

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, January 25, 2024
9:00 A.M.
Room 104A
515 East Amite Street
Jackson, Mississippi 39201

AGENDA

- 1. Call to Order - Chair**
- 2. Approval of the December 13, 2023, Commission Meeting Minutes**
- 3. Commission Briefing on the Draft 303(d) List of Impaired Water Bodies**

The TMDL staff will brief the Commission on the 2024 DRAFT Mississippi Section 303(d) List of Impaired Water Bodies. Included in the package is the DRAFT 2024 Mississippi 303(d) List. A public notice is scheduled to be issued in February and will run through March to receive public comments. Staff will return to the Commission following the public notice and required hearing to request the adoption of the Final 2024 303(d) list.

- 4. Commission Approval of Underground Storage Tank Fee for Fiscal Year 2025**

The Underground Storage Tank (UST) Advisory Council and the staff of the MDEQ met on October 9, 2023, to discuss the current status of the UST program and for the UST Advisory Council to provide a recommended tank fee to the Commission for the Fiscal Year 2025. Fiscal Year 2023 expenditures and accomplishments and the expected expenditures for Fiscal Year 2025 are provided in the UST report to the Commission on the UST program. The Commission previously approved a \$150 tank fee for fiscal year 2024 at its meeting on December 12, 2022. The staff of the MDEQ recommends that the Commission approve the Advisory Council's recommended \$150 tank fee for fiscal year 2025.

- 5. Request from the Tallahatchie County Board of Supervisors to approve an amendment to the Tallahatchie County Solid Waste Management Plan**

The Tallahatchie County Board of Supervisors (County) has requested approval of a proposed amendment to the Tallahatchie County Solid Waste Management Plan (Plan). The proposed amendment would recognize a new location for a proposed municipal solid waste transfer station to be owned and operated by the County. The County has evaluated multiple alternative sites but has selected a location on Highway 35 west of Charleston after completing the local amendment process required by regulation. MDEQ has received public comments regarding the proposed location and will present the matter for consideration by the Commission.

- 6. Mississippi Commission on Environmental Quality v. Ted Doukas, 2 Lisa Court Corp., et al. - Designation of Hearing Officer**

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. MDEQ staff proposes and recommends the approval and designation of Ellen O'Neal, former Special Assistant Attorney General (retired) to replace Special Assistant Attorney General Kristen Love as the hearing officer in the pending case of MCEQ v. Ted Doukas, 2 Lisa Court Corp., et al. to handle pre-hearing and hearing matters on behalf of the Commission pursuant to Miss. Code Ann. § 49-17-33. Ms. Love was previously designated as the hearing officer by the Commission in this matter on April 27, 2023. MDEQ staff also recommends that the Commission designate Ellen O'Neal to serve as a hearing officer in other future Commission evidentiary hearings pursuant to Miss. Code Ann. § 49-17-33.

7. Asbestos Certifications

Staff has issued 175 asbestos certifications since the last report. This list will be available at the Commission meeting.

8. Lead Paint Certifications

Staff has issued 96 lead paint certifications since the last report. This list will be available at the Commission meeting.

9. Underground Storage Tanks (UST) Certifications

Staff has issued 8 new and 21 renewed certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

10. Wastewater Operator Certifications

Staff has issued 9 new and 27 renewed wastewater operator certifications since the last report. This list will be available at the Commission meeting.

11. Emergency Clean-Up Expenses

Staff has 4 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

12. Administrative Orders

Staff has issued 10 agreed Orders and 2 Amended 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 February 22, 2024, Commission Meeting

15. Adjournment

EMERGENCY CLEAN-UP EXPENSES

To: CTEH
Amount: \$4,101.83 **Date of Response:** 10/21/23
For: Costs associated with supervision, labor, equipment and materials to respond to and help provide air-monitoring services in Union County.

To: E3 Environmental
Amount: \$17,827.02 **Date of Response:** 07/25/23
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum spill due to an accident in Jackson County.

To: E3 Environmental
Amount: \$7,497.66 **Date of Response:** 08/17/23
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help provide clean up services in Newton County.

To: E3 Environmental
Amount: \$2,986.07 **Date of Response:** 09/13/23
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum spill due to an accident in Harrison County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Steel Dynamics Columbus, LLC Lowndes Co., MS	Order No. 7293 23 Respondent agrees to pay MDEQ a penalty in the amount of \$24,300.00 within forty-five (45) days of this Agreed Order.	Respondent violated Condition No. 3.B.26 of Title V Operating Permit No. 1680-00064 by exceeding the Carbon Monoxide emissions limitations during a stack test of Emission Point AA-015b on February 21, 2022. Respondent demonstrated compliance with the Carbon Monoxide emissions limitations during a stack test on May 16, 2022.
2	City of Canton Madison Co., MS	Order No. 7294 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 was in violation of 11 Miss.Admin.Code Pt. 6, R. 1.1.1. B (2)(a) for operating without a valid NPDES Permit.
3	Cappaert Manufactured Housing, Inc. Warren Co., MS	Order No. 7295 23 Respondent shall comply with all terms and conditions of Solid Waste Management Permit no. SW0750040446 until such time as the Mississippi Environmental Quality Permit Board acts on the solid waste permit application received by MDEQ on July 21, 2023.	Respondent was in violation of Condition D.2 of Solid Waste Management Permit no. SW0750040446 for failure to submit an application for renewal at least one-hundred eighty days before permit expiration.
4	Iconic Buildings, LLC Harrison Co., MS	Order No. 7296 23	This order acknowledges the completion of all remedial activities under the Corrective Action Plan and Brownfield Agreement by Iconic Buildings, LLC for the former Triplett Day Drug Building in Gulfport, MS
5	View, Inc. DeSoto Co., MS	Order No. 7297 23 Respondent agrees to pay MDEQ a penalty in the amount of \$12,000.00 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 Permit for Industrial Activities. Respondent also violated various conditions of the Industrial Storm Water General Permit for Industrial Activities after it obtained Coverage No. MSR002419.

6	Consolidated Catfish Companies, LLC Humphreys Co., MS	Order No. 7298 23 Respondent agrees to pay MDEQ a penalty in the amount of \$24,000.00 within forty-five (45) days of this Agreed Order. Additionally, Respondent agreed to develop a plan to return the wastewater treatment system to compliance with the permit.	Respondent violated the effluent Total Ammonia Nitrogen, E coli, and Total Suspended Solids limitations required by NPDES Permit no. MS0039659.
7	Future Foam, Inc. Lee Co., MS	Order No. 7299 23 Respondent agreed to comply with all terms and conditions of Synthetic Minor Operating Permit No. 1540-00046 that was issued on January 18, 2019, and modified on March 22, 2021, and February 14, 2023, until the Mississippi Environmental Quality Permit Board acts on the Renewal Application received on July 19, 2023.	Respondent violated Conditions 1.A.12. and 1.C.6 of Synthetic Minor Operating Permit No. 1540-00046. Respondent installed two (2) HVAC units and a new 80kW natural gas-fired emergency generator prior to the modification of the expiration date of the Permit.
8	The City of Jackson Hinds Co., MS	Order No. 7300 23	This is an Agreed Scheduling Order to establish prefiled testimony, motion, and response deadlines; schedule a pre-hearing conference; and schedule an evidentiary hearing on January 25, 2024, related to an environmental enforcement matter against the City of Jackson.
9	Mississippi Power Company Harrison Co., MS	Order No. 7301 23 Respondent agrees to pay MDEQ a penalty in the amount of \$26,250.00 within thirty (30) days of this Agreed Order. Additionally, Respondent agreed to submit to MDEQ a study plan to implement the Impingement Study. Once MDEQ has approved Respondent's study plan, Respondent will move forward with implementing the Impingement Study.	Respondent will not be in compliance with Condition T-19 of its NPDES Permit beginning on January 1, 2024.
10	Strong River Construction, LLC Simpson Co., MS	Order No. 7302 24 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 Miss. Code Ann. § 49-17-29(2)(b) for failing to obtain coverage under the Large Construction Storm Water General NPDES Permit prior to commencement of construction activities.

Amended Agreed Orders

1	Jamie Whitten Delta States Research Center	Second Amendment to Agreed Order No. 7084-20	This Agreed Order will be amended to extend the interim limitations until the Mississippi Environmental Quality Permit Board acts on the facility's permit application dated September 29, 2023, but not later than June 30, 2024.
2	The City of Jackson Hinds Co., MS	Amendment to Agreed Order No. 7300 23A	This is an Amended Agreed Scheduling Order to establish prefiled testimony, motion, and response deadlines; schedule a pre-hearing conference; and schedule an evidentiary hearing on February 22, 2024, related to an environmental enforcement matter against the City of Jackson.