



The mission of the Mississippi Department of Environmental Quality is to safeguard the health, safety, and welfare of present and future generations of Mississippians by conserving and improving our environment and fostering wise economic growth through focused research and responsible regulation.

INSIDE THIS ISSUE:

50th Anniversary	1
MS TIG Ideas	4
Chris Sanders	6
Gulf of Mexico Plan	7
Rubbish Site Training	9
NetDMR Training	10
Paleontological Resources	11

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50th Anniversary of the Water and Air Pollution Control Act

The Mississippi Air and Water Pollution Control Law was passed by the Legislature in 1966, and became effective on July 1 of that year. Thus, 2016 marks the 50th anniversary of its enactment as a key piece of Mississippi's environmental statutes, which continues today to be administered by the Mississippi Department of Environmental Quality (MDEQ). This statute is a foundation for the Commission on Environmental Quality, the Environmental Quality Permit Board, and MDEQ to restore and maintain the integrity of the state's air and water quality resources.

The agency created and charged with implementing this new law in 1966 was the Air and Water Pollution Control Commission. This agency eventually became the Bureau of Pollution Control in 1978 when the Department of Natural Resources was created, and in 1989, became part of the newly-created Department of Environmental Quality. In 1990, the Bureau of Pollution Control morphed into the Office of Pollution Control which exists today as part of MDEQ.

A short history of air and water pollution control on the federal and state levels can provide context on how the law was passed in 1966.

In 1948, Congress enacted the Federal Water Pollution Control Act (FWPCA), the fundamental premise of which was to encourage the states to develop real water quality protection programs. The statute created comprehensive water quality programs and some funding was made available to state and local governments. But, enforcement was limited to interstate waters only. Congressional legislation dealing with air pollution was first enacted as the Air Pollution Control Act of 1955, which was then strengthened by passage of the Clean Air Act of 1963.

Photo: Air and Water Pollution Control Commission staff photo in 1977.

While some states did pass fledgling water quality laws from 1948 to 1964, legislation at the state level was slow in coming and inconsistent in both substance and procedures across the country, which set the stage for passage of the Water Quality Act of 1965 (WQA) – the first real “leap” in the evolution of the FWPCA since 1948. The WQA required the states to promulgate water quality standards for interstate waters and authorized a new agency—the Federal Water Pollution Control Administration—to set standards in states that didn’t.

Former MDEQ Executive Director Jimmy Palmer is a student of environmental regulatory history and had this observation on how the Legislature acted in 1966: “With passage of the Clean Air Act of 1963, and the Water Quality Act of 1965, Mississippi officials and private sector leaders could see ‘the handwriting on the wall,’ and they recommended aggressive new legislation to get ahead of the federal surge. This political groundswell led directly to the passage of our Mississippi Air and Water Pollution Control Law in 1966.”

In this period, the federal government continued to bring environmental issues to the forefront. The Clean Air Act of 1963 was expanded by the Air Quality Act of 1967, and, most importantly, by the Clean Air Act Amendments of 1970—another “leap” in the march of federal environmental legislation. In 1970, President Richard Nixon established the Environmental Protection Agency by executive order.





Logo for the Air and Water Pollution Commission which existed from 1966 to 1978.

What is regarded by many as the single largest expansion of federal environmental law to that point in the nation's history is the Federal Water Pollution Control Act Amendments of 1972, and that was followed five years later by two more surges in federal law—the Clean Air Act Amendments of 1977 and the Federal Water Pollution Control Act Amendments of 1977. Of great significance, a provision in the latter gave the law a new popular name – the Clean Water Act.

The creation of new federal regulations and laws led to many of them being implemented and enforced by the states.

“As aggressive as our political leaders have been over the years in adopting new Mississippi laws equivalent to controlling federal laws, they have also been equally aggressive in urging and assisting state regulators in obtaining from EPA ‘delegations of primacy’ to take the lead in administering and enforcing federal environmental statutes, regulations, and programs.

“Beginning first at the Air and Water Pollution Control Commission, Mississippi has distinguished itself in being a national leader in obtaining delegations of primacy from EPA across the board. Mississippi was one of the very first states to obtain Clean Water primacy in 1974 and stepped up not long thereafter regarding the Clean Air Act.

“Actually, and this is a point of great pride for me, personally, we have been the first state in the nation to receive these authorities in several major regulatory programs, and that is a tribute to the many men and women who have worked so hard over the last fifty years to accomplish these monumental tasks,” Palmer recalls.

While this 50th anniversary will not result in elaborate parades, fiery speeches on the town square, or an aggressive media campaign, it is important to reflect on how the continued enforcement of environmental laws results in maintaining and improving the state's natural resources and protects the health of its citizens.

Special thanks to MDEQ attorney Tabatha Baum and to Jimmy Palmer for their research and assistance with this article.



Least Tern photo courtesy of the Audubon Society.

Submit Project Ideas to MS TIG

The Mississippi Trustee Implementation Group (MS TIG) is planning restoration activities for the 2016/2017 planning years and would like input regarding natural resource restoration opportunities in Mississippi. The following Restoration Types, which may have benefits to living coastal and marine resources are being considered:

- (1) restoration of wetlands, coastal and nearshore habitats,
- (2) restoration of water quality through nutrient reduction,
- (3) restoration of birds,
- (4) restoration of oysters.

The MS TIG and the NRDA Trustees are accepting project ideas for these proposed Restoration Types. If a project idea has been submitted in the past, it will be considered relative to these specific Restoration Types and the process for project identification in the Trustees programmatic restoration plan.

Information on the Restoration Types being considered for the 2016/2017 planning years, as well as the Oil Pollution Act criteria against which project ideas are being evaluated, can be found in the *Deepwater Horizon* Oil Spill: Final Programmatic Damage Assessment and Restoration Plan (PDARP) and Final Programmatic Environmental Impact Statement (PEIS) and in the overview of the PDARP/PEIS.

This notice from the MS TIG provides the range of potential Restoration Types that may be considered for restoration planning for the 2016/2017 planning years, and it is likely a subset of these Restoration Types will be used for actual restoration planning during this time.

The Mississippi Trustee Implementation Group consists of the following state and federal trustees: the Mississippi Department of Environmental Quality, the U.S. Department of the Interior, the National Oceanic and Atmospheric Administration, the U.S. Department of Agriculture, and the U.S. Environmental Protection Agency.

To find out more and how to submit a project idea, go to <http://www.restore.ms/mississippi-nrda-update>.



Mississippi Receives First Planning Grant from RESTORE Council

MDEQ Executive Director Gary Rikard announced on May 13 that the State of Mississippi had received a planning grant to develop projects and programs in the aftermath of the *Deepwater Horizon* oil spill. The Gulf Coast Ecosystem Restoration Council (RESTORE Council) awarded a RESTORE Act Oil Spill Component Planning grant of \$1.4 million to MDEQ on behalf of the state.

“I am very happy to report that the RESTORE Council has formally awarded our planning grant for Bucket 3. This grant to Mississippi marks the first grant that the RESTORE Council has awarded to any state. The grant will allow us to fully vet and consider Bucket 3 projects that will make a real difference,” said Gary Rikard.

The grant funds will be used to develop and implement the Mississippi Planning State Expenditure Plan (MSEP) which will consist of projects and programs for funding in the three coastal counties in accordance with the Oil Spill Impact Component, or Bucket 3, of the RESTORE Act. A wide variety of projects are eligible under Bucket 3, and MDEQ will actively engage the public for suggestions and the final plan will also have a public comment period.

Save the Date for the Restoration Summit!

MDEQ’s Office of Oil Spill Restoration will host the first restoration summit on November 15 on the Mississippi Gulf Coast. The summit will offer a comprehensive and thorough update on projects, initiatives, and funding of the restoration work related to the *Deepwater Horizon* oil spill. The details are being finalized and will be announced in the near future.





Staff Change

Chris Sanders has been selected by MDEQ Executive Director Gary Rikard as the new Director of the Office of Pollution Control. He replaces Richard Harrell who retired June 30.

Chris Sanders is currently the Chief of the Environmental Compliance and Enforcement Division (ECED), a post he has held since 2008. Prior to that he managed the Solid Waste and Mining Branch within ECED from 2000 to 2008. He began his career at MDEQ in 1996 in the nonhazardous waste program.

Chris is a 1995 graduate of Mississippi State University where he obtained a B.S. in Biological Engineering. He is a registered Professional Engineer and is also a Board Certified Environmental Engineer.

Join enHance!

MDEQ is accepting applications for the enHance program from July 1 to September 30. Check out the enHance website for information on current members, a calendar, training workshop materials, and information on how to apply.

enHance is open to all types of facilities including regulated facilities, municipalities, non-regulated businesses, schools, and other organizations committed to environmental conservation and stewardship.



enHance is a voluntary initiative to recognize environmental leaders in Mississippi. Participating organizations make a commitment to address and achieve on-going environmental improvements. More information, benefits, an application, and application instructions can be found at www.enhance.ms. Send the completed application to cmessemore@mdeq.ms.gov.



Gulf of Mexico Alliance Releases Action Plan III

The Gulf of Mexico Alliance (Alliance) released the *Governors' Action Plan III For Healthy and Resilient Coasts* on June 8. This is the third major effort by the Alliance, approved by all five Gulf Coast governors. The states of Alabama and Mississippi issued proclamations, declaring support for the plan and emphasizing the vision to improve the health and sustainability of the coastal areas.

In the plan, the Alliance addresses six major regional issues: coastal resilience; data and monitoring; education and engagement; habitat resources; water resources; and wildlife and fisheries. Through leadership from the five states, the Alliance embraces the mission to enhance the environmental and economic health of the Gulf of Mexico. The plan addresses 16 major goals utilizing partnerships within six Priority Issue Teams based on the shared regional issues. MDEQ is a partner in the Alliance, and Kim Caviness-Reardon leads the Water Resources Team.

Over the next five years, the Alliance will provide forums for collaboration; develop and modify tools to address regional issues; track restoration efforts; and identify and expand opportunities for comprehensive monitoring among other things. More information can be found at: <http://www.gulfofmexicoalliance.org>.

Breakfast with the Regulators

MDEQ, the Mississippi Chapter of the Air & Waste Management Association, and Nucor Steel Jackson, Inc. hosted a “Breakfast with the Regulators” on June 15 to answer questions and provide updates on current environmental issues.



Canada Bound! Oxford High School wins Mississippi Envirothon State Competition

Laura Beiser, Surface Water Division

The Oxford High School Envirothon Team was the overall winner at the Mississippi Envirothon State Competition held on May 6 at the Future Farmers of America Center in Raymond where they scored highest in the categories of Soils/Land use, Forestry, Wildlife, and Oral Presentation. The OHS Envirothon Team will travel to Peterborough, Ontario in July for the International Competition.



Members of the winning team are: Andrew Brown, Kayla Owens, Joanna Bu, Calendula Cheng and Raina Woolworth. Each team member's name will be inscribed on the Envirothon Trophy, and each received plaques, certificates, and a \$250 scholarship. Teams that placed in the competition in second to fifth place were New Albany High School, Hillcrest Christian School (Jackson), DeSoto Central High School, and the Strayhorn Future Farmers of America team.

Twenty Mississippi teams competed at the Mississippi Envirothon, a hands-on program that challenges students to explore the natural world. Combining in-class curriculum with hands-on field experiences, the Mississippi Envirothon demonstrates the role people have in important environmental issues such as forestry, wildlife management, water quality and soil erosion. At the beginning of the school year, teams are formed and sponsors identified. Each team begins studying resource materials to learn the fundamentals of natural resource management in five areas of study. Team advisors work with the team in planning activities for the year which may include forestry field days, field trips to natural resource and wildlife habitat areas, classroom training, tree planting, presentations by local natural resource experts, or local natural resource related events. The competition is sponsored by MDEQ and the Mississippi Association of Conservation Districts, and is coordinated by the Mississippi Soil and Water Conservation Commission. MDEQ's Laura Beiser and Deb Veeder of the MDEQ-sponsored *Adopt A Stream* Program assist with program management, statewide training, test-question writing, and the regional and state competition events each year.

MDEQ To Host Rubbish Site Operator Training in August

MDEQ is hosting the Mississippi training course for Class I rubbish site operators on Wednesday, August 3 and Thursday, August 4 at the Millsaps Cabot Lodge on North State Street in Jackson. The course fulfills state training and testing requirements for the Class I Rubbish Site Operator Certification and updates general knowledge of Class I rubbish site regulatory and operational requirements. MDEQ will also allow currently certified operators to attend the course as a refresher course for Continuing Education Units (CEUs).

The course is a day and a half class with a written examination on the second day. Persons who attend the course, pass the written examination and meet the experience and education requirements may apply to MDEQ for a certificate of competency for a Class I rubbish site operator. The examination will not be required for those operators attending for CEUs only. All attendees that complete the class will receive 10 hours of CEUs that can be applied towards renewal of their certification. There is no registration cost for the training. However, all lodging, meal and transportation costs are the responsibility of the attendees.

Course instructors will include the staff of MDEQ and FTN Associates, Ltd. Advance registration for the course is required. For additional information on the training course and details about registration, contact Mark Williams at 601-961-5304 or visit the MDEQ solid waste program web page at: www.deq.state.ms.us/solidwaste.



NetDMR Classroom Training

Kayra Johnson, Environmental Compliance and Enforcement Division

On October 22, 2015, EPA promulgated the NPDES e-reporting rule that mandates the electronic submittal of all Discharge Monitoring Reports (DMRs) after December 21, 2016. All permittees required to submit DMRs must comply with this rule.

After the December 2016 deadline, all DMRs must be submitted electronically using NetDMR.

Several NetDMR training classes have been scheduled to help with the transition to electronic reporting. Visit MDEQ's website at www.deq.state.ms.us for a complete list of classes and registration information. If you are unable to attend a class, a training video is also available on our website. We encourage all permittees to begin using the system as soon as possible to ensure compliance with the rule.

For any questions or additional information, please contact Kayra Johnson, Data Administration Branch, at 601-961-5106 or via email at kjohnson@mdeq.ms.gov.



NetDMR Training for Permittees and Data Providers

Kayra N. Johnson, P.E., BCEE
Data Administration Branch
Environmental Compliance & Enforcement Division (ECED)

Mississippi Department of Environmental Quality



Paleontological Resources at the Vicksburg National Military Park

David T. Dockery III, RPG, Office of Geology

In April of 2016 Sara Strickland, Natural Resource Manager at the Vicksburg National Military Park, contacted MDEQ Office of Geology staff concerning paleontological/geological resources in the area of proposed slope stabilization measures along Mint Spring Bayou. In the past, the Office of Geology has published two bulletins (bulletins 123 and 124) on the fossils found at the type locality of the Mint Spring Formation at a waterfall on Mint Spring Bayou.

The office has also assisted the work of others at this important scientific site. Bulletin 124 (page 8) gives the history of the study of Oligocene-age fossils of the Vicksburg Group in Mississippi. Early fossil collections from the site, according to the U.S. Geological Survey Cenozoic Locality Register, include collections by T. W. Vaughan in 1900, C. W. Cooke in 1912, and O. B. Hopkins. C. W. Cooke named the Mint Spring Formation in 1918 for calcareous sands with well-preserved fossils occurring below the limestone ledges at the Mint Spring Bayou waterfall (Figure 1).



Figure 1. Left, Fred Mellen at right pointing to the contact of the Forest Hill Formation and the overlying Mint Spring Formation. Right, Fred Mellen at the waterfall on Mint Spring Bayou during a dry period with no flow. Both pictures were taken on January 23, 1939.

Between May and August of 2002, a slope failure in the park cut the west side of the Mint Spring Bayou waterfall, exposing fresh bedrock and additional rock section above the lip of the waterfall (Figures 2 and 3). Erosion associated with the slope failure has claimed a cemetery road, exposed human remains, and threatens hundreds of interments in the southwest corner of the cemetery.

In 2011 two shotcrete retaining walls anchored with soil nails were built to prevent further slumping of the hillside (Figure 4). A berm of crushed rock or soil has been proposed by the National Park Service to stabilize the base of the slope. The Office of Geology staff has made themselves available should fossils be uncovered during that process.



Figure 2. Mint Spring Formation at Mint Spring Bayou in the Vicksburg National Cemetery; left to right are Laura Stafford, Bruce Wilkinson, and Linda Ivany. The Mint Spring Formation is in the undercut below the lower ledge of the Glendon Limestone and softer underlying Marianna limestone. Picture (Figure 793 in *The Geology of Mississippi*) taken on May 16, 2002.

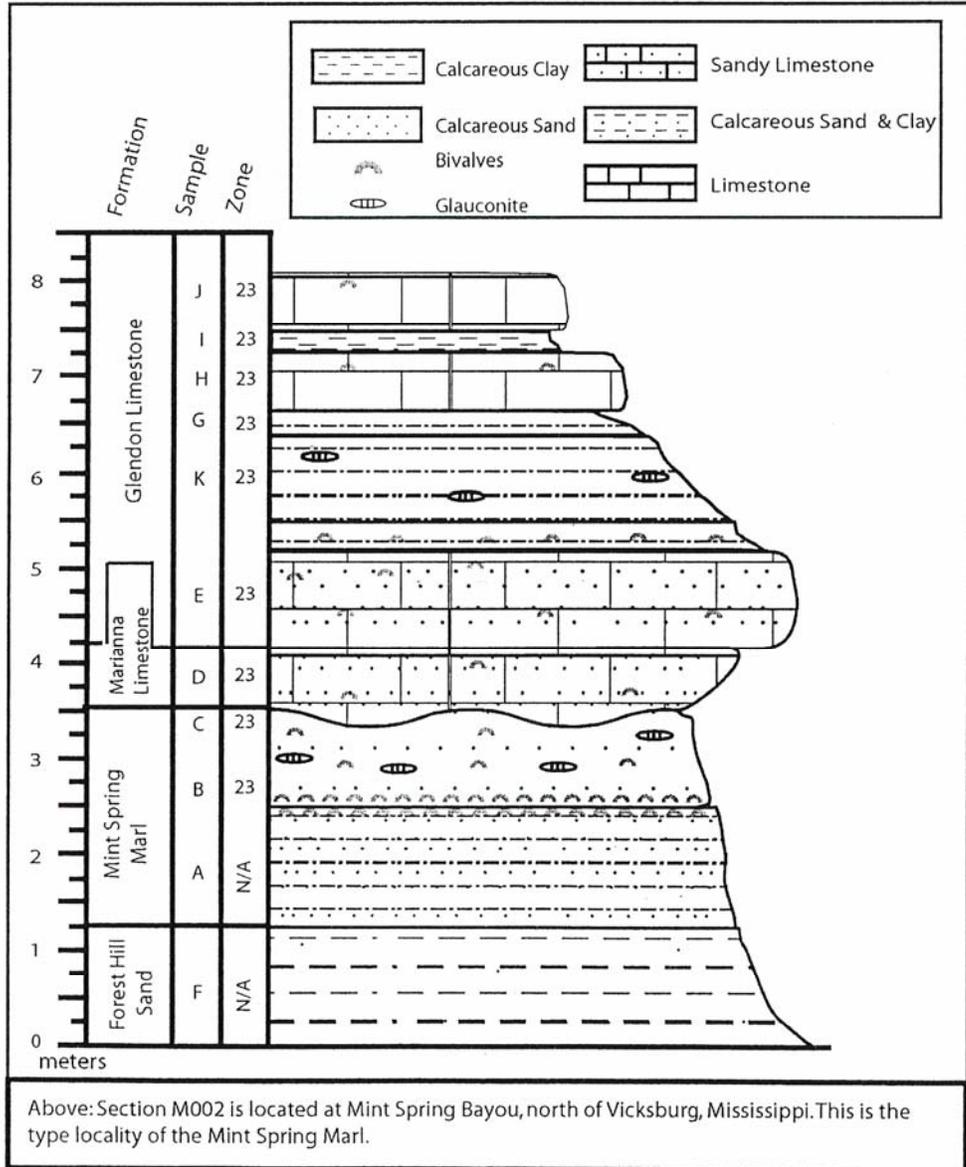


Figure 3. Measured section in meters of the geology exposed at the Mint Spring Bayou waterfall from Chris Hall’s masters thesis, p. 89, Figure 40. All marine intervals sampled were assigned to the calcareous nannofossil zone NP 23 of Early Oligocene age.



Figure 4. Views from the top of the retaining walls adjacent to the Mint Spring Bayou waterfall at the Vicksburg National Cemetery. Pictures were taken on October 29, 2011.

MDEQ ENVIRONMENTAL ACTION LINKS



- Draft permits currently at public notice, <http://opc.deq.state.ms.us/publicnotice.aspx>
- Permits and certificates issued in the last 90 days, http://opc.deq.state.ms.us/report_permits.aspx
- General permit coverages issued in the last 90 days, http://opc.deq.state.ms.us/report_gnp_issued.aspx
- Notices of Intent for coverage under a Statewide General permit received by the Environmental Permits Division, http://opc.deq.state.ms.us/report_gnp_notice.aspx
- List of the 401 Water Quality Certifications currently at public notice, http://opc.deq.state.ms.us/report_wqc_public_notice.aspx
- List of the compliance inspections recently conducted, http://opc.deq.state.ms.us/report_eced_tasks.aspx
- Orders issued by the Mississippi Commission on Environmental Quality, http://opc.deq.state.ms.us/report_orders.aspx

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PICTURE OF THE MONTH

Sandbar splay in Warren
County.

Taken by James Starnes,
Office of Geology.

