

# MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, February 23, 2017

9:00 A.M.

Room 104A

515 East Amite Street

Jackson, Mississippi 39201

## AGENDA

**1. Call to Order - Chair**

**2. Approval of Minutes of November 10, 2016 Meeting**

**3. FY2018 Title V Fee Recommendation**

A Public Hearing concerning the FY2018 Title V Permit Fee, to be set by the Commission, was held on December 21, 2016. No comments were received. The staff will recommend that the Commission set the fee at \$47.00 per ton of regulated air pollutants with a minimum fee of \$250.00, which is the same as the previous year's fee.

**4. Mississippi State Oil and Gas Board Rule 68- Commission's Consideration of Approval of Amendments and Revisions to Statewide Rule 68**

The Oil and Gas Board approved amendments and revisions to its Statewide Rule 68 on November 16, 2016, related to Disposal of Naturally Occurring Radioactive Materials (NORM) Associated with the Exploration and Production of Oil and Gas as discussed in the attached December 20, 2016, correspondence from the Oil and Gas Board for your review. By statute and through case law, the amendments and revisions to the Rule 68 Disposal regulations must be approved by the Commission. Staff has previously briefed the Commission on this matter. The staff of the Oil and Gas Board has coordinated with staff of MDEQ on the amendments and revisions to Rule 68. Attached for your review are a rationale and supplemental rationale prepared by MDEQ staff related to the amendments and revisions to Oil and Gas Rule 68. Representatives of the Oil and Gas Board will be present to answer questions. MDEQ staff recommends the Commission approve the amendments and revisions to Oil and Gas Board Rule 68.

**5. Commission Designated Hearing Officer**

Pursuant to the Miss. Code Ann. Sections 49-17-31 and 49-17-33, MDEQ recommends that Doug Levanway, an attorney with Wise Carter in Jackson, be added and designated by the Commission to serve as hearing officer in future Commission evidentiary hearings.

**6. Commission Approval of Brownfield Consulting Firms**

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 a Brownfield Consulting Firm:

Tioga Environmental Consultants, Inc.  
357 North Main St.  
Memphis, TN 38103-1529

**7. Commission Approval of Environmental Covenant Accelerated Companies, LLC Facility – Laurel, MS**

Pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), the Executive Director of MDEQ approved the Environmental Covenant between the Commission and Accelerated Companies, LLC regarding the remediation of property located at 3625 Industrial Boulevard, Laurel, MS. The accompanying Restrictive Use Agreed Order was also approved by the Executive Director. Environmental Site Assessments revealed a release of Diesel Range Petroleum compounds impacting shallow soils beneath the footprint of the building on-site and a release of Cadmium impacting groundwater in one shallow well at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. The staff of the MDEQ evaluated the proposed Environmental Covenant and believes that, with the conditions and restrictions

contained within; the site will be in compliance with applicable State laws and standards and will be protective of the public health and the environment. This agenda item is for reporting purposes only.

**8. Commission Rescind Brownfield Agreement and Accompanying Environmental Covenant-Wal-Mart Real Estate Business Trust-Pascagoula, Jackson County (Tentative)**

In the November 10, 2016 Commission Meeting, the staff presented the request from Wal-Mart Real Estate Business Trust to rescind Brownfield Agreement Order Number 6661 16. The Commission voted to table consideration of this matter until the next Commission meeting. The staff of the MDEQ evaluated the request to rescind the Brownfield Agreement Order and recommends that in accordance with applicable State laws and standards, Wal-Mart Real Estate Business Trust is not responsible for remediation of the petroleum related contaminants in the groundwater and soil. Staff recommends the Commission rescind Brownfield Agreement Order Number 6661 16 between MDEQ and Wal-Mart Real Estate Business Trust and the accompanying Environmental Covenant.

**9. Asbestos Certifications**

We have issued 336 asbestos certifications since the last report. This list will be available at the Commission meeting.

**10. Lead Paint Certifications**

We have issued 104 lead paint certifications since the last report. This list will be available at the Commission meeting.

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

We have issued 17 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

**12. Emergency Clean-Up Expenses**

We have 15 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

**13. Administrative Orders**

We have issued 20 administrative orders, and 3 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.

**14. Other Business**

**15. Confirmation of meeting on March 23, 2017**

**16. Adjournment**

**EMERGENCY SERVICES CLEAN UP**

**To:** CTEH  
**Amount:** \$3,551.88  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and provide air monitoring for a Mercury spill in Newton County. **Date of Response: 08/11/16**

**To:** CTEH  
**Amount:** \$2,160.99  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and provide air monitoring for MDEQ in Lee County. **Date of Response: 07/14/16**

**To:** Complete Environmental  
**Amount:** \$2,541.29  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and pick up two abandoned drums in Wilkinson County. This invoice includes costs for disposal. **Date of Response: 03/24/16**

**To:** Complete Environmental  
**Amount:** \$3,788.57  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an engine oil spill in Forrest County. **Date of Response: 09/12/16**

**To:** United States Environmental Services  
**Amount:** \$2,558.38  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Rankin County. **Date of Response: 07/18/16**

**To:** United States Environmental Services  
**Amount:** \$1,587.55  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel/oil spill in Newton County. **Date of Response: 08/11/16**

**To:** United States Environmental Services  
**Amount:** \$8,216.79  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a Permethrin spill in Forrest County. **Date of Response: 07/13/16**

**To:** United States Environmental Services  
**Amount:** \$8,985.03  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel/engine oil spill in Wilkinson County. **Date of Response: 08/25/16**

**To:** United States Environmental Services  
**Amount:** \$3,649.96  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Hinds County. **Date of Response: 09/20/16**

**To:** CTEH  
**Amount:** \$1,406.50  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and provide air monitoring for a diesel spill in Jackson County. **Date of Response: 11/14/16**

**To:** Complete Environmental  
**Amount:** \$28,449.29  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum product leaking from an UST in Harrison County. **Date of Response: 12/04/16**

**To:** Complete Environmental  
**Amount:** \$1,243.15  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an unknown oil spill in Harrison County. **Date of Response: 11/07/16**

**To:** Complete Environmental  
**Amount:** \$3,105.97 **Date of Response:** 11/29/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a gasoline spill in Hinds County.

**To:** United States Environmental Services  
**Amount:** \$3,130.59 **Date of Response:** 11/10/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a hydraulic oil spill in Jackson County.

**To:** United States Environmental Services  
**Amount:** \$2,255.65 **Date of Response:** 12/07/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel/oil spill in Covington County.

ADMINISTRATIVE ORDERS

	<b>Respondent</b>	<b>Order No.</b>	<b>Summary</b>
1	MTD Products, Inc. Lee Co., MS	Order No. 6701 16 Respondent agrees to pay MDEQ a penalty in the amount of \$13,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Pretreatment Permit #MSP090126
2	Proposed amendments to “Regulations for the Prevention, Abatement, and Control of Air Contaminants” and revision to the “SIP for Control of Air Pollution”	Order No. 6702 16	This order confirms the adoption of the proposed amendments for MDEQ’s Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants along with an associated Revision to the Mississippi State Implementation Plan (SIP) for Control of Air Pollution (SIP Revision). Mississippi Administrative Code, Part 2, Chapter 1
3	James Robinson JCK Properties Jackson Co., MS	Order No. 6703 16 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has an interest in a tract of land located in Pascagoula, MS. The Site is contaminated with Naphthalene and Benzene at levels in excess of the Target Remediation Goals (TRGs) as established by the MDEQ, and, therefore, remediation of the Site is necessary.
4	Titan International, Inc. Adams Co., MS	Order No. 6704 16 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent owns a tract of land located in/near Natchez, Adams County, Mississippi. The Site is contaminated with Volatile Organic Compounds Tetrachloroethene (PCE) and Trichloroethene (TCE) and petroleum hydrocarbons at levels in excess of the Target Remediation Goals (TRGs) as established by the MDEQ, and, therefore, remediation of the Site is necessary.
5	William Burge d/b/a Burge Irrigation, LLC. Puxico, MO	Order No. 6705 16 Respondent agrees to pay MDEQ a penalty in the amount of \$780.00. Respondent’s check will be processed for payment following the execution of this Agreed Order.	Respondent was in violation of operating without the required license.
6	Mississippi Gravel Sales Monroe Co., MS	Order No. 6706 16 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00. Respondent shall pay the first of two installments in the amount of \$2,500.00 to MDEQ within forty-five (45) days of this Agreed Order. Respondent shall pay the second installment in the amount of \$2,500.00 within ninety (90) days after the Effective Date.	Respondent was in violation of the following: Failure to implement the Storm Water Pollution Prevention Plan (SWPPP) as submitted; Failure to install additional and/or alternative erosion and sediment controls.

<b>7</b>	Precoat Metals Hinds Co., MS	Order No. 6707 16 Respondent agrees to pay MDEQ a penalty in the amount of \$38,339.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Pretreatment Permit No. MSP091052 and also in violation of MHWMR262
<b>8</b>	Solid Waste Management Authority of Marshall County Holly Springs, MS	Order No. 6708 16	This Order approves the modification of the Marshall County Solid Waste Management Plan to expand and upgrade the Quad County Class I Rubbish Site to a commercial Solid Waste Landfill.
<b>9</b>	Genesis Pipeline USA, L.P. Simpson Co., MS	Order No. 6709 16 Respondent agrees to pay all costs incurred by MDEQ associated with implementation of the post-incident monitoring plan.	Respondent was in violation of the MS Air & Water Pollution Control Law.
<b>10</b>	Johnny Rigdon, Owner of Rigdon Lake Dam Newton Co., MS	Order No. 6710 16 Respondent is ordered to submit a plan prepared by a MS Registered Professional Engineer with repairs and/or modifications to ensure that the dam meets requirements by law of High Hazard dams by or before Feb. 28, 2017 or cause the dam to be breached or removed.	Respondent was in violation of MS Dam Safety Law and the rules and regulations of the Commission on Environmental Quality.
<b>11</b>	Murphy Oil USA, Inc. Harrison Co., MS Jackson Co., MS	Order No. 6711 16 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within sixty (60) days of this Agreed Order	Violations are listed in Section 2 of this Agreed Order.
<b>12</b>	Matter of Akzo Nobel Pulp and Performance Chemicals, Inc. Lowndes Co., MS	Order No. 6712 16 Respondent agrees to comply with the terms and conditions listed under #3 of this Agreed Order.	Akzo Nobel Pulp and Performance Chemicals, Inc. desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.
<b>13</b>	Kati Kelly Complete Environmental & Remediation Co., LLC Hinds Co., MS	Order No. 6713 16 Respondent agrees to pay MDEQ a penalty in the amount of \$500.00 within forty-five (45) days of this Agreed Order.	Respondent failed to preserve backfill samples on ice.
<b>14</b>	Ricky Matthews, Individually dba Matthews Trucking and Construction LLC Tate Co., MS	Order No. 6714 16 Respondent agrees to pay MDEQ a penalty in the amount of \$10,750.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of operating a surface mine without the required storm water discharge permit.
<b>15</b>	Town of Bolton Hinds Co., MS	Order No. 6715 16 Respondent agrees to comply with the requirements listed in Section 2 of this Agreed Order which includes a penalty in the amount of \$2,000.00. Respondent agrees to pay this penalty within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0021032
<b>16</b>	DeForest Wood Preserving Company, Inc. Hinds Co., MS	Order No. 6716 16 Respondent agrees to pay MDEQ a penalty in the amount of \$4,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MSS061425

<b>17</b>	Airbus Helicopters, Inc. Lowndes Co., MS	Order No. 6717 17 Respondent agrees to pay MDEQ a penalty in the amount of \$39,500.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I of this Agreed Order.
<b>18</b>	Georgia Pacific Wood Products, LLC Smith Co., MS	Order No. 6718 17 Respondent agrees to construct and begin operating a new CHP unit and to permanently shut down the existing wood-fired boiler (EP AA-500) on or before the compliance date of January 31, 2018.	Respondent was in violation of the NESHAP Rule for industrial, commercial, and Institutional Boilers and Process Heaters.
<b>19</b>	Southern Oil Company Various Counties in Southern MS	Order No. 6719 17 Respondent agrees to pay MDEQ a penalty in the amount of \$4,000.00 within forty-five (45) days of this Agreed Order.	Respondent owns/or operates several USTs in Mississippi. Facilities are listed in Section I and violations are listed in Section 2 of this Agreed Order.
<b>20</b>	Murphy Oil USA, Inc. Jackson Co., MS	Scheduling Order No. 6720 17 Murphy Oil USA, Inc. (Petitioner) agrees to comply with the deadlines listed in Section 3 of this Scheduling Order.	This Amended Order suspends the evidentiary hearing date and filing deadlines pending MDEQ's review of additional documentation provided by the Petitioner in a UST Trust Fund eligibility case.  The original order scheduled a date for a formal evidentiary hearing and imposed filing deadlines for a UST Trust Fund eligibility case.

### Amended Agreed Orders

<b>1</b>	City of Hattiesburg North and South Lagoons Forrest Co., MS	Third Amended Agreed Order No. 6034 11 Respondent agrees to pay MDEQ a penalty in the amount of \$40,875.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section 1 and 2 of this Agreed Order.
<b>2</b>	C F Gollott and Son Seafood, Inc. Harrison Co., MS	Amended Agreed Order No. 6553 15	This order approves the amendments to the requirements outlined in Section I of this agreed order.
<b>3</b>	Humphreys County Board of Supervisors Humphreys Co., MS	Amendment to Orders 6608 16 and 6639 16	This order approves the modification to add Lafayette County to the approved service area.