

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

**Thursday, April 26, 2018
9:00 A.M.
Room 104A
515 East Amite Street
Jackson, Mississippi 39201**

AGENDA

- 1. Call to Order - Chair**
- 2. Approval of Minutes of February 22, 2018 Meeting**
- 3. FY2019 Title V Fee Recommendation**

A public hearing concerning the FY2019 Title V Permit Fee was held on April 5, 2018. No comments were received. Therefore, the staff recommends that the Commission set the fee at the proposed rate of \$47.00 per ton of regulated air pollutants, which is the same as the previous year's fee.

- 4. Amendments to 11 Miss. Admin. Code, Part 2, Chapter 1 and Revisions to the State Implementation Plan for Control of Air Pollution**

MDEQ staff is recommending that the Commission adopt amendments to the Commission's air pollution control regulations, 11 Mississippi Administrative Code, Part 2, Chapter 1 (11-2-1) and Revisions to the State Implementation Plan for Control of Air Pollution (SIP Revisions). In order to comply with the requirements of Section 110(a)(2)(E)(ii) and Section 128(a)(1) & (2) of the Federal Clean Air Act regarding significant portion of income of a majority of state environmental board(s), the Mississippi Environmental Permit Board administrative regulation 11 Mississippi Administrative Code, Part 1, Chapter 5 (11-1-5) was amended and adopted by the Permit Board on April 11, 2018. To fully comply with the requirements of Section 110(a)(2)(E)(ii) and Section 128(a)(1) & (2) of the Federal Clean Air Act, MDEQ staff is recommending that the Commission adopt the following amendments and revisions:

- (1) Amendments to 11-2-1, Rule 1.1 and the corresponding SIP revision. This action will directly align statutory requirements of the Commission and regulatory requirements of the Permit Board with requirements of the Federal Clean Air Act and will allow EPA to remedy partial-disapprovals of recent state plan submittals to address requirements for the National Ambient Air Quality Standards under the Clean Air Act;
- (2) SIP Revision to incorporate amendments to 11-1-5, Rule 5.1. This action will directly align statutory requirements of the Commission and regulatory requirements of the Permit Board with requirements of the Federal Clean Air Act and will allow EPA to remedy partial-disapprovals of recent state plan submittals to address requirements for the National Ambient Air Quality Standards under the Clean Air Act;
- (3) SIP Revision to incorporate amendments to Section 49-2-5, Mississippi Code Annotated that was effective July 1, 2016. This action will directly align statutory requirements of the Commission and regulatory requirements of the Permit Board with requirements of the Federal Clean Air Act and will allow EPA to remedy partial-disapprovals of recent state plan submittals to address requirements for the National Ambient Air Quality Standards under the Clean Air Act.

Additionally, MDEQ staff is recommending adoption of amendments to 11-2-1 to update the state's adoption-by-reference of federal New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, and the Consolidated Air Rule in order to maintain the state's delegation of the aforementioned federal programs. No verbal comments were received during the public comment periods or the public hearing. Written comments were received and will be provided to the Commission for their consideration. Staff recommends that the Commission adopt the regulation amendments and the associated revisions to the SIP.

- 5. Draft 2018 Mississippi Section 303(d) List of Water Bodies**

Staff will brief the Commission on the Draft 2018 Mississippi Section 303(d) List of Impaired Water Bodies. Public notice of the draft 303(d) list began on April 10, 2018. A public hearing is scheduled for May 15, 2018 to solicit public comments. Any comments received from the public or EPA will be addressed. After the public comment period, Staff will return to the Commission and request adoption of the Final 2018 Mississippi Section 303(d) List of Impaired Water Bodies.

6. Commission Approval of Proposed Amendment to 11 Miss. Admin. Code Pt. 3, Ch. 1. Hazardous Waste Management Regulations to include the Federal Hazardous Waste Generator Improvements Rule

MDEQ staff will present a recommendation to the Commission regarding an amendment to the Hazardous Waste Management Regulations to include the Federal Hazardous Waste Generator Improvements Rule. The EPA published the Final Rule in the Federal Registrar on November 28, 2016 and it became effective on May 30, 2017. The Rule re-organizes the regulations governing hazardous waste generators making the regulations more user friendly, provides operational flexibility to hazardous waste generators, and clarifies and corrects technical issues. MDEQ held a public hearing on April 10, 2018 concerning the amendment to adopt the Hazardous Waste Generator Improvements Rule as promulgated by the U.S. EPA. There were no attendees to the public hearing and MDEQ received no comments on the proposed amendment during the 30 day public comment period. Therefore, MDEQ is recommending that the Commission adopt the amendment to 11 Miss. Admin. Code Pt. 3, Ch. 1. Hazardous Waste Management Regulations to include the Hazardous Waste Generator Improvement Rule. Adoption of this amendment maintains the consistency between the State Regulations and the Federal Hazardous Waste Regulations as required by 40 CFR 271.4.

7. Commission Approval of Proposed Amendments to Administrative Procedures Act Rules - 11 Miss. Admin. Code Pt. 7, Ch. 3 for Dam Safety

The proposed amendments include provisions for the use of an incremental consequence analysis based spillway design approach. This approach which is currently being used in several other states will allow greater flexibility in the regulations by taking into consideration any flooding which is occurring at the structures at risk downstream prior to a failure of the dam. If there are no incremental consequences resulting from the failure this approach would allow for a reduction of the required design rainfall event. As part of this update process other revisions and additions regarding minimum design and permitting requirements are also included to ensure the regulations match current dam safety policies and procedures. The proposed amendments were made available for public comment in early November and a public hearing was held on December 5, 2017. All comments received have been addressed and minor revisions and clarifications were made to the draft regulations as a result. Staff will recommend adoption of the proposed amendments.

8. Melton Properties, LLC, Caroline McComb Scheppe, and the Caroline McComb Scheppe Trust Number One Petition for an Evidentiary Hearing before the Mississippi Commission on Environmental Quality, filed on January 12, 2018, Related to the Train Derailment in Minter City

Staff of MDEQ recommends the Commission designate Steve Ray as the hearing officer to handle pre-hearing and hearing matters on behalf of the Commission pursuant to Miss. Code Ann. § 49-17-33 (Rev. 2012).

9. Asbestos Certifications

We have issued 214 asbestos certifications since the last report. This list will be available at the Commission meeting.

10. Lead Paint Certifications

We have issued 96 lead paint certifications since the last report. This list will be available at the Commission meeting.

11. Underground Storage Tanks (UST) Certifications

We have issued 37 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

12. Wastewater Operator Certifications

We have issued 116 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

13. Emergency Clean-Up Expenses

We have 6 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

14. Administrative Orders

We have issued 11 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.

15. Other Business

16. Confirmation of the May 24, 2018 Commission meeting

17. Adjournment

EMERGENCY SERVICES CLEAN UP

To: Complete Environmental
Amount: \$3,088.51 **Date of Response:** 12/19/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Hinds County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,694.74 **Date of Response:** 02/25/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an engine oil/diesel spill in Lauderdale County.

To: Enhanced Environmental & Emergency Services
Amount: \$11,431.99 **Date of Response:** 01/19/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a mercury spill in Harrison County.

To: Enhanced Environmental & Emergency Services
Amount: \$1,125.18 **Date of Response:** 02/27/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in George County.

To: Enhanced Environmental & Emergency Services
Amount: \$1,218.08 **Date of Response:** 02/08/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an unknown chemical mixture in Harrison County.

To: Enhanced Environmental & Emergency Services
Amount: \$730.97 **Date of Response:** 01/16/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Hinds County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Terry Orlicek Sharkey Co., MS	Order No. 6832 18 Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section 1- A&B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-46469 & MS-GW-46470.
2	Transcontinental Gas Pipe Line Company LLC, Station 77 Covington Co., MS	Order No. 6833 18 Respondent agrees to pay MDEQ a penalty in the amount of \$40,000.00 within forty-five (45) days of this Agreed Order.	Respondent failed to comply with the MS Air Pollution Control Title V Permit Condition for Air Emissions Point during stack test.
3	Approval of the City of Canton Solid Waste Management Plan	Order No. 6834 18 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 describes the primary components of the City's Plan, addresses the schedule for implementation by the City of Canton.
4	Warren, Inc. Covington Co., MS	Order No. 6835 18 Respondent agrees to comply with the terms and conditions listed under Section #2.	Respondent was in violation of Synthetic Minor Operating Permit No. 0640-00006.
5	C & R Holdings, LLC Lee County, MS	Order No. 6836 18 Respondent was ordered to "cease and desist" from discharging wastewater into state waters.	Respondent was in violation of MS Code Section 49-17-29 regarding waters of the state.
6	Hancock County Regional Solid Waste Management Authority Hancock Co., MS	Order No. 6837 18	This order approves a modification of the Hancock County Regional Solid Waste Management Plan for the inclusion of a proposed solid waste processing facility for medical waste and regulated APHIS wastes at the request of Trash Doctors, LLC.
7	Gavilon Fertilizer, LLC Washington Co., MS	Order No. 6838 18 Respondent agrees to pay MDEQ a penalty in the amount of \$20,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MSR0001827.
8	Valley Services Inc., dba Traditions Rankin Co., MS	Order No. 6839 18 Respondent agrees to pay MDEQ a penalty in the amount of \$42,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Pretreatment Permit No. MSP092300.
9	Rankin County Board of Supervisors Rankin Co., MS	Order No. 6840 18 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 describes the primary components of the County's Plan and addresses the schedule for implantation by the County, the participating municipalities of Brandon, Florence, Flowood, Pearl, Richland, Pelahatchie, Puckett and includes a summary table of the reporting dates to MDEQ for the plan.

10	City of Vicksburg Warren Co., MS	Order No. 6841 18 Respondent agrees to the remediation requirements/obligations to be conducted in this Brownfield Agreement Order.	Respondent and the MCEQ Agree, through this Brownfield Agreement, that the contaminated Site will be in compliance with all applicable State and Federal laws and standards, once complete.
11	Channel Chemical Company Harrison Co., MS	Order No. 6842 18 Respondent agrees to pay MDEQ a penalty in the amount of \$77,500.00. Payments shall be set in installments and due as follows: May 31, 2018 - \$12,500.00 June 30, 2018- \$12,500.00 July 31, 2018- \$12,500.00 August 31, 2018- \$12,500.00 September 30, 2018- \$12,500.00 October 31, 2018- \$15,000.00	Respondent failed to label "Used Oil Containers." Respondent failed to label 4 totes of hazardous waste in the less than 90-day area. Respondent failed to date 4 totes of hazardous waste in the less than 90-day area. Respondent failed to make waste determinations on approximately 121 drums and 2 totes in the Gas Station Terminal (GST) area. Respondent failed to dispose of hazardous waste stored in the GST area in less than 90 days. Respondent failed to maintain 4 hazardous waste drums in good condition in the GST area. Respondent failed to keep a drum of hazardous waste closed in the GST area.