

# MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, May 26, 2022  
9:00 A.M.  
Room 104A  
515 East Amite Street  
Jackson, Mississippi 39201

## AGENDA

1. **Call to Order - Chair**
2. **Approval of the February 24, 2022, Commission Meeting Minutes**
3. **FY2023 Title V Program Fee Recommendation**

A public hearing concerning the FY2023 Title V Program Fee was held on April 6, 2022. No comments were received. Therefore, the staff recommends that the Commission set the fee at the proposed rate of \$46.00 per ton of regulated air pollutants, which is the same as the previous year's fee.

4. **Commission Approval of Proposed Amendments to 11 Miss. Admin. Code Pt. 3, Ch. 1. Hazardous Waste Management Regulations**

MDEQ staff is recommending the Commission adopt proposed amendments to 11 Miss. Admin. Code Pt. 3, Ch. 1, Mississippi Hazardous Waste Management Regulations. These revisions are being proposed to incorporate ten Federal rules, previously adopted by the U.S. EPA, that are necessary for the re-authorization of MDEQ's Hazardous Waste Management Program by EPA. Adoption of these regulations will maintain consistency between the Mississippi Hazardous Waste Regulations and the U.S. EPA Hazardous Waste Regulations as required by 40 CFR 271.4 and MS Code 17-17-27. Summaries of the rules proposed for incorporation were previously forwarded to the Commission by email (March 17, 2022) as an attachment to a memorandum dated March 15, 2022. MDEQ staff conducted a public comment process and held a public hearing on the proposed amendments on March 10, 2022. No adverse public comments were received on the proposed revisions.

5. **Briefing on the Mississippi Groundwater Protection Trust Fund highlighting the Harbor Walk Development cleanup at the Ross Barnett Reservoir**

The staff will provide a briefing on the Mississippi Groundwater Protection Trust Fund managed by MDEQ as part of the Mississippi Underground Storage Tank Program. This briefing will highlight the recent Harbor Walk Development cleanup at the Ross Barnett Reservoir while also providing background for three (3) of the agenda items contained within.

6. **Commission Approval of Environmental Response Action Contractors (ERACS)**

The staff has reviewed applications from two (2) consulting firms requesting to be listed as an Environmental Response Action Contractor (ERAC) for performing work reimbursable through the Mississippi Groundwater Protection Trust Fund and has determined the applications to be complete and acceptable. Therefore, the staff recommends that the Commission approve the new firms as an ERAC:

J5, LLC  
Columbus, MS

Advanced Environmental Technologies, LLC  
Tallahassee, FL

7. **Commission Approval of Updated Environmental Response Action Contractor (ERAC) List**

The staff has reviewed all renewal applications, professional insurance policies, updated lists of registered professional engineers and/or geologists, and associated documentation for the existing ERACS requesting to remain on the Mississippi Department of Environmental Quality Underground Storage Tank Branch Environmental Response Action Contractors (ERACS) list. Staff has determined that these ERACS have met all regulatory requirements for such listing and recommends the Commission approve the attached Mississippi Department of Environmental Quality Underground Storage Tank Branch Environmental Response Action Contractors (ERACS) list.

**8. SFY 2023 Underground Storage Tank Fee Recommendation**

In December 2021, the staff provided the Commission with the draft Underground Storage Tank (UST) Program Resource Needs and Fee Recommendation for State Fiscal Year 2023 prepared by the Mississippi UST Advisory Council. The resource needs analysis indicated the SFY 2023 UST fee would either need to be raised to \$200/tank to address program costs or an alternative funding source would be necessary to meet program needs. The Mississippi UST Advisory Council recommended maintaining the SFY 2023 fee at the previous year's rate of \$150/tank and pursuing legislation for an alternative funding source. In January 2022, the Mississippi UST Advisory Council in conjunction with the Mississippi Petroleum Marketers and Convenience Store Association supported the introduction and passage of Senate Bill 2158 in the 2022 Legislative Session. This bill allows the Commission to expend or utilize monies up to One Million Dollars (\$1,000,000.00) annually from the Mississippi Groundwater Protection Trust Fund by an annual appropriation approved by the Legislature to supplement all reasonable direct and indirect costs associated with the development and administration of the Underground Storage Tank (UST) Program if the annual tank regulatory fee in Section 49-17-421 does not adequately cover the costs associated with the UST Act of 1988. The Mississippi Legislature 2022 Regular Session Senate Bill 2158 passed through both the House of Representatives and the Senate and was signed by the Governor on April 19, 2022. A public comment period concerning the FY2023 Underground Storage Tank (UST) Fee was held between March 1 through April 1, 2022, with the public notice information printed in statewide newspapers and distributed to the Mississippi Petroleum Marketers and Convenience Store Association. No comments were received. Considering the passage of Mississippi Legislature 2022 Regular Session Senate Bill 2158, the staff recommends that the Commission set the fee at the proposed FY 2023 UST rate of \$150.00 per UST.

**9. Commission Approval of Brownfield Agreement**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and Hodges Redevelopment GWD, LLC regarding the remediation of brownfield property located at 900 West Park Avenue in Greenwood, MS. The administrative record for this environmental response project is referred to as the former Three Rivers Inn site – Agency Interest number 81377. Site inspections and assessments have determined that buildings onsite have asbestos in excess of the Environmental Protection Agency's 1% Asbestos Containing Materials (ACM) threshold. Therefore, abatement of the Brownfield Agreement Site is necessary prior to demolition of the buildings. The proposed use of the Site after completion of all remediation will be commercial in nature, more specifically, a restaurant. 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.

**10. Asbestos Certifications**

We have issued 385 asbestos certifications since the last report. This list will be available at the Commission meeting.

**11. Lead Paint Certifications**

We have issued 202 lead paint certifications since the last report. This list will be available at the Commission meeting.

**12. Underground Storage Tanks (UST) Certifications**

We have issued 11 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

**13. Wastewater Operator Certifications**

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

**14. Emergency Clean-Up Expenses**

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

**15. Administrative Orders**

We have issued 13 Agreed Orders and 1 Amended 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.

- 16. Other Business**
- 17. Confirmation of the June 23, 2022, Commission Meeting**
- 18. Adjournment**

**EMERGENCY CLEAN-UP EXPENSES**

**To:** E3  
**Amount:** \$1,478.42 **Date of Response:** 01/20/2022  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up abandoned drums in Harrison County.

**To:** E3  
**Amount:** \$6,393.50 **Date of Response:** 12/27/2021  
**For:** Costs associated with supervision, labor, equipment and materials to respond to and clean up an unknown chemical found in a ditch in Greene County.

**To:** E3  
**Amount:** \$2,200.94 **Date of Response:** 12/18/2021  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a POL discharge in Harrison County.

**ADMINISTRATIVE ORDERS**

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Cherokee Insurance Company Warren, MI	Order No. 7177 22 On August 1, 2021, an eighteen-wheel diesel truck accident occurred in the vicinity of Pearl River County, Mississippi. Danny Herman Trucking, the owner of the truck, was insured by Cherokee Insurance Company. Joel Whitsell was the operator of the truck at the time of the accident. As a result of the accident, there was a release of petroleum, oil, and lubricant into the environment. MDEQ responded and contracted with a Pollution Response Contractor, Enhanced Environmental & Emergency Services (“E3 Environmental”), to contain, clean up, remove the contaminate from the environment, and to properly dispose of these pollutants. The cost of such cleanup was \$2,649.08.	Cherokee Insurance Company agrees to pay \$2,649.08 to MDEQ in reimbursement for the cost of remedial and cleanup action in response to the eighteen-wheel diesel truck accident of August 1, 2021. MDEQ agrees that this payment shall constitute a full and complete settlement of Respondent’s liability for the payment of these costs subject to the discovery of any related contamination in the future.
2	Kurtex Logistics, Inc. Aurora, IL	Order No. 7178 22 On September 7, 2021, Respondent’s 53’ cargo trailer was involved in a fire on Interstate 10 West near Mile Marker 20 in Harrison County, Mississippi. As a result of the accident, there was a release of pollution into the environment. MDEQ responded and contracted with a Pollution Response Contractor, Enhanced Environmental & Emergency Services (“E3 Environmental”), to contain, clean up, remove the contaminate from the environment, and to properly dispose of these pollutants. The cost of such cleanup was \$11,549.91.	Respondent agrees to pay twelve (12) consecutive monthly payments to MDEQ, with the first eleven monthly payments being \$962.49, due beginning March 15, 2022, and the twelfth/last monthly payment being \$962.52 due on February 15, 2023, with each payment due on the fifteenth of each month, until the full amount due has been paid in reimbursement for the cost of remedial and cleanup action in response to the accident. MDEQ agrees that these payments shall constitute a full and complete settlement of Respondent’s liability for the payment of all costs of remedial and cleanup action which have been incurred in connection with the described accident of September 7, 2021.
3	Matter of the Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 2, Chapter 6, Entitled “Mississippi Commission on Environmental Quality, Air Emissions Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air Act”	Order No. 7179 22	This order confirms the adoption of the proposed amendments for MCEQ’s “Air Emissions Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air Act”
4	S & S Builders of MS, Inc. Rankin Co., MS	Order No. 7180 22 Respondent agrees to pay MDEQ a penalty in the amount of \$6,000.00 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	DeLisle Dirt, LLC Harrison Co., MS	Order No. 7181 22 Respondent agrees to pay MDEQ a penalty in the amount of \$2,000.00 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.

<b>6</b>	The Refuge of Madison Madison Co., MS	Order No. 7182 22 Respondent agrees to pay MDEQ a penalty in the amount of \$5,775.00 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.
<b>7</b>	Matter of the Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 6, Chapter 9	Order No. 7183 22	This order memorializes the Commission's adoption of the proposed amendments to MDEQ's "Mississippi 2022 Section 303(d) List of Impaired Water Bodies", which is codified at 11 Miss. Admin. Code Pt. 6, Ch. 9.
<b>8</b>	Pine Belt Regional Solid Waste Management Authority Perry Co., MS	Order No. 7184 22	This order approves a modification to the Authority's Regional Solid Waste Management Plan to recognize the future Phase III expansion area of the Authority-owned Pine Belt Regional Landfill. The modification to the plan will allow the Authority to apply for the environmental permits to develop an additional 72.28 acres of disposal area increasing the total allowable approved disposal acreage to an area not to exceed 178.91 acres.
<b>9</b>	Signify North American Corporation Lee Co., MS	Order no. 7185 22 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Signify North America Corporation, desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Voluntary Evaluation Program.
<b>10</b>	Leflore County Board of Supervisors	Order No. 7186 22 Respondent agrees to pay MDEQ a penalty in the amount of \$38,346.00 within forty-five (45) days of this Agreed Order and implement corrective actions at the facility.	Violations are listed under Section I of this Agreed Order.
<b>11</b>	VLP, LLC Hinds Co., MS	Order No. 7187 22 Respondent agrees to comply with the requirements/obligations listed under #6 (Payment Terms and Conditions) of this Agreed Order.	VLP, LLC desires to submit and MDEQ accepts the site for participation in the Brownfields Voluntary Cleanup and Redevelopment Program.
<b>12</b>	AEI, LLC Tate Co., MS	Order No. 7188 22 Respondent agrees to pay MDEQ a penalty in the amount of \$19,875.00.00 within forty-five (45) days of this Agreed Order.	Violations are listed under Section #1 of this Agreed Order.
<b>13</b>	Winona Country Club Montgomery Co., MS	Order No. 7189 22 Respondent agrees with the terms and conditions listed in Section 5 of this Agreed Order.	Respondent's dam (Dam Inventory No. MS02160) has been declared a High Hazard dam – Respondent must comply with the terms and conditions listed in Section #5 of this Agreed Order.

#### Amended Orders

<b>1</b>	Noxubee County Producers Inc., Superior Fish Products	Amended Agreed Order No. 6932 18	Respondent agrees to comply with the amended requirements listed in Section #1 of this Agreed Order Amendment.
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