

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, February 24, 2022
9:00 A.M.
Room 104A
515 East Amite Street
Jackson, Mississippi 39201

AGENDA

1. **Call to Order - Chair**
2. **Approval of the August 26, 2021, Telephonic Commission Meeting Minutes**
3. **FY 2023 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. **Amendments to 11 Miss. Admin. Code, Part 2, Chapter 6, or "Title V Fee System"**

MDEQ staff is recommending that the Commission adopt amendments to 11 Mississippi Administrative Code, Part 2, Chapter 6, "Air Emissions Operating Permit Regulations for Purposes of Title V of the Federal Clean Air Act." The amendments specifically involve revisions to Rule 6.6 to modify the Title V Fee System that was established in 1993. These modifications are necessary to ensure the Title V Program is adequately and equitably funded, as required by state and federal laws and regulations, and will add stability to the fee system. The amendments also remove outdated information, make editorial changes for improved clarity, and include a future effective date of September 1, 2022, to allow the appropriate transition from one fee system to the next. A public hearing was held on January 4, 2022, following a 30-day public comment period. Two similar comments were received. A copy of the public hearing transcript, comments received, and our response to those comments has been provided.

5. **2022 Mississippi 303(d) List of Impaired Water Bodies**

Staff will brief the Commission on the 2022 Mississippi Section 303(d) List of Impaired Water Bodies. Public notice of the draft 303(d) list began January 10th and ended February 10th. A public hearing was held on February 10th. 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 2022 list and propose the list to EPA Region 4 for their final approval with an accompanying Order.

6. **Asbestos Certifications**

We have issued 733 asbestos certifications since the last report. This list will be available at the Commission meeting.

7. **Lead Paint Certifications**

We have issued 304 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 51 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 111 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

10. Emergency Clean-Up Expenses

We have 16 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

11. Administrative Orders

We have issued 32 Agreed Orders and 3 Amended 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 March 24, 2022, Commission Meeting

14. Adjournment

EMERGENCY CLEAN-UP EXPENSES

To: CTEH
Amount: \$9,339.87 **Date of Response:** 05/05/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up petroleum from a leaking UST at a Circle K in Harrison County.

To: E3
Amount: \$2,473.05 **Date of Response:** 06/23/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a cooking oil spill in Tishomingo County. This invoice is for disposal costs.

To: E3
Amount: \$11,919.89 **Date of Response:** 06/23/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a cooking oil spill in Tishomingo County.

To: E3
Amount: \$ 2,488.49 **Date of Response:** 08/11/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up/stabilize a Diethyl Ether issue on the USM campus in Harrison County.

To: E3
Amount: \$19,156.62 **Date of Response:** 07/18/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up leaking chlorine cylinders in Stone County.

To: E3
Amount: \$2,619.00 **Date of Response:** 07/30/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up diesel from an 18 wheeler accident in Itawamba County.

To: E3
Amount: \$2,649.08 **Date of Response:** 08/01/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum products spill in Pearl River County.

To: Cteh
Amount: \$2,255.00 **Date of Response:** 08/18/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help provide air monitoring for a facility at Harrison Manufacturing in Hinds County.

To: E3 Environmental
Amount: \$8,902.04 **Date of Response:** 09/06/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up diesel from the incident in Harrison County.

To: E3 Environmental
Amount: \$4,073.10 **Date of Response:** 08/26/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up diesel/various oils from a spill in Itawamba County.

To: E3 Environmental
Amount: \$23,134.63 **Date of Response:** 08/04/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill from a ruptured tank in Rankin County.

To: E3
Amount: \$3,124.82 **Date of Response:** 12/08/21
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help determine a carbon monoxide leak in Jackson County.

To: E3
Amount: \$2,122.20 **Date of Response:** 09/23/21
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an abandoned drum in Wilkinson County.

To: E3
Amount: \$11,549.91 **Date of Response:** 09/07/21
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up cellophane in Harrison County.

To: E3
Amount: \$8,758.74 **Date of Response:** 08/19/21
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a Petroleum spill in Jackson County.

To: E3
Amount: \$3,715.82 **Date of Response:** 09/09/21
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up unknown chemicals from an incident in a Walmart parking lot in Hancock County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	REDA, LLC Lowndes Co., MS	Order No. 7145 21 Respondent has completed the remediation requirements/obligations required by Brownfield Agreement Order No. 7131 21.	MCEQ acknowledges that the contaminated Site is in compliance with all applicable State and Federal laws and standards having completed the Brownfield Agreement.
2	Preston Aust IV Preston Aust Farms Humphreys Co., MS	Order No. 7146 21 Respondent shall immediately cease and desist from withdrawing water from the groundwater well associated with permit MS-GW-48900; Respondent shall plug and abandon the well within 180 days.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-48900
3	Matter of 220 Truck Stop Yalobusha Co., MS	Order No. 7147 21 Respondent agrees to the terms and conditions listed in Section 3 of this order.	AAA Hospitality MS LLC (220 Truck Stop) and MDEQ enter into an agreement pursuant to the Uncontrolled Site Voluntary Evaluation Program.
4	View, Inc. Desoto Co., MS	Order No. 7148 21 Respondent is ordered to cease and desist discharge into “DeSoto County Regional Utility Authority, Metro DeSoto WWTP”, or in the alternative, implement the requirements outlined in Sections 4.A. through 4.I.	Respondent discharged wastewater into the City of Olive Branch’s sanitary sewer system which flows to “DeSoto County Regional Utility Authority, Metro DeSoto WWTP” without authorization from MDEQ. The violations are listed in Section 3 of the Order.
5	Paradise Ranch RV Resort Walthall Co., MS	Order No. 7149 21 Respondent agrees to pay MDEQ a penalty in the amount of \$5,250.00 within forty-five (45) days of this Agreed Order. Respondent also agrees to comply with all terms and conditions listed under Section #2 of this Agreed Order.	Respondent was in violation of MS Code Section 49-17-29(2)(b) regarding waters of the state.
6	Norbord Mississippi LLC Lee Co., MS	Order No. 7150 21 Respondent agrees to pay MDEQ a penalty in the amount of \$75,600.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Conditions 3.6 and 3.7 of Air Construction Permit No. 1540-00058 and Conditions 1.A.4, 5.B.1, 5.B.5, and 5.B.7 of Title V Operating Permit No. 1540-00058.
7	Lifestyle Communities, LLC Desoto Co., MS	Order No. 7151 21 Respondent agrees to pay MDEQ a penalty in the amount of \$12,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of MS Code Section 49-17-29(2b) regarding waters of the state.
8	Prime Insurance Company Sandy, Utah	Order No. 7152 21 Full payment of money paid from the Pollution Control Emergency Response Fund for cleanup of truck wreck by Joseph Wicker/Seal Deal Trucking, LLC, on December 17, 2018, in the amount of \$7,069.88.	Repayment of cleanup costs.

9	Hover Gravel Company, Inc. Forrest Co., MS	Order No. 7153 21 Respondent agrees to pay MDEQ a penalty in the amount of \$4,000.00 within forty-five (45) days of this Agreed Order.	Respondent failed to submit the 2020 annual report for its Class II Rubbish Site in a timely manner.
10	MGD Holdings LLC Jefferson Davis Co., MS	Order No. 7154 21 Respondent agrees to pay MDEQ a penalty in the amount of \$14,250.00 within sixty (60) days of this Agreed Order and further agrees to comply with the terms and conditions listed in Section #2 of this Agreed Order.	Respondent was in violation of MS Code Section 49-17-29(2b) regarding waters of the state. Respondent failed to comply with Agreed Order No. 6945 19.
11	Murphy Oil USA, Inc. El Dorado, AR	Order No. 7155 21 Respondent agrees to pay MDEQ a penalty in the amount of \$2,000.00 within forty-five 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.
12	J and J Cars, LLC Benton Co., MS	Order No. 7156 21 Respondent agrees to pay MDEQ a penalty in the amount of \$15,750.00 within sixty (60) days of this Agreed Order and further agrees to comply with the terms and conditions listed in Section #2 of this Agreed Order.	Respondent was in violation of MS Code Section 49-17-29(2b) regarding waters of the state.
13	M & M Processing, LLC Harrison Co., MS	Order No. 7157 21 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within forty-five (45) days of this Agreed Order.	“Respondent discharged wastewater into Harrison County Utility Authority, East Biloxi POTW (NPDES Permit No. MS0023159) without making application for and obtaining a valid State permit in violation of 11 Miss. Admin. Code Pt. 6, Ch. 1 Rule 1.1.1.B(2)(a) and (b)(4).”
14	Porter Construction MS, LLC Marshall Co., MS	Order No. 7158 21 Respondent agrees to pay MDEQ a penalty in the amount of \$15,000.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General NPDES Permit prior to engaging in construction activities.
15	J and T Properties, LLC Lee Co., MS	Order No. 7159 21 Respondent agrees to pay MDEQ a penalty in the amount of \$5,250.00 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.
16	Harrison Holdings, LLC Harrison Co., MS	Order No. 7160 21 Respondent agrees to pay MDEQ a penalty in the amount of \$13,000.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section #1 of this Agreed Order.
17	Modification to the Marion County Solid Waste Management Plan	Order No. 7161 21	This order approves a modification to the Marion County Solid Waste Management Plan as requested by the Marion County Board of Supervisors to include a new class I rubbish site to be owned and operated by MC Environmental Services, LLC to be located at Columbia-Purvis Road and Loftin Road near

			<p>Columbia, MS. The approved service area for the facility includes all Mississippi counties in which any part of the county falls within a 120-mile radius of the site and the states of Alabama and Louisiana.</p> <p>In addition, the Order further recognizes that this modified Plan is deficient in that the plan does not adequately include the minimum information required by state law, given the plan has not been comprehensively updated since its original development in 1994. The Order provides a schedule in Section 5 by which the Marion County Board of Supervisors is to initiate the process to develop an updated, local plan.</p>
18	Fikes Wholesale, Inc. Temple, TX	Order No. 7162 21 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.
19	Magnetek, Inc. Simpson Co., MS Simpson Co. Board of Supervisors Simpson Co., MS	Order No. 7163 21	Respondent Simpson County has an interest, and Respondent Magnetek previously had an interest, in a tract of land located in Mendenhall, Mississippi at 2778 US Highway 49 South, in Simpson County, Mississippi. MDEQ determined that certain portions of the Site were contaminated with total petroleum hydrocarbons diesel range organics (TPH-DRO), trichloroethene (TCE), and cis-1,2-dichloroethene at levels in excess of the Target Remediation Goals (TRGs) as established by the MDEQ; and, therefore, remediation was conducted at the Site.
20	Gavilon Fertilizer, LLC Washington Co., MS	Order No. 7164 21 Respondent agrees to pay MDEQ a penalty in the amount of \$8,850.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section #1 of this Agreed Order.
21	Triple E Contracting, Inc. Noxubee Co., MS	Order No. 7165 21 Respondent agrees to pay MDEQ a penalty in the amount of \$2,000.00. Respondent shall pay the first of two installments in the amount of \$1,000.00 to MDEQ within forty-five (45) days of this Agreed Order. Respondent shall pay the second installment in the amount of \$1,000.00 within ninety (90) days of this Agreed Order.	Respondent failed to cover asbestos-containing wastes with a least six (6) inches of compacted soil at the end of the operating day in violation of Condition No. E.9.d of Solid Waste Management Permit No. SW05201B0381.

22	Polychemie, Inc. Hancock Co., MS	Order No. 7166 21 Respondent agrees to pay MDEQ a penalty in the amount of \$12,000.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section #1 of this Agreed Order.
23	Dickerson Dirt and Dozer Winston Co., MS	Order No. 7167 21 Respondent agrees to pay MDEQ a penalty in the amount of \$2,625.00 within forty-five (45) days of this Agreed Order and further agrees to comply with the additional terms and conditions listed in Section #2 of this Agreed Order.	Respondent was in violation of MS Code Section 49-17-29 2(b) regarding waters of the state.
24	XPO Logistics Freight, Inc. Jones Co., MS	Order No. 7168 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 failed to obtain re-coverage under the Industrial Storm Water General Permit for Industrial Activities in violation of Miss. Code Ann. Section 49-17-29(2)(b).
25	Mr. Thomas Hays Neshoba Co., MS	Order No. 7169 22 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 property located at 16901 County Rd 339 in Philadelphia, MS.
26	Kelly Builders, Inc. Lauderdale Co., MS	Order No. 7170 22 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 ACT6 S-2 (7); Failure to amend the SWPPP.
27	Tate County Board of Supervisors Tate Co., MS	Order No. 7171 22	This order approves a modification to the Tate County Solid Waste Management Plan as requested by the Tate County Board of Supervisors to recognizing a proposed expanded disposal area for the Tate County Class I Rubbish Site located near Senatobia, MS. The expansion would allow, if permitted by MDEQ, the development of up to an additional 38.4 acres for a total class I disposal area of up to 51.4 acres.
28	Jindal Tubular USA LLC Hancock Co., MS	Order No. 7172 22 Respondent agrees to pay MDEQ, including economic benefit, a penalty in the amount of \$175,000.00. Respondent shall pay the first of two installments in the amount of \$87,500.00 to MDEQ within forty-five (45) days of this Agreed Order. Respondent shall pay the second installment in the amount of \$87,500.00 on or before June 30, 2022.	Respondent was in violation of Mississippi Code § 49-17-29-(2)(a): Discharge of process wastewater through two unpermitted direct discharge outfalls and in violation of Mississippi Code § 49-17-29-(2)(b): Failure to obtain coverage under the Large Construction General Permit for Land Disturbing Activities of Five (5) or More Acres prior to construction activities.

29	Rankin County Board of Supervisors Rankin Co., MS	Order No. 7173 22	This order approves a modification to the Rankin County Solid Waste Management Plan (Plan) as requested by the Rankin County Board of Supervisors. Specifically, the enclosed order approves the County's modification to recognize a new waste tire processing facility owned by Southern Tire Recycling, LLC in order to meet the increased demand in the processing of whole waste tires.
30	Rankin County Board of Supervisors Rankin Co., MS	Order No. 7174 22 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Rankin County Board of Supervisors desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Voluntary Evaluation Program.
31	Lake Arrington Corporation Madison Co., MS	Order No. 7175 22 In order to settle issues related to Arrington Lake Dam MS02260, Respondent shall comply with the terms and conditions listed in Section 4 of this Agreed Order.	Arrington Lake Dam is a High Hazard dam as defined in MS Commission on Environmental Quality Dam Safety Regulation 11 Miss. Admin. Code Pt. 7 Ch. 3. The dam requires modification to comply with High hazard dam standards.
32	Ronny Williamson Construction, Inc. Rankin Co., MS	Order No. 7176 22 Respondent agrees to pay MDEQ a penalty in the amount of \$16,875.00 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.	Violations are listed in Section #2 of this Agreed Order.

Amended Orders

1	Von Drehle Corporation	Amended Agreed Order No. 7058 20	Respondent agrees to comply with the amended requirements listed in Section #1 of this Agreed Order Amendment.
2	Freshwater Farms Products LLC	Amended Agreed Order No. 6748 17	Respondent agrees to comply with the amended requirements listed in Section #1 of this Agreed Order Amendment.
3	Jamie Whitten Delta States Research Center Washington Co., MS	Amended Agreed Order No. 7084 20	Respondent agrees to comply with the amended requirements listed in Section #1 of this Agreed Order Amendment.