

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, April 27, 2023
9:00 A.M.
Room 104A
515 East Amite Street
Jackson, Mississippi 39201

AGENDA

1. **Call to Order - Chair**
2. **Approval of the February 23, 2023, Commission Meeting Minutes**
3. **FY2024 Title V Program Fee Recommendation**

A public hearing concerning the FY2024 Title V Program Fee was held on April 12, 2023. No comments were received during the hearing or the 30-day comment period. Therefore, staff recommends the Commission set the fee schedule as proposed at the February 23, 2023, Commission meeting.

4. **Commission Approval of Brownfield Agreement**

The administrative record for this environmental response project is referred to as the Former Triplett-Day Drug Building located at 2429 14th Street Gulfport, Mississippi. The building was constructed in the 1960s and used as a drugstore and restaurant until its closing in March 2020. An asbestos inspection conducted in July 2022 identified approximately 3,400 sq ft of tile containing asbestos in amounts greater than 1%. The removal of regulated asbestos containing material (RACM) is considered remediation; therefore, the site qualifies as a Brownfield Agreement Site. The proposed remedial actions consist of removal and proper disposal of RACM from the facility by a qualified contractor. The proposed use of the Site after completion of all remediation will be a restaurant. The staff of MDEQ 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. The staff recommends that the Commission approve the Brownfield Agreement between the Commission and Iconic Buildings, LLC regarding the remediation of the Former Triplett-Day brownfield site.

5. **Commission Approval of Brownfield Agreement Completion**

The Commission approved Brownfield Agreement 7192-22 on May 25, 2022, between the Commission and Hodges Redevelopment GWD, LLC for the remediation of the former Three Rivers Inn located in Greenwood, Mississippi. The original brownfield agreement required the remediation of asbestos containing materials. The completed remedial activities have met the requirements of the MDEQ-approved Corrective Action Plan dated March 31, 2022. Hodges Redevelopment GWD, LLC has requested the Commission to make a determination as to the completion of the Brownfield Agreement. The staff of MDEQ has evaluated the corrective action plan report and the Brownfield Agreement 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. The staff recommends the Commission determine that Brownfield Agreement 7192-22 has been completed.

6. **Designation of Hearing Officer-Mississippi Commission on Environmental Quality versus Ted Doukas, et al., Petition for an Evidentiary Hearing before the Mississippi Commission on Environmental Quality Regarding Remediation of Pollution at the Old Mid-Continent Terminal in Meridian, Lauderdale County, Mississippi, and other future Commission evidentiary hearings**

Miss. Code Ann. § 49-17-33 allows a hearing officer designated by the Commission to conduct an evidentiary hearing in the name of the Commission and provide the record of the hearing, findings of fact and a recommendation for the Commission's review and consideration. If a Respondent requests a hearing before the full Commission, the evidentiary hearing will proceed directly to the Commission for consideration. Staff of MDEQ recommends that the Commission designate Kristen Love, Special Assistant Attorney General, as the hearing officer in the *Doukas* case to handle pre-hearing and hearing matters on behalf of the Commission pursuant to *Miss. Code Ann.* § 49-17-33 and to also serve as a hearing officer in other future Commission evidentiary hearings.

7. **Water Pollution Control Revolving Loan Fund (WPCRLF) Program Subsidy Affordability Criteria Revision**

The staff will brief the Commission on planned revisions to the WPCRLF Program Subsidy Affordability Criteria for projects awarded in fiscal years FY-22 and forward. These revisions are necessitated by the

significant additional subsidy funding coming available from the federal Infrastructure Investment and Jobs Act/Bipartisan Infrastructure Law (IIJA/BIL). Also, these revisions address the IIJA/BIL-related requirement that states re-evaluate their CWSRF Affordability Criteria, and ensure a focus on “disadvantaged” communities, including those that may lie within larger non-disadvantaged service areas. No action will be requested of the Commission at this time.

8. Asbestos Certifications

Staff has issued 371 asbestos certifications since the last report. This list will be available at the Commission meeting.

9. Lead Paint Certifications

Staff has issued 111 lead paint certifications since the last report. This list will be available at the Commission meeting.

10. Underground Storage Tanks (UST) Certifications

Staff has issued 13 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

11. Emergency Clean-Up Expenses

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

12. Administrative Orders

Staff has 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.

13. Other Business

14. Confirmation of the May 25, 2023, Commission Meeting

15. Adjournment

EMERGENCY CLEAN-UP EXPENSES

To: E3
Amount: \$6,515.19 Date of Response: 02/06/2023
For: Cost associated with providing supervision, labor, equipment and materials to respond to and take samples of potential hazmat waste in Hinds County.

To: E3
Amount: \$3,370.21 Date of Response: 10/28/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an abandoned chicken parts spill in Smith County.

To: E3
Amount: \$1,801.00 Date of Response: 02/23/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an abandoned paint spill (in the water) in Harrison County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	M and M Processing, LLC Harrison Co., MS	Order No. 7235 23 Respondent agrees to pay MDEQ a penalty in the amount of \$3,750.00 within forty-five (45) days of this Agreed Order.	Respondent violated Miss. Code Ann. Section 49-17-29(2)(b) by discharging wastewater without a valid NPDES Permit.
2	Underground Storage Tank Annual Fee	Order No. 7236 22	This Order sets the annual underground storage tank (UST) regulatory fee from July 1, 2023, to June 30, 2024, in the amount of \$150.00 per UST available for use to cover the costs to administer the UST program.
3	Franklin Ready-Mix Concrete, Inc. Franklin Co., MS	Order No. 7237 23 Respondent agrees to pay MDEQ a penalty in the amount of \$1,000.00 within forty-five (45) days of this Agreed Order.	Respondent violated Miss Code Ann. Section 49-17-29(2)(a) by placing waste from a concrete truck into a storm drain.
4	Modification to the City of Jackson Solid Waste Management Plan	Order No. 7238 23	This order approves a modification to the City of Jackson Solid Waste Management Plan for the inclusion of a proposed waste tire processing facility at the request of MS Tire Recycling, LLC.
5	Thomas Keith Christopher Senior WW Treatment Certification Class IV Certificate No. WS4-00006568	Order No. 7239 23	Respondent violated the Mississippi Commission on Environmental Quality Regulations for the Certification of Municipal and Domestic Wastewater Facility Operators. Respondent was found to have submitted fraudulently altered documentation for review by the Department. Respondent agreed to surrender and relinquish Wastewater Treatment Certification No. WS4-00006568
6	BID Group Construction US, Inc. Amite Co., MS	Order No. 7240 23 Respondent agrees to pay MDEQ a penalty in the amount of \$10,500.00 within forty-five (45) days of this Agreed Order.	Respondent was the Prime Contractor for the Gloster Forest Products, LLC construction project in Amite County. Respondent violated Miss. Code Ann. Section 49-17-29(2)(b) by initiating unpermitted land disturbing activities. Respondent also violated Conditions of Mississippi’s Large Construction Storm Water General NPDES Permit by failing to implement the site specific Stormwater Pollution Prevention Plan and by not meeting the Non-Numeric Limitation Requirements.

7	City of Canton Co., MS	Madison	Order No. 7241 23 Respondent agrees to pay MDEQ in two installments. The first installment of \$29,000.00 shall be due within forty-five (45) days and the second installment of \$29,000.00 shall be due within ninety (90) days of this Agreed Order.	Violations are listed in Section I of this Agreed Order regarding the City of Canton Sanitary Landfill located at 303 Soldier Colony Road, Canton, MS in Madison County.
8	Calgon Carbon Corporation Hancock Co., MS		Order No. 7242 23 Respondent agrees to pay MDEQ a penalty in the amount of \$22,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Condition 3.B.7 of Title V Operating Permit No. 1000-00015 for exceeding the PM/PM ₁₀ /PM _{2.5} (filterable + condensable) limit of 4.0 pounds per hour (lbs/hr) (3-hour average) during a stack test of Emission Point AA-012 on June 8, 2022.
9	Lincoln Terminal Company, Inc. Adams Co., MS		Order No. 7243 23 Respondent agrees to pay MDEQ a penalty in the amount of \$25,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Condition 5.4 of Synthetic Minor Operating Permit No. 0040-00060 for failing to conduct a subsequent stack test on Emission Point AA-001 within twenty-five (25) months of the previous test.
10	Ardagh Metal Packaging USA Corp. Desoto Co., MS		Order No. 7244 23 Respondent agrees to pay MDEQ a penalty in the amount of \$22,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Condition 3.B.2 of Title V Operating Permit No. 0680-00016 for exceeding the Volatile Organic Compound (VOC) Rolling 12-Month Period limit of 249.0 tons per year (tpy) for the Entire Facility.