

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, June 24, 2021
9:00 A.M.
Room 104A
515 East Amite Street
Jackson, Mississippi 39201

AGENDA

1. **Call to Order - Chair**
2. **Approval of the May 27, 2021, Zoom Commission Meeting Minutes**
3. **Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Adoption of FY-2021 Intended Use Plan** **Exhibit 1**

The staff will recommend adoption by the Commission of the FY-2021 Intended Use Plan. This document identifies the loan funds available to our communities for the construction of wastewater infrastructure, the communities to receive these loan funds, the loan interest rate, program deadlines, and other related information. Public comments on the draft Intended Use Plan have been solicited through a public comment period and a public hearing.
4. **Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Resolution of Necessity to Issue Bonds** **Exhibit 2**

During the 2021 State legislative session, Senate Bill 2971 was passed and subsequently signed by the Governor. This bill provided for the issuance of \$2,870,000 in bonds to provide state matching funds required to obtain \$14,350,000 in available federal assistance to this program. The funds are loaned at low interest rates to facilitate the construction or improvement of Wastewater Treatment facilities in the state. In order to initiate this process, the Commission must adopt a Resolution of Necessity for issuance of these bonds. Staff will provide copies of the Resolution to the Commission for consideration. Staff will also recommend that the Commission adopt the Resolution of Necessity to Issue the Bonds.
5. **Proposed Amendments to Regulations for Water Quality Criteria for Intrastate, Interstate, and Coastal Waters (11 Miss. Admin. Code Pt. 6, Ch. 2)** **Exhibit 3**

Staff will recommend adoption of the proposed amendments to the State's water quality standards. MDEQ is required by the Clean Water Act to routinely review and update the state's water quality standards document in a process known as the triennial review. Revisions to the State's Water Quality Standards were made as part of the current triennial review process. A 45-day public comment period for the draft modifications was held from Thursday, February 11 until Monday, March 29, 2021. A public hearing regarding the proposed regulations was held on Tuesday, March 30, 2021. A request was submitted on March 29, 2021, requesting a 10-day extension to the public comment period regarding the proposed amendments. The extension request was approved by the Mississippi Department of Environmental Quality (MDEQ). Therefore, written comments regarding the draft modifications were accepted until Friday, April 9, 2021, at 5:00p.m. Comments were received from six entities including: the Mississippi Forestry Association, the Mississippi Manufacturers Association, the Mississippi River Collaborative, Weyerhaeuser NR Company, Tulane Environmental Law Clinic, and Healthy Gulf regarding the draft modifications. MDEQ staff have reviewed, evaluated, and responded to these comments. The redline version of the proposed amendments has been provided to the Commission for review along with all comments received and the responsiveness summaries. The last modifications to Mississippi's Water Quality Standards were adopted by the Commission on February 25, 2016 and were approved by EPA on January 18, 2017.
6. **Commission Approval of Proposed Regulation 11 Miss. Admin. Code Pt. 7, Ch. 4, entitled Mississippi Commission on Environmental Quality Dam Safety Grant Program Regulations** **Exhibit 4**

These attached proposed regulations implement a program to be administered by the Mississippi Department of Environmental Quality ("MDEQ"), whereby applicant high hazard dam owners may apply for a grant to assist them with work on eligible high hazard dams in the state to improve the safety

of such dams to protect downstream lives and property, and the applicant must provide matching funds of at least 35 percent of the grant amount. The funding for the grants is provided by Section 19 of H.B. 1730, which passed and became law in the Mississippi Legislature Regular Session of 2020. Additional funding was provided by the Legislature in 2021. A public hearing on the proposed regulations was held on June 15, 2021, and a public comment period was allowed as well. Staff will recommend approval and adoption of the proposed regulations.

7. Commission Approval of Brownfield Agreement – Reda, LLC – Columbus, MS

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and REDA, LLC regarding the remediation of brownfield property located at 234 Alabama Street, Columbus, Mississippi. The administrative record for this environmental response project is referred to as the Supersonic Car Wash site. Supersonic Car Wash, which is located adjacent to a drycleaner, discovered chlorinated solvents beneath their property. The staff of the MCEQ believes the Supersonic Car Wash site may have been impacted by the adjacent drycleaners as historical records do not reveal use of chlorinated solvents on the property. REDA, LLC has agreed that the proposed remediation measures will be through filing a land use restriction with the property deed and entering into a Brownfield Agreement. The Brownfield Agreement Site will be subject to an environmental covenant restricting the future site use, including all impacted media. The draft Brownfield Agreement has completed the 45-day public notice period on June 23, 2021. No comments were received. The staff of the MCEQ has evaluated the proposed Brownfield Agreement and believes that, with the conditions and restrictions contained within the proposed Brownfield Agreement, the site will be in compliance with all applicable State and Federal laws and standards and will be protective of the public health and the environment once the Brownfield Agreement is completed.

8. Asbestos Certifications

We have issued 139 asbestos certifications since the last report. This list will be available at the Commission meeting.

9. Lead Paint Certifications

We have issued 42 lead paint certifications since the last report. This list will be available at the Commission meeting.

10. Emergency Clean-Up Expenses

We have 3 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

11. Administrative Orders

We have issued 10 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.

12. Other Business

13. Confirmation of the July 22, 2021, Commission Meeting

14. Adjournment

Emergency Clean-Up Expenses

To: E3
Amount: \$2,574.76 **Date of Response:** 03/03/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up abandoned drums in Harrison County.

To: E3
Amount: \$1,949.76 **Date of Response:** 03/11/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up POL discharged due to an 18-wheeler incident in Pearl River County.

To: E3
Amount: \$4,465.22 **Date of Response:** 05/06/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill from a truck wreck in Covington County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Sims Bark Company, Inc. Desoto Co., MS	Order No. 7119 21 Respondent agrees to pay MDEQ a penalty in the amount of \$11,100.00 within forty-five (45) days of this Agreed Order.	<i>Violations are listed in Section I of this Agreed Order.</i>
2	Smith Brothers Forest Products, Inc. Wayne Co., MS	Order No. 7120 21 Respondent agrees to pay MDEQ a penalty in the amount of \$7,290.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Industrial Storm Water Permit Coverage MSR 000570.
3	City of Clarksdale Coahoma Co., MS	Order No. 7121 21 Respondent agrees to pay MDEQ a penalty in the amount of \$31,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of the conditions of Statewide Solid Waste Management General Permit No. SWGP-R1 (Certificate of Coverage #R1-005).
4	Tishomingo County Airport, Belmont Tishomingo Co., MS	Order No. 7122 21 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 Section 49-17-29(2)(b) regarding waters of the state.
5	King Construction and Environmental Services, LLC. Hancock Co., MS	Order No. 7123 21 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 MS Code Section 49-17-29(2)(b) regarding waters of the state.
6	Delmar Plaza Holdings, LLC Mobile, AL	Order No. 7124 21	Respondent has an interest in a tract of land located in Gulfport, MS. The site is contaminated with chlorinated solvents in the groundwater and soils at levels in excess of the Target Remediation Goals (TRGs); and therefore, remediation of the Brownfield Agreement Site is necessary.
7	City of Vicksburg Warren Co., MS	Order No. 7125 21 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 MS Code Section 49-17-29(2)(b) regarding waters of the state.
8	City of Richland Rankin Co., MS	Order No. 7126 21 Respondent agrees to pay MDEQ a penalty in the amount of \$65,490.00. Respondent shall pay \$1,500.00 of this penalty within forty-five (45) days of this Agreed Order. \$63,990.00 of the \$65,490.00 shall be held in abeyance by Complainant pending Respondent's compliance with Section 3. Respondent shall also submit documentation to MDEQ demonstrating the SWMP has been fully implemented.	Respondent was in violation of Mississippi's Small Municipal Separate Storm Sewer System (MS4) Storm Water General NPDES Permit (Coverage No. MSRMS4029).
9	Wells Cleaners of Columbus, Inc. Lowndes Co., MS	Order No. 7127 21 Groundwater sampling indicates chlorinated solvents contamination is likely emanating from the Wells Cleaners property.	Respondent must provide the work plan and conduct an ESA to attempt to define the extent of contamination emanating from the Wells Cleaners property and conduct any necessary remediation to protect human health and the environment.

10	Best Equipment Technologies, Inc. Pearl River Co., MS	Order No. 7128 21 Respondent agrees to pay MDEQ a penalty in the amount of \$28,650.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Baseline Storm Water General Permit No. MSR000495.
-----------	--	---	---