

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, May 25, 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 February 23, 2017 Meeting**
3. **Commission Approval of Brownfield Agreement**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and WALM Properties, LLP regarding the remediation of brownfield property located at 1140 Industrial Access Road in West Point, Mississippi. The administrative record for this environmental response project is referred to as the Big Yank Building site. The impacted area is centered around a former chemical storage shed located in the southwest portion of the property. Assessments revealed the extent of contamination in the groundwater and soil at levels in excess of the Target Remediation Goals. Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be an administrative office and staging area for a transportation business based out of West Point, MS. The staff of the 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.

4. **Commission Approval of Brownfield Obligation Transfer**

On June 1, 2012, the Commission reached a Brownfield Agreement (#6130-12) with NCI Building Systems, Inc. for the remediation of the CECO Building Systems facility in Columbus, Mississippi. In accordance with Rule 2.1.5.C of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, NCI Building Systems, Inc. and Grandview Investments, LLC jointly have provided a petition to the MCEQ that Grandview Investments, LLC has the financial, managerial, and technical resources to complete performance of the Brownfield Agreement obligations and agrees to complete this performance. The staff of the MDEQ has reviewed the petition, and hereby recommends that the Commission issue an order in accordance with the Brownfield Regulations approving the transfer of those obligations in Brownfield Agreement #6130-12 from NCI Building Systems, Inc. to Grandview Investments, LLC. CECO Building Systems continues to operate in the space, and will continue to operate in the space, leasing the land and building from Grandview Investments, LLC.

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

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. Wal-Mart Real Estate Business Trust and the property owner, Estabrook Toyota have been in negotiations since that time to finalize corrective action alternatives for the property prior to rescinding the Brownfield Agreement. The staff of the MDEQ has 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.

6. **Serenity Lane, Pearl River County – Evidentiary Hearing held on October 17 and 18, 2016 – Hearing Officer’s Proposed Findings and Recommendations for Commission’s Consideration**

The Commission’s designated Hearing Officer, Frank Spencer, will present his proposed Findings and Recommendations related to the Serenity Lane Evidentiary Hearing, which was held on October 17 and 18, 2016. The Commission has been provided electronic access to the record of this matter, which is an exhaustion of administrative remedies case. The records include the transcript of the

evidentiary hearing; exhibits submitted by the Petitioners (Residents of Serenity Lane Subdivision), MDEQ staff, and the Intervenors (Fort James Corporation); and previous Findings and Recommendations and Orders entered by the Hearing Officers. Additionally, the Commission members were provided with Hearing Officer Spencer's proposed Findings and Recommendations following the evidentiary hearing. These documents were provided to allow the Commission time to review them in advance of the Commission meeting. The Commission will be asked to make a decision on this matter.

**7. Establishment of the Lignite Mining Fee for Liberty Fuels Company, LLC for the Liberty Mine in Kemper County for State Fiscal Year 2018;
Establishment of the Lignite Fee for the Mississippi Lignite Mining Company for the Red Hills Mine in Choctaw County for State Fiscal Year 2018**

The staff will recommend that the Liberty Fuels Company, LLC Lignite Mining Fee for the 2018 state fiscal year be set at \$125,000, which is the same as for state fiscal year 2017. The staff will recommend that the Mississippi Lignite Mining Company Lignite Mining Fee for the 2018 state fiscal year be set at \$125,000, which is the same as for state fiscal year 2017. This amount 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. Staff will recommend that the Commission delegate the authority to sign the Orders to the Executive Director.

8. Update Commission on the Volkswagen Settlement

9. Asbestos Certifications

We have issued 332 asbestos certifications since the last report. This list will be available at the Commission meeting.

10. Lead Paint Certifications

We have issued 163 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 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.

12. Wastewater Operator Certifications

We have issued 162 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

13. Emergency Clean-Up Expenses

We have 16 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

14. Administrative Orders

We have issued 35 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.

15. Other Business

16. Confirmation of meeting on June 22, 2017

17. Adjournment

EMERGENCY SERVICES CLEAN UP

To: Complete Environmental
Amount: \$8,694.95 **Date of Response:** 02/07/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a used engine oil spill in Harrison County.

To: Complete Environmental
Amount: \$4,033.97 **Date of Response:** 07/28/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a used cooking oil spill in Pearl River County.

To: Enhanced Environmental Services
Amount: \$2,018.99 **Date of Response:** 01/20/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Jackson County.

To: Enhanced Environmental Services
Amount: \$5,056.67 **Date of Response:** 02/23/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel/hydraulic fluid spill in Pearl River County.

To: Enhanced Environmental Services
Amount: \$1,899.95 **Date of Response:** 03/05/07
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum product spill in Harrison.

To: Enhanced Environmental Services
Amount: \$22,263.25 **Date of Response:** 01/21/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up HHW due to a tornado in Forrest County.

To: United States Environmental Services
Amount: \$1,509.32 **Date of Response:** 06/23/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help mobilize and containerize demolition material into roll off boxes in Hinds County.

To: United States Environmental Services
Amount: \$1,601.12 **Date of Response:** 07/20/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help mobilize and containerize demolition material into roll off boxes in Hinds County. This invoice is for the disposal costs.

To: United States Environmental Services
Amount: \$19,929.37 **Date of Response:** 02/27/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a used oil spill in Harrison County.

To: United States Environmental Services
Amount: \$16,582.50 **Date of Response:** 06/12/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a gasoline spill in Pontotoc County. This invoice also includes costs for disposal.

To: CTEH
Amount: \$820.00 **Date of Response:** 02/17/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and provide air monitoring services due to an ammonia release at the Tyson plant in Warren County.

To: CTEH
Amount: \$820.00 **Date of Response:** 02/17/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and provide air monitoring services due to an H2S release in Rankin County.

To: Complete Environmental
Amount: \$2,485.41 **Date of Response:** 01/02/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Lauderdale County.

To: Enhanced Environmental & Emergency Services
Amount: \$2,985.43 **Date of Response:** 03/24/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Yazoo County.

To: Enhanced Environmental & Emergency Services
Amount: \$4,367.20 **Date of Response:** 01/27/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up medical waste on the side of the Hwy in Grenada County.

To: Enhanced Environmental & Emergency Services
Amount: \$3,101.88 **Date of Response:** 03/26/17
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Warren County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Joe McGee Construction Company, Inc. Rankin Co., MS	Order No. 6721 17 Respondent agrees to pay MDEQ a penalty in the amount of \$9,500.00 within forty-five (45) days of this Agreed Order.	The respondent was in violation of Mississippi Mining Storm Water General Permit Certificate of Coverage MSR322449.
2	City of Decatur Newton Co., MS	Order No. 6722 17 Respondent agrees to pay MDEQ a penalty in the amount of \$3,200.00 within forty-five (45) days of this Agreed Order.	The respondent failed to comply with NPDES Permit Condition Section T-26, Records and Retention.
3	Metal Coaters Hinds Co., MS	Order No. 6723 17 Respondent agrees to pay MDEQ a penalty in the amount of \$98,000.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section 1 of this Agreed Order.
4	Accelerated Companies, LLC Jones Co., MS	Order No. 6724 17 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/near Laurel, MS. The Site is contaminated with Diesel Range Petroleum Hydrocarbons and Cadmium at levels in excess of the Target Remediation Goals (TRG's) as established by the MDEQ, and, therefore, remediation of the Site is necessary.
5	HSC Gulfport, LLC Harrison Co., MS	Order No. 6725 17 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 Gulfport, MS, known as the Holcomb Paint Factory. The Site is contaminated with C9-C10 Aromatics, C9-C18 Aliphatics and C11-C22 Aromatics at levels in excess of the Tier 2 Target Remediation Goals (TRG's) for petroleum fractionation as established by the MDEQ, and, therefore, remediation of the Site is necessary.
6	Trinity River Energy Operating LLC Yazoo Co., MS	Order No. 6726 17 Respondent agrees to pay MDEQ a penalty in the amount of \$16,746.83, which includes the total past due Title V fee of \$15,224.39 and a 10% late penalty of \$1,522.44 within forty-five (45) days of this Agreed Order	Violations are listed in Section 1 of this Agreed Order.
7	City of Forest Scott Co., MS	Order No. 6727 17 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 of which \$2,000.00 will be payable within forty-five (45) days of this Agreed Order and \$5,500 "Abeyance Amount" pending compliance of this Agreed Order which will become due within forty-five (45) days of written notification from Complainant.	Respondent was in violation of NPDES Permit No. MS0020362.
8	Vermillion Land Company, LLC Hancock Co., MS	Order No. 6728 17 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 near Kiln, MS known as the Waveland Treatment Plant Site-Vermillion Property. The Site is contaminated with Benzene, Toluene, Ethylbenzene, and Xylenes, and Gasoline Range Organic at levels in excess of the

			Target Remediation Goals (TRG's) as established by the MDEQ, and, therefore, remediation and groundwater monitoring of the Site is necessary.
9	Town of Centreville Wilkinson Co., MS	Order No. 6729 17 Respondent agrees to pay MDEQ a penalty in the amount of \$13,125.00 of which \$5,000.00 will be payable in penalty and \$8,125.00 will be held in abeyance from the date of issuance of the Agreed Order until one year after the issuance of the Agreed Order pending compliance. The amount held in abeyance will be payable to the MDEQ in the event an SSO occurs with a duration of 24 hours or greater, not related to an event beyond the Town's control. Respondent shall pay the \$5,000.00 penalty to MDEQ in 3 consecutive monthly payments of \$1,666, \$1,667 and \$1,677 due April 1, 2017, May 1, 2017, and June 1, 2017.	Respondent was in violation of MS Code Section 49-17-29 regarding waters of the state.
10	Majors Properties, LLC Corinth, MS	Order No. 6730 17 Respondent agrees to comply with the terms and conditions listed under #3 of this Agreed Order.	Major Properties, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.
11	WALM Properties, LLP West Point, MS	Order No. 6731 17 Respondent agrees to the remediation requirements/obligations to be conducted in this Brownfield Agreement Order.	Respondent and the MCEQ Agree, through this Brownfield Agreement, that the contaminated Site will be in compliance with all applicable State and Federal laws and standards, once complete.
12	Matter of the Approval of the MS State Oil and Gas Board Statewide Rule 68 Title 26 Miss. Admin. Code Pt. 2, R. 1.68	Order No. 6732 17	This order approves the disposal of naturally occurring radioactive materials (NORM) associated with the exploration and production of oil and gas.
13	W G Construction Co., Inc. Booneville Plant Prentiss Co., MS	Order No. 6733 17 Respondent agrees to pay a penalty in the amount of \$36,000.00. Payments shall be set in installments and due as follows: May 31, 2017 - \$10,000.00 June 30, 2017 - \$10,000.00 July 31, 2017 - \$16,000.00	Violation of Mississippi's Hot Mix Asphalt Facility General Permit Certificate of Coverage #MSR700105
14	Petroci USA, Inc. Jasper Co., MS	Order No. 6734 17 Respondent agrees to pay MDEQ a penalty in the amount of \$50,000.00 within forty-five (45) days of this Agreed Order.	Violation of polluting state waters due to an oil release.
15	Rodney D. Tatum, Jr. d/b/a Water Well Solutions Brownsville, TN	Order No. 6735 17 Respondent has requested reinstatement of his license and has agreed to pay the \$590.00 in fees associated with such reinstatement.	Respondent was in violation of allowing his Water Well Contractor's License (No. UNR-00006600) to expire on June 30, 2016.
16	Greenwood Utilities, Henderson Station Leflore Co., MS	Order No. 6736 17 Respondent agrees to pay MDEQ a penalty in the amount of \$55,000.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section 1 of this Agreed Order.

17	US Navy, Naval Construction Battalion Center Harrison Co., MS	Order No. 6737 17 Respondent agrees to pay MDEQ a settlement payment in the amount of \$60,000.00 within ninety (90) days of this Agreed Order.	Respondent was in violation of Synthetic Minor Source Permit No. 1020-00080.
18	City of Canton Madison Co., MS	Order No. 6738 17 Respondent agrees to pay MDEQ a penalty in the amount of \$45,750.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Solid Waste Permit No. SW04501B0378.
19	Southern Hens, Inc. Jones Co., MS	Order No. 6739 17 Respondent agrees to pay MDEQ a penalty in the amount of \$26,250.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0046302.
20	South East Environmental Group, Inc. Perry Co., MS	Order No. 6740 17 Respondent agrees to pay MDEQ a settlement payment in the amount of \$2,500.00 within thirty (30) days of this Agreed Order.	Respondent engaged in asbestos removal activity at sites owned or operated by the Mississippi Housing Authority. Instances of non-compliance with requirements of asbestos regulations are listed in Section 1 of this Agreed Order.
21	City of Magnolia Pike Co., MS	Order No. 6741 17 Respondent agrees to comply with the requirements/obligations listed in Section 2 of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0026883.
22	City of Magnolia Pike Co., MS	Order No. 6742 17 Respondent agrees to pay MDEQ a penalty in the amount of \$1,875.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0026891.
23	Contact Network LLC, dba InLine Solutions Pearl River Co., MS	Order No. 6743 17 Respondent agrees to pay MDEQ a penalty in the amount of \$10,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of MS Codes 49-17-29; 17-17-17; and 17-17-29 regarding waters of the state.
24	Coldwater POTW, North Tate Co., MS	Order No. 6744 17 Respondent agrees to pay a penalty in the amount of \$1,968.75. Payments shall be set in installments of \$656.25 each and due as follows: First installment within forty-five (45) days; Second installment due within seventy-five (75) days Last installment due within one-hundred five (105) days.	Respondent was in violation of NPDES Permit No. MS0026964.
25	The Town of Artesia Lowndes Co., MS	Order No. 6745 17 Respondent agrees to comply with the requirements/obligations listed in Section 2 of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0020770.
26	Title V State Air Permit Fee	Order No. 6746 17	This order authorizes the Commission to set the federally mandated Title V air permit fee in an amount sufficient to cover the reasonable costs of the development and administration of the Mississippi Title V air operating permit program.
27	MMC Materials, Inc. Lincoln Co., MS	Order No. 6747 17 Respondent agrees to comply with the requirements/obligations listed in this Agreed Order.	Respondent has an interest in a parcel of property located in Brookhaven, MS. The Site is a Brownfield Property and an application has been submitted for this Site to participate in the Brownfields Program. MDEQ

			will complete a technical review of the application within 30 days of the issuance of this Agreed Order and either send to MMC Materials, Inc., (1) a Notice of Deficiency (NOD) letter citing the specific items and/or areas of deficiency in the application, or (2) and approval letter.
28	Freshwater Farms Products LLC Humphreys Co., MS	Order No. 6748 17 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0048551.
29	Denbury Onshore LLC Jasper Co., MS	Order No. 6749 17 Respondent agrees to pay MDEQ a penalty in the amount of \$195,000.00 within thirty (30) days of this Agreed Order.	Respondent was in violation of MS Code Section 49-17-29(2)(a) regarding waters of the state.
30	Town of Sledge Quitman Co., MS	Order No. 6750 17 Respondent agrees to comply with the requirements/obligations listed in Section 2 of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0021016.
31	Gulf South Pipeline Co., LP Hancock Co., MS	Order No. 6751 17 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 near Kiln, MS known as the Waveland Treatment Plant Site-Gulf South Property. The Site is contaminated with hazardous substances impacting groundwater, including, but not limited to Benzene, Toluene, Ethylbenzene, and Xylenes and Gasoline Range Organic at levels in excess of the Target Remediation Goals (TRG's) as established by the MDEQ, and, therefore, remediation and groundwater monitoring of the Site is necessary.
32	David A. West d/b/a Roy V. West Water Well Drilling, Inc. Laurel, MS	Order. No. 6752 17 Respondent agrees to pay MDEQ a penalty in the amount of \$500.00. Respondent's check will be processed for payment following the execution of this Agreed Order.	Respondent was in violation of, and has been on more than one occasion, late in submitting well records.
33	Hinds County Solid Waste Management Plan	Order No. 6753 17	This order approves the modification of the Hinds County Solid Waste Management Plan for six new, land application sites for the soil amendment use of approved biosolids (treated, nonhazardous municipal wastewater sludge.)
34	Vicksburg Warren County Landfill LLC	Order No. 6754 17 Respondent agrees to pay MDEQ a penalty in the amount of \$8,000.00. Respondent shall pay the first of two installments in the amount of \$4,000.00 to MDEQ within forty-five (45) days of this Agreed Order. Respondent shall pay the second installment in the amount of \$4,000.00 within ninety (90) days after the Effective Date.	Respondent was in violation of Solid Waste Management Permit No. SWGP-R1-085.

35	Golden Triangle Regional Solid Waste Management Oktoberbeha County	Order No. 6755 17	This order approves the modification of the Golden Triangle Regional Solid Waste Management Plan for expansion of the service area of the Golden Triangle Regional Landfill.
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Amended Agreed Orders

1	City of Ripley Tippah Co., MS	Amended Agreed Order No. 6403 14	Violations are listed in Section 1 and 2 of this Agreed Order.
2	Diamondhead Water and Sewer District Hancock Co., MS	Amended Agreed Order No. 6357 13	This order approves the amendments to the requirements outlined in Section 1 of this agreed order.
3	Broadmoor Utilities, Inc. South Broadmoor Subdivision Adams Co., MS	Amended Agreed Order No. 6455 14	This order approves the amendments to the requirements outlined in Section 1 of this agreed order.