

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

**Thursday, June 27, 2019
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 28, 2019 Meeting**
- 3. FY2020 Title V Fee Recommendation**

A public hearing concerning the FY2020 Title V Permit Fee was held on April 11, 2019. 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. Environmental Covenant for Scott Petroleum**

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 Scott Petroleum regarding the remediation of property located at 942 North Broadway Street in Greenville, MS. Scott Petroleum operates at this location. Environmental Site Assessments have revealed a release petroleum hydrocarbons impacting soils and groundwater at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. The staff of the MCEQ has evaluated the proposed Environmental Covenant and believes that, with the conditions and restrictions contained within; the site will be in compliance 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.

- 5. Commission Approval of Brownfield Agreement**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and Military Lee, LLC regarding the remediation of brownfield property located at 1815 Military Road in Columbus, Mississippi. The administrative record for this environmental response project is referred to as the Lee Middle School site. The proposed Brownfield Agreement Site previously operated as either a high school or middle school from the early 1950's until 2011. Assessments have detected the presence of asbestos containing material and lead based paint within onsite structures. Therefore, remediation of the proposed Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be commercial, residential, and/or a green space in nature. 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. Commission Approval of Brownfield Agreement**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and the Lincoln County Board of Supervisors regarding the remediation of the former Keystone-Seneca Wire Cloth Company site located at 905 Industrial Park Road NE in Brookhaven, MS. The administrative record for this environmental response project is referred to as Keystone Seneca Wire Cloth (Agency Interest No. 10252). This proposed Brownfield Agreement Site operated as an aluminum wire and woven screen manufacturing operation and other secondary operations from 1956 to 2007. Environmental assessments have detected the presence of 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, and Naphthalene in groundwater in excess of Target Remediation Goals. Therefore, remediation by Monitored Natural Attenuation (MNA) of the proposed Brownfield Agreement site is necessary. The proposed use of the Site while MNA is ongoing is commercial or industrial in nature. 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.

7. High Cotton Oil Company, Inc.

An evidentiary hearing was held on February 27, 2019, regarding violations of the Commission's Underground Storage Tank Regulations by High Cotton Oil Company, Inc. before hearing officer- Trey Smith. Pursuant to Miss. Code Ann. Section 49-17-33, the hearing officer has the authority to conduct the hearing in the name of the Commission and will provide findings of fact and a recommended decision for the Commission's consideration at the Commission meeting. Staff recommended a penalty in the amount of \$53,600.00 related to the violations and, after hearing the evidence, hearing officer Smith recommended a reduced penalty in the amount of \$50,600.00. The Commission will consider and make the final decision in this matter after reviewing the previously provided record which includes the transcript, exhibits to the transcript and the hearing officer's Findings of Fact and Recommended Decision. High Cotton Oil Company, Inc. will be invited to the meeting on June 27, 2019, but the record in this matter is closed.

8. Notice of Proposed Amendments to Administrative Procedures Act Rules - 11 Miss. Admin. Code Pt. 7, Ch. 1 Water Use and Protection Regulations

The Permitting, Certification and Compliance Division in the Office of Land and Water Resources is working on amending the Water Use and Protection Regulations to include provisions on requirements applicable to applications for wells to withdraw water from the Mississippi River Valley Alluvial (MRVA) aquifer for the beneficial uses of aquaculture, irrigation, and enhancement of wildlife habitat. All MRVA groundwater withdrawal permits, both permit renewals and new permits, are issued for 5 years, instead of 10, to facilitate timely changes in permit conditions if needed to respond to a continuing negative trend in aquifer levels. Beginning in 2011 groundwater withdrawal permits for irrigation, aquaculture, and wildlife require MRVA groundwater permittees to implement water conservation practices. To assure that permit conditions requiring implementation of water conservation and irrigation efficiency practices are met, consistent with Mississippi Code Annotated Section 51-3-25 (d), an application to obtain a permit to divert, store, or withdraw waters from the MRVA for irrigation, aquaculture, or enhancement of wildlife enhancement needs additional requirements for accurate well location, applicant and land owner contact information, irrigated acres, beneficial uses, and acceptable agricultural water efficiency practices. The proposed amendments will be available for public comment as soon they are finalized in coordination with the Yazoo Mississippi Delta Joint Water Management District (YMD), and a public hearing will be scheduled thereafter. After the conclusion of the public hearing staff will take into consideration any comments received and then present the proposed amendments to the Commission at a future meeting with a recommendation for adoption.

9. Asbestos Certifications

We have issued 473 asbestos certifications since the last report. This list will be available at the Commission meeting.

10. Lead Paint Certifications

We have issued 235 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 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.

12. Wastewater Operator Certifications

We have issued 30 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

13. Emergency Clean-Up Expenses

We have 25 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

14. Administrative Orders

We have issued 26 Administrative Orders and 2 Amended Agreed 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 July 25, 2019 Commission meeting

17. Adjournment

EMERGENCY SERVICES CLEAN UP

To: Complete Environmental
Amount: \$843.01 **Date of Response:** 10/18/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an oil spill in Jackson County.

To: Enhanced Environmental & Emergency Services
Amount: \$846.90 **Date of Response:** 11/12/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help investigate a nitrogen odor in Jackson County.

To: Enhanced Environmental & Emergency Services
Amount: \$1,166.95 **Date of Response:** 11/05/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help identify an unknown odor coming from the city sewer and a residential home in Newton County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,434.50 **Date of Response:** 11/19/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and pick up abandoned drums in Harrison County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,437.55 **Date of Response:** 11/13/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum product dumped into a storm drain in Forrest County.

To: Enhanced Environmental & emergency Services
Amount: \$1,916.72 **Date of Response:** 10/09/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Madison County.

To: Enhanced Environmental & Emergency Services
Amount: \$1,650.48 **Date of Response:** 10/22/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and be put on standby for a potential response to a tanker wreck in Pontotoc County.

To: Enhanced Environmental & Emergency Services
Amount: \$3,169.30 **Date of Response:** 10/18/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel/motor oil spill in Covich County.

To: Enhanced Environmental & Emergency Services
Amount: \$6,565.50 **Date of Response:** 10/05/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum product spill in Harrison County.

To: Enhanced Environmental & Emergency Services
Amount: \$7,069.88 **Date of Response:** 12/17/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an oil/diesel spill in Smith County.

To: Enhanced Environmental & Emergency Services
Amount: \$1,737.70 **Date of Response:** 09/19/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Jackson County.

To: Enhanced Environmental & Emergency Services
Amount: \$6,565.50 **Date of Response:** 10/05/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum product spill in Harrison County.

To: Clarkco
Amount: \$2,066.00 **Date of Response:** 04/01/19
For: Costs associated with providing supervision, labor, equipment and materials to respond to and pick up abandoned drums of used oil in Lauderdale County.

To: Complete Environmental
Amount: \$3,514.72 **Date of Response:** 03/28/19
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an used oil spill in Wayne County.

To: Complete Environmental
Amount: \$2,704.56 **Date of Response:** 03/10/19
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Lauderdale County.

To: Enhanced Environmental & Emergency Response
Amount: \$4,202.00 **Date of Response:** 03/10/19
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an aluminum chloride hydroxide spill in Hancock County. This invoice is for the disposal costs.

To: Enhanced Environmental & Emergency Response
Amount: \$1,013.54 **Date of Response:** 03/31/19
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up abandoned drums in Hancock County.

To: Enhanced Environmental & Emergency Response
Amount: \$12,669.28 **Date of Response:** 12/17/18
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel/gasoline spill in Tate County.

To: Enhanced Environmental & Emergency Response
Amount: \$3,432.15 **Date of Response:** 03/16/19
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a used oil/diesel spill in Newton County.

To: Enhanced Environmental & Emergency Response
Amount: \$5,462.80 **Date of Response:** 01/23/19
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 Response
Amount: \$1,815.58 **Date of Response:** 01/25/19
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an unknown chemical mixture in Hancock County.

To: Enhanced Environmental & Emergency Response
Amount: \$3,022.59 **Date of Response:** 02/22/19
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up oil from an unknown source in Rankin County.

To: Enhanced Environmental & Emergency Response
Amount: \$3,415.86 **Date of Response:** 02/28/19
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum product spill in Pearl River County.

To: Enhanced Environmental & Emergency Response
Amount: \$611.32 **Date of Response:** 02/09/19
For: Costs associated with providing supervision, labor, equipment and materials to respond to and pick up/dispose of an abandoned drum.

To: Enhanced Environmental & Emergency Response
Amount: \$3,486.11 **Date of Response:** 01/11/19
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Walthall County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Dustin James Babin Harrison Co., MS	Order No. 6926 19 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.
2	Kin Growers Sharkey Co., MS	Order No. 6927 19 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-48688,89,91,92,93,94, and 95.
3	Hernando Town Properties, LLC DeSoto Co., MS	Order No. 6928 19 Respondent agrees to the remediation requirements/obligations to be conducted in this Brownfield Agreement Order.	Respondent and the MCEQ agree, though this Brownfield Agreement, that the contaminated Site will be in compliance with all applicable State and Federal laws and standards, once complete.
4	Frontier Development Lamar Co., MS	Order No. 6929 19 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit before commencement of land disturbing activities.
5	Little J Farms Humphreys Co., MS	Order No. 6930 19 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-08482 and MS-GW-08484.
6	Scott Petroleum Corporation Greenville Co., MS	Order No. 6931 19 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 Synthetic Minor Operating Permit No. 2800-00136.
7	Noxubee County Producers, Inc., Superior Fish Products Noxubee Co., MS	Order No. 6932 19 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0057550.
8	Anderson Regional Medical Center Lauderdale Co., MS	Order No. 6933 19 Respondent agrees to pay MDEQ a penalty in the amount of \$11,000.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I of this Agreed Order.
9	Tim Wilson, individually and d/b/a Compliance Associates, LLC Lakeland, TN	Order No. 6934 19 Respondent agrees to pay MDEQ a penalty in the amount of \$10,000.00 within six (6) months of this Agreed Order.	Respondent is a licensed Mississippi Underground Storage Tank (UST) Certified Contractor conducting business in the state of Mississippi. Respondent did not adequately oversee monthly monitoring activities of subcontractor during which time a suspected release (water intrusion) occurred on the double-walled Underground Storage Tank at Casino Strip Shell in Robinsonville, MS

10	Murphy Oil USA, Inc. El Dorado, AR	Order No. 6935 19 Respondent agrees to pay MDEQ a penalty in the amount of \$8,000.00 within thirty (30) days of this Agreed Order.	Respondent owns/operates several UST's in Mississippi. Facilities are listed in Section I and violations are listed in Section 2 of this Agreed Order.
11	Mississippi Commission on Environmental Quality vs. James Case Oil, Inc., Sandra Cupit, Gerry Cupit, and Craig Frazier Franklin Co., MS	Order No. 6936 19	This order requires the respondents to take the following actions regarding a release from Above Ground Storage Tanks at Granny's Corner, located at 6935 Burt Jordan Road SE, McCall Creek, Franklin County, Mississippi (the facility): A. Respondents must immediately conduct an environmental site assessment to determine the extent of contamination of the subsurface at the site. Results of the environmental site assessment shall be submitted to MDEQ within 30 days of the issuance of this order. B. Respondents must prepare a plan for remediation measures and submit to the Mississippi Department of Environmental Quality ("MDEQ") within 30 days after receiving the results of the environmental site assessment. C. Within 60 days of the completion of any corrective actions, a Groundwater Corrective Action Report describing the activities and demonstrating compliance with the remedial goals and objectives must be submitted to MDEQ. D. All remedial actions necessary to protect human health and the environment must be implemented by Respondents.
12	Matter of Phoenix Corinth LLC Alcorn Co., MS	Order No. 6937 19 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Phoenix Corinth, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.
13	Sean C. Denty Sylacauga, AL	Order No. 6938 19 Respondent shall pay all outstanding fees and a penalty in the total aggregate amount of \$700 (Seven Hundred Dollars) to reinstate his license through June 30, 2020.	Respondent was late in submitting renewal forms and proof of continuing education to renew his Well Contractor's License No. (RGO-00006517).
14	Hunt Southland Refining Company Jasper Co., MS	Order No. 6939 19 Respondent agrees to pay MDEQ a penalty in the amount of \$30,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0001686.
15	Hunt Southland Refining Company Lamar Co., MS	Order No. 6940 19 Respondent agrees to pay MDEQ a penalty in the amount of \$18,750.00 within forty- five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0001678.
16	First Chemical Corporation Jackson Co., MS	Order No. 6941 19 Respondent agrees to comply with the requirements/obligations listed under #4 of this Agreed Order.	First Chemical desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.

17	Sharkey County Board of Supervisors Sharkey Co., MS	Order No. 6942 19 Respondent agrees to pay MDEQ a penalty in the amount of \$4,000.00 within forty- five (45) days of this Agreed Order.	Respondent was in violation of Solid Waste Permit No. SW0630020508.
18	JS, LLC Lee Co., MS	Order No. 6943 19 Respondent agrees to pay MDEQ a penalty in the amount of \$10,190.00 within forty- five (45) days of this Agreed Order.	Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit before commencement of land disturbing activities.
19	NCI Group, Inc. dba Metal Coaters Houston, TX	Order No. 6944 19 Respondent agrees to pay MDEQ a penalty in the amount of \$10,000.00 within forty- five (45) days of this Agreed Order.	Respondent was in violation of NPDES Pretreatment Permit No. MSP090892.
20	MGD Holdings, LLC Jefferson Davis Co., MS	Order No. 6945 19 Respondent agrees to pay MDEQ a penalty in the amount of \$4,995.00 within forty- five (45) days of this Agreed Order	Respondent failed to obtain re-coverage under Mississippi's Mining Storm Water General NPDES Permit for ongoing land disturbing activities.
21	Georgia-Pacific Monticello, LLC Lawrence Co., MS	Order No. 6946 19 Respondent agrees to comply with the terms and conditions listed under Section #2 of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0002941. Violations are listed in Section No. 1 of this Agreed Order.
22	Modification of the Three Rivers Regional Solid Waste Management Plan Calhoun Co., MS	Order No. 6950 19 Respondent agrees to comply with the terms and conditions listed under Section #2 of this Agreed Order.	This order approves the modified version of the Three Rivers Regional Solid Waste Management Plan as requested by the Three Rivers Regional Solid Waste Authority. Specifically, this order approves the Authority's modification to include a proposed expansion of the permitted disposal area for the City of Bruce Class II Rubbish Site.
23	First Chemical Corporation Jackson Co., MS	Order No. 6951 19 Respondent agrees to pay a total civil penalty in the amount of \$84,000.00 of which Respondent shall pay \$9,000.00 to MDEQ within forty- five (45) days of the Effective Date. The remaining balance is subject to the requirements of this Agreed Order and Memorandum of Agreement (MOA) between MDEQ, Respondent, and Walthall County School District. Respondent agrees to comply with the remaining terms and conditions listed in the MOA and under Section #2 of this Agreed Order.	Respondent was in violation of Title V Permit No. 1280-00022.
24	Marion County Board of Supervisors Marion Co., MS	Order No. 6952 19	This order approves a modification to the Marion County Solid Waste Management Plan. Specifically, this order approves the County's modification for the addition of a new rubbish processing facility to be operated by the City of Columbia.

25	Ken McGarrh Bolivar Co., MS	Order No. 6953 19 Respondent agrees to comply with special terms and conditions of permit/certificates 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-09603, 09605, and 09606.
26	Woodall Mountain Farms, LLC Quitman Co., MS	Order No. 6954 19 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 Permit/Certificate of Coverage MS-GW-49298.

Amended Orders

1	Town of New Houlka Chickasaw Co., MS	Amended Agreed Order No. 6690 16	Respondent agrees to comply with the amended requirements listed in Section I of this Agreed Order Amendment.
2	Water Valley Poultry LLC Yalobusha Co., MS	Amended Agreed Order No. 6905 18	Respondent agrees to comply with the amended requirements listed in Section I of this Agreed Order Amendment.