

# MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, February 27, 2020

9:00 A.M.

Room 104A

515 East Amite Street

Jackson, Mississippi 39201

## AGENDA

1. **Call to Order - Chair**
2. **Approval of the November 15, 2019, Commission Meeting Minutes**
3. **FY 2021 Title V Fee Recommendation - Approval to Proceed to Public Notice of Hearing**

A copy of the draft report containing the Title V Advisory Council's Title V fee recommendation for the upcoming fee year has been forwarded to the Commission. We are requesting approval to hold a public hearing to receive comments regarding the proposed fee and to proceed with public notice of the hearing. After the public participation process is completed, staff will bring the fee recommendation back before the Commission for final action.

4. **Commission Approval of Brownfield Agreement Termination**

The Commission approved Brownfield Agreement 6957-19 in June 2019 between the Commission and the Military Lee, LLC for remediation of the former Lee Middle School property located in Columbus, Mississippi. The original brownfield agreement required lead paint and asbestos abatement. The completed remedial activities have met the requirements of the MDEQ-approved Corrective Action Plan dated April 2019. Military Lee, LLC has requested the Commission to make a determination as to the completion of the Brownfield Agreement. The staff recommends the completion of the Brownfield Agreement. The staff of the MCEQ has evaluated the Brownfield Agreement completion and believes that the Site is in compliance with applicable State and Federal laws and standards and will be protective of the public health and the environment.

5. **Environmental Covenant for YRC Freight Facility**

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 Covenants between the Commission and YRC Inc. regarding the remediation of property located at 102 Carrier Boulevard in Richland, Mississippi. YRC is an active trucking terminal and vehicle maintenance facility. The groundwater monitoring and recovery wells have been plugged and decommissioned. The staff of the MDEQ 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.

6. **Commission Briefing on Underground Storage Tank Regulatory Fee**

Pursuant to Miss. Code Ann. Sec. 49-17-421 revised July 1, 2018, the Commission is charged by law to establish the tank regulatory fee in an amount sufficient to cover the cost of the UST Program. The owners of each underground storage tank available for use in Mississippi is required to pay MDEQ the annual tank regulatory fee. The statutory revision also created Miss. Code Ann. Sec. 49-17-422 that established an Advisory Council to conduct an independent study of the cost of the UST Program and provide the Commission a written report and recommendations on the annual tank fee. This report was provided to the Commission on December 31, 2019. Staff will provide information on the report, recommendations, and the public notice for comment.

7. **Pollution Emergency Response Regulations**

Pursuant to Mississippi Code Sections 17-17-29, 49-17-43, 49-17-27, and 49-17-68, persons who cause pollution or own facilities which cause pollution are liable for the cost of remedial or clean-up action resulting from such pollution. The purpose of this new regulation is to include these various sources of statutory authority for pollution emergency response and to include definitions to provide clarity and consistency in the implementation of these statutes related to emergency response requirements. If adopted by the Mississippi Commission on Environmental Quality, this regulation will be codified at Title 11, Part 9, Chapter 1 of the Mississippi Administrative Code. A public hearing on the new regulation

was held on December 12, 2019. No written or verbal comments were received from the public related to the proposed regulation. A copy of the proposed regulations is included in the Commission's packet for review prior to the Commission's meeting on February 27<sup>th</sup>. Staff will recommend adoption of this new regulation.

**8. Modification of Hinds County Solid Waste Management Plan**

An evidentiary hearing was held on September 19, 2019, regarding Commission Order No. 6772-17, which approved the modification of the Hinds County Solid Waste Management Plan to allow for the expansion of the Faircloth Class I Rubbish Site. The hearing was held before Hearing Officer Doug Levanway. Hearing Officer Levanway presented his findings of fact and recommended decision at the Commission's November 15, 2019, meeting. In his findings and recommended decision, the Hearing Officer recommended that the Commission affirm the Order which approves the modification of the Hinds County Solid Waste Management Plan allowing for the expansion of the Faircloth Class I Rubbish Site by an additional 26.55 acres. The Commission considered the Hearing Officer's recommended decision after reviewing the previously provided record which includes the Petition for Hearing, the transcript of the Motion Hearing, the transcript of the Evidentiary Hearing, exhibits to the transcripts (including pre-filed testimony submitted by the parties-William G. (Bill) Moore-Petitioner, Hinds County Board of Supervisors-Intervenor, Faircloth Rubbish Landfill, Inc.-Intervenor and MDEQ), Motions to Intervene, Motions in Limine, Responses to Motions, witness lists, and the Hearing Officer's Findings of Fact and Recommended Decision. The Commission then voted to adopt the Hearing Officer's Recommended Decision to affirm the issuance of Commission Order No. 6772-17, which approved the modification of the Hinds County Solid Waste Management Plan to allow for the expansion of the Faircloth Class I Rubbish Site. Staff will recommend that the Commission adopt an Order reflecting its previous decision in this matter which is included in the Commission's packet for review prior to the Commission meeting on February 27<sup>th</sup>. Staff will also recommend that Interim Executive Director Chris Wells be authorized to sign the Order on behalf of the Commission.

**9. Asbestos Certifications**

We have issued 292 asbestos certifications since the last report. This list will be available at the Commission meeting.

**10. Lead Paint Certifications**

We have issued 147 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 22 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 70 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

**13. Emergency Clean-Up Expenses**

We have 8 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

**14. Administrative Orders**

We have issued 27 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 March 26, 2020 Commission meeting**

**17. Adjournment**

**EMERGENCY SERVICES CLEAN UP**

**To:** E3 Environmental:  
**Amount:** \$1,382.20 **Date of Response:** 09/27/2019  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum spill in Perry County.

**To:** E3 Environmental  
**Amount:** \$2,370.51 **Date of Response:** 11/19/2019  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an engine oil/diesel spill in Desoto County.

**To:** E3 Environmental  
**Amount:** \$2,235.99 **Date of Response:** 12/17/2019  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an engine oil/diesel spill in Walthall County.

**To:** E3 Environmental  
**Amount:** \$1,471.84 **Date of Response:** 12/31/2019  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up oil leaking out of a storm drain in Lincoln County.

**To:** E3 Environmental  
**Amount:** \$2,935.28 **Date of Response:** 11/01/2019  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Jackson County.

**To:** E3 Environmental  
**Amount:** \$3,129.10 **Date of Response:** 11/15/2019  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum spill in Jackson County.

**To:** E3 Environmental  
**Amount:** \$2,730.00 **Date of Response:** 12/04/2019  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum spill in Harrison County.

**To:** W.T. Drilling  
**Amount:** \$541.00 **Date of Response:** 10/21/2019  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Adams County.

**ADMINISTRATIVE ORDERS**

	<b><u>Respondent</u></b>	<b><u>Order No.</u></b>	<b><u>Summary</u></b>
<b>1</b>	NSLC Southern, Inc. Claiborne Co., MS	Order No. 6997 19 Respondent agrees to pay MDEQ a penalty in the amount of \$40,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Title V Permit No. 0420-00004.
<b>2</b>	Barge Forest Products Company Noxubee Co., MS	Order No. 6998 19 Respondent agrees to pay MDEQ a penalty in the amount of \$4,250.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0045349. Violations are listed under Section #1 of this Agreed Order.
<b>3</b>	Cam2 International, LLC Warren Co., MS	Order No. 6999 19 Respondent agrees to pay MDEQ a penalty in the amount of \$90,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Air-Synthetic Minor Operating Permit No. 2780-00012.
<b>4</b>	Mississippi Truck Dismantlers Rankin Co., MS	Order No. 7000 19 Respondent agrees to pay MDEQ a penalty in the amount of \$2,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Baseline Storm Water General Permit No. MSR001286
<b>5</b>	Panola County Airport Panola Co., MS	Order No. 7001 19 Respondent agrees to pay MDEQ a penalty in the amount of \$2,500.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under MDEQ's Baseline Storm Water General NPDES Permit.
<b>6</b>	Everest, LLC Yalobusha Co., MS	Order No. 7002 19 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.
<b>7</b>	MFM Development, LLC Lafayette Co., MS	Order No. 7003 19 Respondent agrees to pay MDEQ a penalty in the amount of \$6,275.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of ACT6 Condition S-1 (1).
<b>8</b>	Southern Import Specialist, Inc. Rankin Co., MS	Order No. 7004 19 Respondent agrees to pay MDEQ a penalty in the amount of \$8,910.00 within sixty (60) days of this Agreed Order.	Respondent was in violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.1B (2)(b)(1) and 40 CFR 122.26(a)(ii).
<b>9</b>	Liberty Fuels Kemper Co., MS	Order No. 7005 19	This Order authorizes the Commission to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
<b>10</b>	Mississippi Lignite Mining Company Choctaw Co., MS	Order No. 7006 19	Commission to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
<b>11</b>	Mississippi Lignite Mining Company Choctaw Co., MS	Order No. 7007 19	Commission to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.

12	Murphy Oil USA, Inc.	Order No. 7008 19 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 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.
13	Lamar County Board of Supervisors	Order No. 7009 19	This Order approves an amendment to the Lamar County Solid Waste Management Plan
14	Mississippi Power Company Hancock Co., MS	Order No. 7010 19 Respondent agrees to pay MDEQ a penalty in the amount of \$200,000.00 within thirty (30) days of this Agreed Order and comply with other provisions listed within this Agreed Order.	Respondent was in violation of MS Code Section 49-17-1, et seq. (MAWPCL).
15	Omega Protein, Inc. Jackson Co., MS	Order No. 7011 19 Respondent agrees to pay MDEQ a penalty in the amount of \$37,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0002950. Violations are listed under Section #1 of this Agreed Order.
16	TCI Automotive, LLC Benton Co., MS	Order No. 7012 19 Respondent agrees to pay MDEQ a penalty in the amount of \$4,750.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0039063. Violations are listed under Section #1 of this Agreed Order.
17	City of Winona Montgomery Co., MS	Order No. 7013 19 Respondent agrees to pay MDEQ a penalty in the amount of \$500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0021024. Violations are listed under Section #1 of this Agreed Order.
18	Mark Twain Redi Mix Plant Desoto Co., MS	Order No. 7014 19 Respondent agrees to pay MDEQ a penalty in the amount of \$5,250.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under Mississippi's Ready Mix Concrete General Permit before commencement of manufacturing activities.
19	City of Saltillo Lee Co., MS	Order No. 7015 20 Respondent agrees to pay MDEQ a penalty in the amount of \$1,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0021733. Violations are listed under Section #1 of this Agreed Order.
20	YRC Inc. dba YRC Freight Overland Park, KS	Order No. 7016 20 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	YRC Inc. dba YRC Freight desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.
21	City of Starkville Oktibbeha Co., MS	Order No. 7017 20 Respondent agrees to pay MDEQ a penalty in the amount of \$3,750.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0036145. Violations are listed under Section #1 of this Agreed Order.
22	Dr. Cindy A. Elliott Hinds Co., MS	Order No. 7018 20 Respondent agrees with the terms and conditions listed in Section 5 of this Order.	Respondent's dam (Dam Inventory No. MS01745 has been declared a High Hazard dam – Respondent must submit Formal Inspection and provide schedule for permit application for Permit to Modify a Dam and perform all corrective actions required.
23	H D & H, Inc. Madison Co., MS	Order No. 7019 20	In lieu of a formal enforcement hearing, parties agree to settle the matter with Respondent submitting a plan for draining the lake and breaching the dam no later than the close of business January 31, 2020.

24	Enviva Pellets Amory, LLC Monroe Co., MS	Order No. 7020 20 Respondent agrees to pay MDEQ a penalty in the amount of \$10,000.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under MDEQ's Baseline Storm Water General NPDES Permit.
25	Prentiss County Board of Supervisors Prentiss Co., MS	Order No. 7021 20 Respondent agrees to pay MDEQ a penalty in the amount of \$19,000.00 within forty-five (45) days of this Agreed Order. Respondent also agrees to comply with all terms and conditions listed under Section #3 of this Agreed Order.	Respondent was in violation of the conditions of Statewide Solid Waste Management General Permit No. SWGP-R1 (Certification of Coverage # R1-016).
26	Choctaw Generation Limited Partnership Red Hills Generation Facility Choctaw Co., MS	Order No. 7022 20 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 Number MS0053881. Violations are listed under Section #1 of this Agreed Order.
27	Warren Excavation, LLC Rankin, Co., MS	Order No. 7023 20 Respondent agrees to pay MDEQ a penalty in the amount of \$31,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Large Construction Storm Water General Permit No. MSR107704.

**Amended Orders**

1	Town of Coldwater Tate Co., MS	Amended Agreed Order No. 6744 17	Respondent agrees to comply with the amended requirements listed in Sections 2 and 3 of this Agreed Order Amendment.
2	City of Morton Scott Co., MS	Amended Agreed Order No. 6982 19	Respondent agrees to comply with the requirements listed in Section I, II, and III of this Agreed Order Amendment.