

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
MAY 24, 2018

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, May 24, 2018, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

John Dane III
Patrick L. Johnson, Jr.
Brenda Lathan
Chat Phillips
Billy Van Devender
Jack Winstead, Chairman

Others present were: Alice Perry, Deputy Director; Chad Lafontaine, Brad Justice, Dusty Myers, Roy Furrh, staff of MDEQ; and other staff members and visitors whose names appear elsewhere in these minutes.

The meeting was called to order by Chairman Winstead, and after Mr. Van Devender led the invocation, the following business was transacted:

Introduction of Alice Perry

Mr. Winstead introduced Deputy Director, Alice Perry, who presided over the Commission Meeting in Executive Director, Gary Rikard's absence. Ms. Perry is retiring at the end of June and Mr. Winstead thanked her for her service and wished her well.

Approval of Minutes

On motion made by Mr. Phillips and seconded by Mr. Dane, the minutes of the February 22, 2018 meeting were approved and adopted as the Official Minutes.

FY2019 Title V Fee Recommendation

Mr. Chad Lafontaine stated a Public Hearing concerning the FY2019 Title V Permit Fee, was held on April 5, 2018, and no comments were received. On behalf of staff, Mr. Lafontaine recommended the Commission set the Title V fee at \$47.00 per ton of regulated air pollutants with a minimum fee of \$250.00, which is the same as last year's fee. Following staff presentation and after deliberation, on motion made by Mr. Dane and seconded by Ms. Lathan, the Commission unanimously voted to set the FY2019 Title V permit fee at \$47.00 per ton of regulated air pollutants with a minimum fee of \$250.00. The Commission further authorized that an Order setting this fee be executed by the Executive Director.

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

On behalf of staff, Mr. Chad Lafontaine recommended 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 recommended 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.

In addition, on behalf of MDEQ staff, Mr. Chad Lafontaine recommended the Commission adopt amendments to 11-2-1 in order 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. A public hearing was previously held and no verbal comments were received during the public comment period. There were written comments received and those were previously provided to the Commission for their consideration. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Mr. Van Devender, the Commission unanimously voted to adopt staff's recommended 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). The Commission also unanimously voted to adopt amendments to 11-2-1 in order 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.

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

On behalf of staff, Mr. Brad Justice recommended the Commission adopt 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-organized the regulations governing hazardous waste generators by making the regulations more user friendly, providing operational flexibility to hazardous waste generators, and clarifying and correcting 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. Adoption of this amendment maintains the consistency between the State Regulations and the Federal Hazardous Waste Regulations as required by 40 CFR 271.4. Following staff presentation and after deliberation, on motion made by Ms. Lathan and seconded by Mr. Phillips, the Commission unanimously voted to adopt the amendment to 11 Miss. Admin. Code Pt. 3, Ch. 1. Hazardous Waste Management Regulations to include the Hazardous Waste Generator Improvement Rule.

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

Mr. Dusty Myers stated the proposed amendments to Administrative Procedures Act Rules - 11 Miss. Admin. Code Pt. 7, Ch. 3 for Dam Safety included provisions for the use of an incremental consequence analysis based spillway design approach. This approach which is currently being used in several other states allows 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 have been 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 recommended the Commission adopt the proposed amendments. Following staff presentation and after deliberation, on motion made by Mr. Dane and seconded

by Mr. Van Devender, the Commission unanimously voted to adopt the proposed amendments to Administrative Procedures Act Rules - 11 Miss. Admin. Code Pt. 7, Ch. 3 for Dam Safety.

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

Mr. Roy Furrh recommended 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). Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Ms. Lathan, the Commission unanimously voted to designate Steve Ray as the hearing officer to handle pre-hearing and hearing matters related to the train derailment in Minter City. Mr. Furrh also asked the Commission about their availability in November of this year for an evidentiary hearing in this matter. The Commission decided to hold the hearing on November 14th and 15th.

Solid Waste Assistance Grants, Waste Tire Grants and Solid Waste Planning Grants

On previous authority delegated to the Executive Director, MDEQ, the Commission was provided a listing by staff of the following solid waste assistance grants that have been awarded to local governments:

<u>County/ Municipality</u>	<u>Grant Amount</u>
Attala County BOS	\$34,124.00
Harrison County BOS	\$70,000.00
City of McComb	\$50,000.00
Amite County BOS	\$31,392.00
Rankin County BOS	\$27,128.00
Adams County BOS	\$10,073.00
Kemper County BOS	\$10,273.00
Sharkey County BOS	\$6,583.00
Lincoln County BOS	\$15,459.00
Walthall County BOS	\$11,470.00
Hinds County BOS	\$28,871.00
Lamar County BOS	\$18,750.00
Pontotoc County BOS	\$12,666.00
Winston County BOS	\$11,071.00
Tippah County BOS	\$11,170.00
Newton County BOS	\$11,869.00
Lauderdale County BOS	\$18,152.00
Jones County BOS	\$20,945.00
Prentiss County BOS	\$10,871.00
Tunica County BOS	\$9,575.00
Grenada County BOS	\$18,000.00
Covington County BOS	\$11,569.00
Grenada County BOS	\$8,677.00
Itawamba County BOS	\$12,666.00
Jackson County BOS	\$24,635.00
Yalobusha County BOS	\$9,575.00
Oktibbeha County BOS	\$12,567.00
Clarke County BOS	\$10,971.00
Leake County BOS	\$26,099.00
Lawrence County BOS	\$9,575.00
Harrison County BOS	\$18,950.00
Lee County BOS	\$16,058.00
Chickasaw County BOS	\$9,575.00

On previous authority delegated to the Executive Director, MDEQ, the Commission was provided a listing by staff of the following waste tire grants that have been awarded to local governments:

<u>County/ Municipality</u>	<u>Grant Amount</u>
Lincoln County BOS	\$50,000.00
Jefferson County BOS	\$35,000.00
Pike County BOS	\$90,000.00
Warren County BOS	\$54,000.00
Humphreys County BOS	\$54,000.00
Wilkinson County BOS	\$20,000.00
Northeast MS Authority	\$100,000.00
Panola County BOS	\$15,000.00

On previous authority delegated to the Executive Director, MDEQ, the Commission was provided a listing by staff of the following solid waste planning grants that have been awarded to local governments:

<u>County/ Municipality</u>	<u>Grant Amount</u>
Grenada County BOS	\$22,500.00
Smith County BOS	\$27,000.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 294 asbestos certifications had been issued since the last report.

Emergency Clean-Up Expenses

On previous authority delegated to the Executive Director, the staff reported the Emergency Clean-Up Expenses incurred since the Commission's last meeting. A list of these expenses is made a part of these minutes and is filed in the Official Minutes File.

Lead Paint Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 161 lead paint certifications had been issued since the last report.

Underground Storage Tank (UST) Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 46 certifications to those who install, alter, or remove underground storage tanks had been issued since the last report.

Wastewater Operator Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 116 wastewater operator certificates had been issued since the last report.

Administrative Orders

On previous authority delegated to the Executive Director, DEQ, the staff reported that 18 Administrative Orders had been issued since the Commission's last meeting. A list of these orders is made a part of these minutes and is filed in the Official Minutes File.

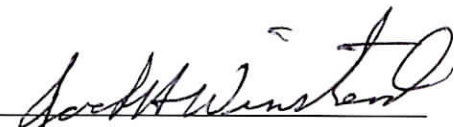
Setting of Meeting

It was the decision of the Commission to meet next on Thursday, June 28, 2018, beginning at 9:00 a.m., in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi.

Adjournment

Ms. Perry thanked Mr. Winstead for his kind words and the Commission for their guidance and

friendship during her career at MDEQ. There being no further business to come before the Commission, the meeting was adjourned.


CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

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	Respondent failed to label "Used Oil Containers." Respondent failed to label 4 totes of hazardous waste in the less than 90-day area.

		<p>and due as follows:</p> <p>May 31, 2018 - \$12,500.00</p> <p>June 30, 2018- \$12,500.00</p> <p>July 31, 2018- \$12,500.00</p> <p>August 31, 2018- \$12,500.00</p> <p>September 30, 2018- \$12,500.00</p> <p>October 31, 2018- \$15,000.00</p>	<p>Respondent failed to date 4 totes of hazardous waste in the less than 90-day area.</p> <p>Respondent failed to make waste determinations on approximately 121 drums and 2 totes in the Gas Station Terminal (GST) area.</p> <p>Respondent failed to dispose of hazardous waste stored in the GST area in less than 90 days.</p> <p>Respondent failed to maintain 4 hazardous waste drums in good condition in the GST area.</p> <p>Respondent failed to keep a drum of hazardous waste closed in the GST area.</p>
12	Columbus Christian Academy, Inc. Lowndes Co., MS	<p>Order No. 6843 18</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00. Respondent shall pay \$2,500.00 to MDEQ within forty-five (45) days of this Agreed Order. Respondent shall pay the remaining balance of \$2,500.00 on or before July 31, 2018.</p>	Violations are listed in Section I of this Agreed Order.
13	Valley Brook Subdivision Rankin Co., MS	<p>Order No. 6844 18</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within forty-five (45) days of this Agreed Order.</p>	Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit before commencement of land disturbing activities.
14	Simmons Farm Raised Catfish, Inc. Yazoo Co., MS	<p>Order No. 6845 18</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>	Respondent was in violation of Permit No. MS0039403.
15	Charles Chicorelli, Jr.	<p>Order No. 6846 18</p> <p>Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section 1-A&B of this Agreed Order.</p>	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permit/Certificate of Coverage MS-GW-47148.
16	Johns Manville Corp., Inc. Adams Co., MS	<p>Order No. 6847 18</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within thirty (30) days of this Agreed Order.</p>	Respondent engaged in asbestos removal activity at sites owned or operated by Johns Manville Corp., Inc. Instances of non-compliance with requirements of asbestos regulations are listed in Section I of this Agreed Order.
17	Larry Frierson and Kim Lee Pearl River Co., MS	<p>Order No. 6848 18</p> <p>Respondent was ordered to cease and desist from "operating" the Site. Respondent agrees to comply with the orders listed in Section 7 of this Order.</p>	Respondent was in violation of operating an approximately four (4) acre surface mine without the required Surface Mining and Reclamation Permit ("Mining Permit") or coverage under the Mining Storm Water, Dewatering, and No Discharge General Permit ("Storm Water Permit").
18	Town of Mound Bayou Bolivar Co., MS	<p>Order No. 6849 18</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$1,000.00 within forty-five (45) days of this Agreed Order.</p>	Respondent was in violation of Permit No. MS0020842.