

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

**Thursday, July 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 April 27, 2023, Commission Meeting Minutes**
- 3. Establishment of the Lignite Mining Fee for Liberty Fuels Company, LLC for the Liberty Mine in Kemper County for State Fiscal Year 2024;
Establishment of the Lignite Fee for the Mississippi Lignite Mining Company for the Red Hills Mine in Choctaw County for State Fiscal Year 2024**

The staff will recommend that the Liberty Fuels Company, LLC Lignite Mining Fee for the 2024 state fiscal year be set at \$80,000, which is a \$20,000 reduction from state fiscal year 2023. The site is no longer mined and is being reclaimed. In FY22 and FY23, the MS Lignite Mining Company had 2 permits in Choctaw Co. The fees were set at \$75,000 and \$100,000. During FY23 a new permit was issued that essentially combined the two existing permits. The staff will recommend that the Mississippi Lignite Mining Company Lignite Mining Fee for the 2024 state fiscal year be set at \$175,000, which is a combination of the previous fees. Concurrent reclamation continues on this permit. These amounts will cover approximately 50% of the anticipated costs of administering the federally-approved coal mining program in Mississippi; the remaining approximately 50% of the cost will be covered by a federal Office of Surface Mining Reclamation and Enforcement grant. These fees will cover 100% of the anticipated cost of administering the program above the amount of the federal OSMRE grant.

- 4. Commission Approval of Environmental Response Action Contractor (ERAC)**

The staff has reviewed an application from a consulting firm 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 it to be complete and acceptable. Therefore, the staff recommends that the Commission approve the following firm as an ERAC:

CDG, Inc.
P.O. Box 278
Andalusia, AL 36420

- 5. Commission Approval of Brownfield Consulting Firm**

The staff has reviewed an application from a consulting firm requesting to be listed as a Brownfield Consulting Firm and has determined it to be complete and acceptable. Therefore, the staff recommends that the Commission approve the following firm as Brownfield Consulting Firm:

Haley & Aldrich, Inc
400 Augusta Street, Suite 100
Greenville SC 29601

- 6. Commission Preview of New Brownfield Revolving Loan Fund Program and Regulations for Public Comment**

The staff will provide to the Commission a summary of the new Brownfield Revolving Loan Fund Program and the Regulations intended for public comment. No vote or action by the Commission is required at this time.

- 7. Election of Officers for Fiscal Year 2024 (July 2023-June 2024)**

- 8. Asbestos Certifications**

Staff has issued 450 asbestos certifications since the last report. This list will be available at the Commission meeting.

9. Lead Paint Certifications

Staff has issued 149 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 32 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. Wastewater Operator Certifications

Staff has issued 32 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

12. Emergency Clean-Up Expenses

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

13. Administrative Orders

Staff has issued 18 Agreed 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 August 24, 2023, Commission Meeting

16. Adjournment

EMERGENCY CLEAN-UP EXPENSES

To: CTEH
Amount: \$8,492.15 **Date of Response:** 02/25/2023
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a Hydrofluoric spill in Desoto County.

To: E3
Amount: \$4,151.45 **Date of Response:** 11/07/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel fuel spill in Forrest County.

To: E3
Amount: \$1,817.00 **Date of Response:** 07/27/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a POL discharge in Harrison County.

ADMINISTRATIVE ORDERS

	Respondent	Order No.	Summary
1	Oxbow Greenwood, LLC Leflore Co., MS	Order No. 7245 23	This Agreed Order provides air emission equipment operational requirements on Oxbow Greenwood, LLC, the purchaser of the facility previously owned by Express Grain Terminals, LLC.
2	Wallace Lumber Company Pike Co., MS	Order No. 7246 23 Respondent agrees to pay MDEQ a penalty in the amount of \$17,500.00 within forty-five (45) days of this Agreed Order.	Respondent violated Miss. Code Ann. 49-17-29(2)(b) for failing to obtain coverage under the Wet Deck Log Spray General Permit.
3	Cobie Collins Yazoo Co., MS	Order No. 7247 23 Respondent agrees to pay MDEQ a penalty in the amount of \$2,500.00 within forty-five (45) days of this Agreed Order.	Respondent engaged in asbestos removal activity during the demolition of a building they own in Yazoo City, Mississippi. Instances of non-compliance with requirements of asbestos regulations are listed in Section I of this Agreed Order.
4	Marion County Timber, Inc. Marion Co., MS	Order No. 7248 23 Respondent agrees to pay MDEQ a penalty in the amount of \$11,250.00 within forty-five (45) days of this Agreed Order.	Respondent violated Miss. Code Ann. 49-17-29(2)(b) for discharging stormwater prior to obtaining coverage under Mississippi's Industrial Storm Water General NPDES Permit.
5	Hodges Redevelopment GWD, LLC Leflore Co., MS	Order No. 7249 23	Respondent petitioned the Commission to make a determination as to the completion of Brownfield Agreement 7192-22 in accordance with Miss. Admin. Code Pt. 3, Rules 2.1.7.B and 2.1.8. Respondent has completed remediation at Three Rivers Inn, Agreed Order number 7249-23 grants the acknowledgement of completion of the Brownfield Agreement.
6	Iconic Buildings, LLC Harrison Co., MS	Order No. 7250 23	Respondent requests acceptance into the Brownfield program in accordance with Miss Code Ann 49-35-1. The Agreed Order 7250-23 accepts ICONIC BUILDINGS LLC into the Brownfield Program for the remediation of asbestos containing material at the Triplett-Day Drug Building (Former).

7	State Title V Program Fee	Order No. 7251 23	This order sets the federally mandated Title V program fee in an amount sufficient to cover the reasonable costs of administering the Mississippi Title V operating permit program from September 1, 2023 to August 31, 2024.
8	Town of Wesson Copiah Co., MS	Order No. 7252 23 Respondent agrees to pay MDEQ a penalty in the amount of \$3,750.00 within forty-five (45) days of this Agreed Order and further agrees to make repairs to its air diffusion system by June 30, 2023, which should improve treatment efficiency and return the facility to compliance with its permitted effluent limitations.	Respondent exceeded the effluent BOD and Total Ammonia Nitrogen limitations in its NPDES Permit No. MS0023779 during 2021 and 2022.
9	Taylor Machine Works, Inc., Winston Co., MS	Order No. 7253 23 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within forty-five (45) days of this Agreed Order.	Respondent violated 11 Miss. Admin. Code Pt 2, R. 2.1.D(1) by operating without a Synthetic Minor Operating Permit.
10	Masonite Corporation Jones Co., MS	Order No. 7254 23 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 Condition 3.B.10 of Title V Operating Permit No. 1360-00028 for exceeding the PM/PM10 (filterable only) limit of 5.8 pounds per hour (lbs/hr) during a stack test of Emission Point AJ-103 on April 14, 2022.
11	Southern Pump & Tank Co., LLC (DBA SPATCO ENERGY SOLUTIONS) Lauderdale Co., MS	Order No. 7255 23 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within sixty (60) days of this Agreed Order.	Respondent employs MDEQ licensed Underground Storage Tank (UST) Certified Contractors conducting business in the state of Mississippi. Respondent's employee, Micheal Shipp, failed to use reasonable care or judgement in performance of monthly monitoring activities.
12	Watkins Construction & Roofing Madison Co., MS	Order No. 7256 23 Respondent agrees to pay MDEQ a penalty in the amount of \$5,500.00 within forty-five (45) days of this Agreed Order	Respondent engaged in non-certified asbestos removal activity during a roof replacement at a church in Forest, Mississippi. Instances of non-compliance with requirements of asbestos regulations are listed in Section I of this Agreed Order.
13	Southern Pump & Tank Co., LLC (DBA SPATCO ENERGY SOLUTIONS) Pontotoc Co., MS	Order No. 7257 23 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within sixty (60) days of this Agreed Order.	Respondent employs MDEQ licensed Underground Storage Tank (UST) Certified Contractors conducting business in the state of Mississippi. Respondent did not ensure that a certified individual exercise supervisory control and be physically present at the work site during all critical junctures.

14	Kentucky-Tennessee Clay Company Quitman Co., MS	<p>Order No. 7258 23</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$78,750.00 within forty-five (45) days of this Agreed Order.</p>	<p>Respondent was in violation of Condition 3.B.12 of Title V Operating Permit No. 2360-00035 for exceeding the total filterable PM limit of 8.0 pounds per hour (lbs/hr) during a stack test of Emission Point AA-005 on May 18, 2020. Respondent was in violation of Condition 5.C.1 of Title V Operating Permit No. 2360-00035 for failing to timely submit the results of the May 18, 2020, and December 18, 2020 stack test. Respondent was in violation of Condition 3.B.10 of Title V Operating Permit No. 2360-00035 for exceeding the total filterable PM limit of 4.0 pounds per hour (lbs/hr) during a stack test of Emission Point AA-004 on June 1, 2022.</p> <p>Respondent agreed to pay MDEQ a penalty in the amount of \$78,750.00</p>
15	Farmers Grain Terminal, Inc. Leflore Co., MS	<p>Order No. 7259 23</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$73,125.00, submit a Dust Management Plan to MDEQ, and comply with the terms and conditions of its previously expired Synthetic Minor Operating Permit until the Permit Board acts on the renewal application received on April 26, 2022.</p>	<p>Respondent was in violation of Condition 5.4 of Synthetic Minor Operating Permit No. 1560-00007 for failing to conduct monthly visible emissions observations for Emission Points AA-001, AA-002, AA-005, AA-006, and AA-007. Respondent was in violation of Condition 5.5 of Synthetic Minor Operating Permit No. 1560-00007 for failing to log daily pressure drop readings for Emission Points AB-001 through AB-006. Respondent was in violation of Condition 1.C.1 of Synthetic Minor Operating Permit No. 1560-00007 for failing to submit a timely application for the renewal of the permit.</p> <p>Respondent was required to submit a renewal application to the Mississippi Environmental Quality Permit Board by no later than April 3, 2022. Respondent has operated without a required permit since Synthetic Minor Operating Permit No. 1560-00007 expired on September 30, 2022.</p>
16	Circle K Stores, Inc. Jackson Co., MS	<p>Order No. 7260 23</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within thirty (30) days of this Agreed Order.</p>	<p>Respondent owns/operates several UST's in Mississippi. Facilities are listed in Section 1 and violations are listed in Section 2 of this Agreed Order.</p>
17	Circle K Stores, Inc. Multiple Counties, MS	<p>Order No. 7261 23</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$22,500.00 within thirty (30) days of this</p>	<p>Respondent owns/operates several UST's in Mississippi. Facilities are listed in Section 1 and violations are listed in</p>

		Agreed Order.	Section 2 of this Agreed Order
18	Murphy Oil USA, Inc. Co., MS	Multiple Respondent agrees to pay MDEQ a penalty in the amount of \$8,500.00 within forty-five (45) days of this Agreed Order.	Respondent owns/operates several UST's in Mississippi. Facilities are listed in Section 1 and violations are listed in Section 2 of this Agreed Order.

Amended Orders

	Respondent	Order No.	Summary
1	City of Meridian Lauderdale Co., MS	Amended Order No. 7144 21 .	The amendment extends the deadlines for submittal actions contained in the original Agreed order. It also extends the Total Recoverable Copper interim limitations.