

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, November 8, 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 August 23, 2018 Meeting**
3. **Establishment of the Lignite Mining Fee for Liberty Fuels Company, LLC for the Liberty Mine in Kemper County for State Fiscal Year 2019;
Establishment of the Lignite Fee for the Mississippi Lignite Mining Company for the Red Hills Mine in Choctaw County for State Fiscal Year 2019**

The staff will recommend that the Liberty Fuels Company, LLC Lignite Mining Fee for the 2019 state fiscal year be set at \$125,000, which is the same as for state fiscal year 2018. The staff will recommend that the Mississippi Lignite Mining Company Lignite Mining Fee for the 2019 state fiscal year be set at \$175,000, which is an increase of \$50,000 more than the fee for state fiscal year 2018. This fee increase is due to cover the additional costs associated with stream monitoring of Little Bywy Creek and Middle Bywy Creek. The increase is also necessary to cover the additional staff resources/costs associated with an application review related to a proposed project expansion. This amount will cover approximately 50% of the anticipated costs of administering the federally-approved coal mining program in Mississippi; the remaining approximately 50% of the cost will be covered by a federal Office of Surface Mining Reclamation and Enforcement grant. These fees will cover 100% of the anticipated cost of administering the program above the amount of the federal OSMRE grant.

4. **2018 Mississippi 303(d) List of Impaired Water Bodies**

Staff will brief the Commission on the 2018 Mississippi Section 303(d) List of Impaired Water Bodies. Public notice of the draft 303(d) list began April 10th and ended May 15th. A public hearing was held on May 15th. Public comments were received and a responsiveness summary was prepared. EPA issued a letter of no comment on the draft list. Commission members were provided a document package which includes the final list, the transcript of the public hearing, the public notice and proof of publication, EPA's letter of no comment, the public comments, and the responsiveness summary. Staff requests the Commission adopt the 2018 list and propose the list to EPA Region 4 for their final approval with an accompanying Order.

5. **Commission Approval of Modified Brownfield Agreement**

The Commission approved Brownfield Agreement 5969 11 in May 2011 between the Commission and Delta Biofuels, Inc. for Delta Biofuels property located in Natchez, Mississippi. The original brownfield agreement required an environmental covenant to be placed on portions of the property due to Volatile Organic Compounds in the groundwater and soils at levels in excess of the Target Remediation Goals. The agreement also required long term groundwater monitoring with implementation of additional corrective action, if necessary. Upon recent review of the brownfield agreement order, it was determined further clarification of the original order is necessary to specify the boundaries of the environmental covenant. The staff recommends that the Commission approve the modified Brownfield Agreement between the Commission and Delta Biofuels, Inc. regarding the environmental covenant for the 13.518 acres at L.E. Barry Road in Natchez, Mississippi. The staff of the MCEQ has evaluated the Brownfield Agreement and believes that, with the conditions and restrictions contained within the Brownfield Agreement, 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. **Asbestos Certifications**

We have issued 180 asbestos certifications since the last report. This list will be available at the

Commission meeting.

7. Lead Paint Certifications

We have issued 114 lead paint certifications since the last report. This list will be available at the Commission meeting.

8. Underground Storage Tanks (UST) Certifications

We have issued 24 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

9. Wastewater Operator Certifications

We have issued 112 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

10. Emergency Clean-Up Expenses

We have 10 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

11. Administrative Orders

We have issued 22 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.

12. Other Business

13. Confirmation of the December, 2018 Commission meeting

14. Adjournment

EMERGENCY SERVICES CLEAN UP

To: Complete Environmental
Amount: \$13,985.17 **Date of Response:** 09/08/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel/processed meat spill in Lamar County.

To: Enhanced Environmental & Emergency Services
Amount: \$1,721.53 **Date of Response:** 07/23/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Copleah County.

To: Enhanced Environmental & Emergency Services
Amount: \$4,065.34 **Date of Response:** 08/04/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Harrison County.

To: Enhanced Environmental & Emergency Services
Amount: \$3,928.68 **Date of Response:** 07/06/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Harrison County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,450.97 **Date of Response:** 08/29/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an engine oil/diesel spill in Pike County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,829.36 **Date of Response:** 07/21/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Hinds County.

To: Enhanced Environmental & Emergency Services
Amount: \$3,417.98 **Date of Response:** 08/07/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel/motor oil spill in Copleah County.

To: Enhanced Environmental & Emergency Services
Amount: \$1,192.14 **Date of Response:** 08/15/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up abandoned cylinders in Jackson County.

To: Enhanced Environmental & Emergency Services
Amount: \$7,781.34 **Date of Response:** 06/26/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up oil from a dump truck wreck in George County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,837.50 **Date of Response:** 07/29/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum products spill in Jackson County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Murphy Oil USA, Inc. El Dorado, AR	Order No. 6876 18 Respondent agrees to pay MDEQ a penalty in the amount of \$6,500.00 within forty-five (45) days of this Agreed Order.	Respondent owns/or operates several UST's in Mississippi. Facilities are listed in Section I and violations are listed in Section 2 of this Agreed Order.
2	Kevin Lizana d/b/a Lizana Pump and Well Service Harrison Co., MS	Order No. 6877 18 Respondent shall immediately cease and desist from engaging in the business of constructing or repairing wells; and Respondent shall immediately cease and desist from advertising and holding himself out to be a water well driller or pump installer/servicer.	Respondent was in violation of operating as a water well/pump contractor in the state of Mississippi without the required license.
3	C F Gollott and Son Seafood, Inc. Harrison Co., MS	Order No. 6878 18	The Commission issued Order No. 6878 18 on August 23, 2018, to memorialize its decision made at the Commission meeting on July 26, 2018. After hearing from attorneys for MDEQ and C.F. Gollott and Son Seafood ("Gollott") as well as Dale Gollott, Vice President of Gollott, and considering documents submitted by the parties, the members of the Commission who attended the July 26 meeting, voted unanimously to deny Gollott's request for a Commission hearing; to deny Gollott's requested stay and revocation of Agreed Order No. 6553 15 issued July 16, 2015, and Amendment to Agreed Order No. 6553 15 issued January 3, 2017; and to deny Gollott's request for the Commission to petition EPA and challenge the promulgation of the new source performance standards for seafood processors which Gollott alleged were not properly promulgated in 1974.
4	City of Vicksburg Warren Co., MS	Order No. 6879 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.
5	Matter of the Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 5, Chapter 2, Entitled "Underground Storage Tanks Regulations Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)"	Order No. 6880 18	This order confirms the adoption of the proposed amendments for MDEQ's "Underground Storage Tanks Regulations Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST)".
6	Matter of the Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 5, Chapter 3, Entitled "Underground Storage Tanks Regulations for the Certification of Persons Who Install, Alter, Test, and Permanently Close Underground Storage Tanks"	Order No. 6881 18	This order confirms the adoption of the proposed amendments for MDEQ's "Underground Storage Tanks Regulations for the Certification of Persons Who Install, Alter, Test, and Permanently Close Underground Storage Tanks".
7	B and B Electrical and Utility Contractors, Inc. Rankin Co., MS	Order No. 6882 18 Respondent agrees to pay MDEQ a penalty in the amount of \$9,375.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0060038

8	Dennis Driver d/b/a Service Pros Inc. DeSoto Co., MS	Order No. 6883 18 Respondent shall immediately cease and desist from engaging in the business of constructing or repairing wells; and Respondent shall immediately cease and desist from advertising and holding himself out to be a water well driller or pump installer/servicer.	Respondent was in violation of operating as a water well/pump contractor in the state of Mississippi without the required license.
9	Orchard Farms Joint Venture Dallas, TX	Order No. 6884 18 Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section I-A&B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-46120.
10	Associated Wholesale Grocers, Inc. DeSoto, MS	Order No. 6885 18 Respondent agrees to pay MDEQ a penalty in the amount of \$7,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Pretreatment Permit No. MSP091043.
11	Roura Acquisition, Inc. Marshall Co., MS	Order No. 6886 18 Respondent agrees to comply with the terms and conditions listed under Section #2.	Respondent was in violation of Title V Permit No. 1780-00030.
12	M and N Excavators, Inc.	Order No. 6887 18 Respondent agrees to pay MDEQ a penalty in the amount of \$15,250.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section 1 of this Agreed Order.
13	Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY 2018 Intended Use Plan	Order No. 6888 18	This order confirms the Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY 2018 Intended Use Plan, which will supersede and replace the previous, and now expired, Final FY 2017 Intended Use Plan, Codified at 11 Miss. Admin. Code Part 6, Chapter 8.
14	Torrey Wood & Son, Inc. Washington Co., MS	Order No. 6889 18 Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section I-A&B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-45700.
15	Floyd Justin Babin, Jr. Harrison Co., MS	Order No. 6890 18 Respondent shall immediately cease and desist from engaging in the business of constructing or repairing wells; and Respondent shall immediately cease and desist from advertising and holding himself out to be a water well driller or pump installer/servicer.	Respondent was in violation of operating as a water well/pump contractor in the state of Mississippi without the required license.
16	Davis Research, Inc.	Order No. 6891 18 Respondent shall immediately cease and desist collecting, analyzing, and/or reporting samples for any person or facility in Mississippi where such samples are required by any permit, regulation, or law administered by MDEQ until such time as Davis Research is notified by MDEQ that it has satisfactorily complied with the terms and conditions listed in Section 4 of this Agreed Order.	Violations are listed in Section 2 of this Agreed Order.
17	Kelly Builders, Inc. Lauderdale Co., MS	Order No. 6892 18 Respondent agrees to pay MDEQ a penalty in the amount of \$14,500.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section 1 of this Agreed Order.

18	Town of Woodville Wilkinson Co., MS	Order No. 6893 18 Respondent agrees to pay MDEQ a penalty in the amount of \$475.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0054640.
19	Premium Waters, Inc. Hinds Co., MS	Order No. 6894 18 Respondent agrees to pay MDEQ a penalty in the amount of \$9,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Pretreatment Permit No. MSP092432
20	AEI, LLC Tate Co., MS	Order No. 6895 18 Until the Mississippi Environmental Quality Permit Board or its designee acts on the renewal application for the Respondent's Title V Operating Permit, Respondent shall comply with the Title V Operating Permit No. 2600-00026 issued to the Respondent on July 9, 2013.	Respondent was in violation of Title V Permit No. 2600-00026.
21	Blue Mountain Production Company Tippah Co., MS	Order No. 6896 18 Respondent agrees to pay MDEQ a penalty in the amount of \$44,875.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Title V Permit No. 2620-00003.
22	Kim Lee Pearl River Co., MS	Order No. 6897 18 Respondent agrees to pay MDEQ a penalty in the amount of \$15,750.00.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section 1 of this Agreed Order.