Order.
<b>26</b>	Troy E. Cobb, Inc. Troy E. Cobb Rentals, Inc. Oak Grove Cove Utilities Lamar Co., MS	Order No. 6700 16 Respondent shall immediately cease and desist discharging wastewater from the on-site wastewater treatment system until MDEQ provides written notification that allows Respondents to resume operations. Respondent's system shall remain prohibited until the requirements listed in Section 2, A-C are met.	Respondent was in violation of State Operating Permit #MSU 030179 causing wastewater to discharge into state waters.