

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

**Thursday, January 28, 2021
9:00 A.M.
Room 104A
515 East Amite Street
Jackson, Mississippi 39201**

AGENDA

- 1. Call to Order - Chair**
- 2. Approval of the October 22, 2020 Telephonic Commission Meeting Minutes**
- 3. Approval of the November 19, 2020 Specially Called Commission Meeting Minutes**
- 4. FY 2022 Underground Storage Tank Fee Recommendation**

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 draft report was provided to the Commissions on December 18, 2020. A public comment period concerning the FY2022 Underground Storage Tank (UST) Fee was held between December 15, 2020 through January 14, 2021 with the public notice information distributed to the Mississippi Petroleum Marketers and Convenience Store Association. No comments were received. Therefore, the staff recommends that the Commission set the fee at the proposed rate of \$150.00 per UST, which is the same rate from last year's tank fee.

- 5. FY 2022 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.

- 6. Request from the City of Canton for a Variance to State Siting Criteria for the Proposed Expansion Area at the City's Municipal Solid Waste Landfill**

The Mississippi Nonhazardous Solid Waste Management Regulations (11 Miss. Admin. Code Pt. 4 Ch. 1.), states that no new or expanded municipal solid waste landfill shall be located within one mile of a residential area, unless the proposed facility would be located in an established industrial park, in which case the facility shall not be located less than 1000 feet from any residential area. The City of Canton is proposing an expansion of the disposal area at the existing City Landfill that would be located within one mile of a residential area as defined by the Regulations. Staff of the MDEQ Waste Division will present information regarding the City of Canton Landfill's permit history and additional information regarding this landfill siting criteria. The City of Canton will present the details of their proposed expansion plans and relative information regarding the proposed variance request.

- 7. Commission Briefing on MDEQ State Recycling Program Efforts**

MDEQ's State Recycling Coordinator, Jennifer Milner, will address the Commission regarding the agency's efforts to promote and grow recycling in Mississippi as directed by the state statute. Our state faces many challenges as we work to build strong, sustainable recycling programs. Ms. Milner will discuss how the Recycling and Waste Reduction Branch of MDEQ's Waste Division continue to work to overcome these challenges through various programs, projects, and initiatives. These efforts include education and outreach activities such as teacher workshops and community events; MDEQ's Statewide Measurement Program; the agency's Solid Waste Assistance and Regional Recycling Cooperative Grant

Programs; state agency and institutional recycling; and collaboration with our national, regional, state, and local partners.

8. Asbestos Certifications

We have issued 193 asbestos certifications since the last report. This list will be available at the Commission meeting.

9. Lead Paint Certifications

We have issued 107 lead paint certifications since the last report. This list will be available at the Commission meeting.

10. Underground Storage Tanks (UST) Certifications

We have issued 12 certification to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

11. Wastewater Operator Certifications

We have issued 55 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

12. Emergency Clean-Up Expenses

We have 5 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

13. Administrative Orders

We have issued 21 Administrative Orders and 1 Amended Agreed Order 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.

14. Other Business

15. Confirmation of the February 25, 2021 Commission Meeting

16. Adjournment

Emergency Services Clean-Up

To: CTEH
Amount: \$21,033.96 **Date of Response:** 08/16/2020
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help put out a landfill fire in Jefferson County.

To: E3 Environmental
Amount: \$1,809.10 **Date of Response:** 10/22/2020
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum oil lubricant spill in Jackson County.

To: E3 Environmental
Amount: \$623,629.45 **Date of Response:** 08/16/20
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help put out a landfill fire in Jefferson County.

To: E3 Environmental
Amount: \$2,598.85 **Date of Response:** 10/13/2020
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Copiah County.

To: E3 Environmental
Amount: \$3,424.35 **Date of Response:** 09/25/2020
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Yazoo County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Metal Impact South, LLC Union Co., MS	Order No. 7076 20 Respondent agrees to pay MDEQ a penalty in the amount of \$43,550.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS 0052523. Violations are listed under Section #1 of this Agreed Order.
2	Dewberry Sawmill Oktibbeha Co., MS	Order No. 7077 20 Respondent agrees to pay MDEQ a penalty in the amount of \$13,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Baseline Storm Water General Permit No. MSR000279.
3	Modification to the Harrison County Solid Waste Management Plan	Order No. 7078 20	This order approves a modification to the Harrison County Solid Waste Management Plan to recognize changes in the residential solid waste collection services for the City of Gulfport and for the other member local governments of the Harrison County Utility Authority. The modification also includes several minor updates and the recognition of two new waste tire collection sites for the HCUA.
4	Jackson Public School District Hinds Co., MS	Order No. 7079 20 Respondent agrees to comply with the requirements/obligations listed under Section #2 of this Agreed Consent Order.	This Agreed Consent Order approves the initiation of the clean-up of an unauthorized waste tire stockpile on the property located at 1200 I-20 Frontage Road, Jackson, MS.
5	Gold Coast Commodities, Inc. Rankin Co., MS	Order No. 7080 20	This Order is an Agreed Scheduling Order related to the Commission evidentiary hearing scheduled for Nov. 19, 2020.
6	DeSoto County Regional Utility Authority Lowndes Co., MS	Order No. 7081 20	The new terms and conditions of NPDES Permit No. MS0029513 issued to DCRUA on October 12, 2020, are stayed until January 1, 2021. In the interim, DCRUA shall comply with the terms of its prior permit issued on September 16, 2015.
7	Amite BioEnergy LLC Amite Co., MS	Order No. 7082 20 Respondent agrees to pay MDEQ a civil penalty in the amount of \$2,500,000.00. One-half of the penalty shall be submitted within forty-five (45) days of the execution of this Agreed Order. The remaining one-half shall be submitted on or before January 31, 2021. Respondent shall also comply with the provisions listed in Paragraphs 2.B. through 2.E. of this Agreed Order.	Respondent was in violation of Air Construction Permit No. 0080-0031. Violations are listed under Section #1 of this Agreed Order.
8	Duraco, Inc. Rankin Co., MS	Order No. 7083 20 Respondent agrees to pay MDEQ a penalty in the amount of \$5,425.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Baseline Storm Water General Permit No. MSR001460.
9	Jamie Whitten Delta States Research Center Washington Co., MS	Order No. 7084 20 Respondent agrees to comply with the requirements and interim limitations listed under Section #2 of this Agreed Order.”	Respondent was in violation of NPDES Permit Number MS 0040339. Violations are listed under Section #1 of this Agreed Order.

10	Trailboss Trailers, Inc. Noxubee Co., MS	Order No. 7085 20 Respondent agrees to pay MDEQ a penalty in the amount of \$16,450.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of the following: Failure to maintain Monthly Spill and Leak Log; Failure to certify no illicit connections; Failure to amend the Storm Water Pollution Prevention Plan (SWPPP); Failure to conduct Monthly Site Inspections; Failure to comply with Training Program Requirements.
11	Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 6, Chapter 9	Order No. 7086 20	This order memorializes the Commission's adoption of the proposed amendments to MDEQ's "Mississippi 2018 Section 303(d) List of Impaired Water Bodies", which is codified at 11 Miss. Admin. Code Pt. 6, Ch. 9.
12	Westchester Fire Insurance Company	Order No. 7087 20 MDEQ hereby acknowledges that it has directed that Westchester remit the penal sum of the MDEQ Bond (\$625,173.00) to Pathforward Consulting, Inc., as the Environmental Trustee of the Exide Environmental Response Trust established under the Environmental Trust Agreement pursuant to the Exide Consent Decree.	MDEQ acknowledges that Westchester has remitted payment of \$625,173.00 (the "MDEQ Bond Payment") to the Environmental Trustee, that the Environmental Trustee has confirmed receipt of the MDEQ Bond payment, and that by such MDEQ Bond Payment, Westchester's obligations to MDEQ under the MDEQ Bond have been and are hereby satisfied, and MDEQ agrees to accept this payment as full and complete settlement for the matters addressed herein.
13	City of Grenada Grenada Co., MS	Order No. 7088 20 Respondent agrees to pay MDEQ a penalty in the amount of \$1,750.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of MS. Code Ann. § 49-17-29(2b) regarding waters of the state.
14	Murphy Oil USA, Inc. El Dorado, AR	Order No. 7089 20 Respondent agrees to pay MDEQ a penalty in the amount of \$2,000.00 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.
15	Matter of Challenger Deepwell Services Jones Co., MS	Order No. 7090 20 Respondent agrees to the terms and conditions listed in Section 3 of this Order.	Challenger Deepwell Services and MDEQ enter into an agreement pursuant to the Uncontrolled Site Voluntary Evaluation Program.
16	Mr. Stephen Daugherty Harrison Co., MS	Order No. 7091 20 Respondent agrees to comply with the requirements/obligations listed under Section #2 of this Agreed Consent Order.	This Agreed Consent Order approves the initiation of the clean-up of an unauthorized waste tire stockpile on the property located at 3603 Chicot St. Pascagoula, MS.
17	Simplot AB Retail Sub, Inc. Calhoun Co., MS	Order No. 7092 20 Respondent agrees to pay MDEQ a penalty in the amount of \$17,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of MS Code Section 49-17-29(2)(a) regarding waters of the state.
18	Modification to the Hinds County Solid Waste Management Plan	Order No. 7093 20	This order approves a modification to the plan to include eight new land application sites operated by Terra Renewal Services, Inc. for the application of wastewater residuals from poultry and food processing facilities for soil amendment purposes.

19	Robert Hall Auto Salvage Harrison Co., MS	Order No. 7094 20 Respondent agrees to pay MDEQ a penalty in the amount of \$1,750.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of MS. Code Ann. § 49-17-29(2b) regarding waters of the state.
20	Winona Montgomery County Airport Montgomery Co., MS	Order No. 7095 20 Respondent agrees to pay MDEQ a penalty in the amount of \$1,250.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of MS. Code Ann. § 49-17-29(2b) regarding waters of the state.
21	Modifications to the Pine Belt Regional Solid Waste Plan	Order No. 7096 20	This order approves modifications to the plan as requested by the Authority to expand the service area of the Pine Belt Regional Landfill to include the entirety of the State of Mississippi and to include a proposed medical waste processing facility in Stone County to be owned and operated by Earthcare, Inc. Additionally, the order requires the Authority to update the implementation schedule in the Plan for the next 5-year period and to complete action items regarding household medical sharps collection and waste reduction and recycling as required by previously issued Administrative Order 6550 15

Amended Order

1	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 Second Amendment to this Agreed Order.
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