

**MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY**

**Thursday, February 28, 2019**

**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 8, 2018 Meeting**

**3. FY 2020 Title V Fee Recommendation - Approval to Proceed to Public Notice of Hearing**

A copy of the draft report containing the Title V Advisory Council's Title V fee recommendation for the upcoming fee year has been forwarded to the Commission. We are requesting approval to hold a public hearing to receive comments regarding the proposed fee and to proceed with public notice of the hearing. After the public participation process is completed, staff will bring the fee recommendation back before the Commission for final action.

**4. Environmental Covenant for Selcast S.A., Inc.**

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 Selcast S.A., Inc. regarding the remediation of property located at 2363 Pass Road in Biloxi, MS. Star Dry Cleaners operates at this location. Environmental Site Assessments have revealed a release chlorinated solvents impacting soils and groundwater at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. The staff of the MCEQ has 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.

**5. Restrictive Use Agreed Order & Environmental Covenant Illinois Central Railroad Company**

Pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), the Executive Director of MDEQ approved the Restrictive Use Agreed Order & Environmental Covenants between the Commission and Illinois Central Railroad Company regarding the remediation of property located at 101 Roy Street in Hattiesburg, MS. This property operated as a refueling station. Environmental Site Assessments have revealed a release of petroleum hydrocarbons impacting soils and groundwater at concentrations in excess of the Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. The staff of the MCEQ has evaluated the proposed Restrictive Use Agreed Order & 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.

**6. Environmental Covenant for Southern States Cooperative, Inc.**

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 Covenants between the Commission and Southern States Cooperative, Inc. regarding the remediation of property located at 1013 Highway 6 West in Batesville, MS. Environmental Site Assessments have revealed Nitrate-N impacting soils and groundwater at concentrations in excess of the Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. The staff of the MCEQ has 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.

**7. Ex Parte Administrative Order for Parker Hannifin Corporation**

Under the authority of Miss. Code Ann. § 49-12-13 (Rev. 2003), the Executive Director of MDEQ issued an Ex Parte Administrative Order against the Parker Hannifin Corporation. Parker Hannifin Corporation owns an approximately 20-acre parcel located at 200 East Parker Drive in Booneville,

MS. Parker Hannifin Corporation operated a production plant and supportive facilities at this location which manufactured aluminum automotive air-conditioning accumulators. Environmental assessments conducted by the Parker Hannifin Corporation has determined that soil and groundwater at and/or near this location has been impacted by various chlorinated solvents above MDEQ Target Remediation Goals (TRGs). Therefore, the Executive Director of the MDEQ found it necessary to issue this Ex Parte Administrative Order so that Parker Hannifin Corporation must develop a work plan, submit it for approval, and conduct sampling investigation at this location to adequately delineate the soil and groundwater contamination. MDEQ has approved the work plan and authorized implementation of off-site assessment activities.

**8. Commission Approval of Brownfield Agreement Termination**

The Commission approved Brownfield Agreement 6662 16 in February 2018, between the Commission and Hernando Town Properties for remediation of the former Reliable Equipment property located in Hernando, Mississippi. The original brownfield agreement required soil excavation for Total Petroleum Hydrocarbons – Gasoline Range Organics (TPH-GRO) and Total Petroleum Hydrocarbons – Diesel Range Organics (TPH-DRO). The excavation has met the requirements of the MDEQ-approved Corrective Action Plan, Revision 2.1 dated December 20, 2017. Hernando Town Properties has requested the Commission to make a determination as to the completion of the Brownfield Agreement. The staff recommends the completion of the Brownfield Agreement. The staff of the MCEQ has evaluated the Brownfield Agreement completion and believes that, with the conditions and restrictions contained within the Environmental Covenant required in Brownfield Agreement Order No. 6662 16 and the adequate completion of the soil excavation activities, 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.

**9. Asbestos Certifications**

We have issued 383 asbestos certifications since the last report. This list will be available at the Commission meeting.

**10. Lead Paint Certifications**

We have issued 161 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 61 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

**13. Emergency Clean-Up Expenses**

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

**14. Administrative Orders**

We have issued 28 Administrative 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.

**15. Other Business**

**16. Confirmation of the March 28, 2019 Commission meeting**

**17. Adjournment**

**EMERGENCY SERVICES CLEAN UP**

**To:** CTEH  
**Amount:** \$3,905.75  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill due to a leaking AST in Scott County. **Date of Response:** 09/15/18

**To:** CTEH  
**Amount:** \$5,685.92  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and investigate an unknown gasoline odor from the sewer drain in Chickasaw County. **Date of Response:** 08/16/18

**To:** Complete Environmental  
**Amount:** \$3,253.40  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Smith County. **Date of Response:** 07/20/18

**To:** Complete Environmental  
**Amount:** \$27.50  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Smith County. This is for the disposal costs. **Date of Response:** 07/20/18

**To:** Complete Environmental  
**Amount:** \$1,993.62  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum oil spill in Harrison County. **Date of Response:** 09/09/18

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$1,737.70  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Jackson County. **Date of Response:** 09/19/18

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$86,815.54  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and investigate an unknown gasoline odor from the sewer drain in Chickasaw County. **Date of Response:** 08/16/18

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$1,755.89  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel/hydraulic oil spill in Copiah County. **Date of Response:** 09/11/18

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$4,052.57  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Forrest County. **Date of Response:** 09/14/18

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$11,538.29  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an adhesive spill in Hancock County. **Date of Response:** 09/03/18

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$10,126.47  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill due to a leaking AST in Scott County. **Date of Response:** 09/15/18

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$3,450.06  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an abandoned medical waste dump site in Tishomingo County. **Date of Response:** 08/10/18

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$2,007.70  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Rankin County. **Date of Response:** 09/21/18

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$3,102.55 **Date of Response:** 3,102.55  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Rankin County.

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$3,364.16 **Date of Response:** 09/13/18  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Harrison County.

**ADMINISTRATIVE ORDERS**

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Camp Shelby Training Site  Forrest Co., MS	Order No. 6898 18  Respondent agrees to comply with the terms and conditions listed under Section #2.	Respondent was in violation of SMOP Permit No. 0800-00036.
2	Riverbend Environmental Services, LLC  Jefferson Co., MS	Order No. 6899 18  Respondent agrees to comply with the terms and conditions listed under Section #2.	Respondent was in violation of Solid Waste Permit No. SW0320040549.
3	Illinois Central Railroad Company  Forrest Co., MS	Order No. 6900 18  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 Hattiesburg, MS. The Site is contaminated with petroleum at levels in excess of the Target Remediation Goals (TRG's), and, therefore, remediation of the Site is necessary.
4	John Glenn, individually and d/b/a Joe Glenn & Sons, Inc.  Rankin Co., MS	Order No. 6901 18  Respondent agrees to the requirements listed in Section 3 of this Agreed Order which include a UST certified contractor license suspension for an employee and penalty in the amount of \$5,000.00 due and payable to MDEQ within one hundred eighty (180) days after July 1, 2019 if adequate testing equipment and training is not obtained.	Respondent is a licensed Mississippi Underground Storage Tank (UST) Certified Contractor conducting business in the state of Mississippi. Respondent's employee, Robert Glenn's current licensure is valid through August 1, 2019.  Violations are listed in Section 2 of this Agreed Order.
5	Ergon Refining, Inc.  And Ergon Biofuels, Inc.  and  Ergon Trucking, Inc.  Warren Co., MS	Order No. 6902 18  Respondent agrees to pay MDEQ a penalty in the amount of \$405,000.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I of this Agreed Order.
6	Parker Hannifin Corporation  Prentiss Co., MS	Ex Parte Order No. 6903 18  MDEQ is requiring respondent to delineate area of contamination on-site and off-site to MDEQ TRGs.	Respondent has provided documentation of soil and groundwater impacts above MDEQ's Target Remediation Goals (TRGs) for various chlorinated solvents. A work plan to delineate area of contamination on-site and off-site with monitoring wells has not been provided to MDEQ, as requested.
7	Three Rivers Regional Solid Waste Management Authority  Lafayette Co., MS	Order No. 6904 18	This order approves the modified version of the Three Rivers Regional Solid Waste Management Plan as requested by the Three Rivers Regional Solid Waste Authority.  Specifically, this order approves the Authority's modification to include an expanded service area for the North MS Recycling Solutions

			Class I Rubbish Site to include the counties of Calhoun, Lee, Marshall, Panola, Pontotoc, Tate, Union, and Yalobusha in addition to the previous service area of Lafayette County.
<b>8</b>	Water Valley Poultry LLC Yalobusha Co., MS	Order No. 6905 18  Respondent agrees to pay MDEQ a penalty in the amount of \$31,825.00 within forty-five (45) days of this Agreed Order.  Respondent also agrees to comply with the terms and conditions listed under Section #2.	Violations are listed in Section I of this Agreed Order.
<b>9</b>	Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 6, Chapter 9	Order No. 6906 18	This order memorializes the Commission's adoption of the proposed amendments to MDEQ's "Mississippi 2018 Section 303(d) List of Impaired Water Bodies", which is codified at 11 Miss. Admin. Code Pt. 6, Ch. 9.
<b>10</b>	S & R Development Hinds Co., MS	Order No. 6907 18  Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within thirty (30) days of this Agreed Order.	Respondent engaged in building demolition activity in connection with a real estate development project by Fondren Hospitality Group, LLC in the Fondren community, Jackson, MS. Instances of non-compliance with requirements of asbestos regulations are listed in Section I of this Agreed Order.
<b>11</b>	Liberty Fuels Kemper Co., MS	Order No. 6908 18	This Order authorizes the Commission to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
<b>12</b>	Mississippi Lignite Mining Company Choctaw Co., MS	Order No. 6909 18	This Order authorizes the Commission to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
<b>13</b>	Ms. Nelwyn Madison Warren Co., MS	Order No. 6910 18  Respondent agrees to comply with the requirements/obligations listed under #2 of this Agreed Consent Order.	This Agreed Consent Order approves the initiation of the clean-up of an unauthorized waste tire stockpile on the property located at 17783 Highway 465, Vicksburg, MS.
<b>14</b>	Terra Renewal Services, Inc. Hinds Co., MS	Order No. 6911 18  Respondent agrees to pay MDEQ a penalty in the amount of \$18,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Solid Waste Permit No. SW0250030570.

<b>15</b>	Waste Pro of Mississippi, Inc.  Harrison Co., MS	Order No. 6912 18  Respondent agrees to pay MDEQ a penalty in the amount of \$60,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Mississippi Code by having multiple petroleum releases from Waste Pro trucks in Harrison and Jackson Counties in 2017 and 2018. The spills impacted soil beside the roadways and had the potential to impact waters of the State.
<b>16</b>	Terry Flowers  Jones Co., MS	Order No. 6913 18  Respondent agrees with the terms and conditions listed in Section 4 of this Order.	Respondent's dam (Dam Inventory No. MS06161) has been declared a High Hazard dam as defined in MS Commission on Environmental Quality Dam Safety Regulation 11 Miss. Admin. Code Pt. 7 Ch. 3.
<b>17</b>	Dr. Cindy A. Elliott  Hinds Co., MS	Order No 6914 18  Respondent is subject to the terms and conditions listed in Section 3 of this Executive Order.	Respondent's dam (Dam Inventory No. MS01745) has been declared a High Hazard dam as defined in MS Commission on Environmental Quality Dam Safety Regulation 11 Miss. Admin. Code Pt. 7 Ch. 3.
<b>18</b>	Forrest County Board of Supervisors	Order No. 6915 18	This order approves the modification to expand the Fairley's Tire and Rubber Disposal Site owned and operated by Fairley Tire and Rubber Disposal, LLC. The expansion increases the size of the approved disposal area by 19.97 acres and will continue to accept processed tires from the associated tire processing facility and miscellaneous rubber-only items accepted by the business.
<b>19</b>	Simpson County Board of Supervisors	Order No. 6916 18	This order approves the amendment to include the addition of eleven new land application sites in Simpson County to be operated by Terra Renewal Services, Inc. for the land spreading of wastewater residuals from poultry and food processing facilities.
<b>20</b>	Longs Transfer and Storage, Inc.  Jackson Co., MS	Order No. 6917 18  Respondent agrees to pay MDEQ a penalty in the amount of \$30,000.00 within forty-five (45) days of the Agreed Order.	Respondent experienced a product release that discharged titanium dioxide and impacted waters of the state as a result of the discharge.
<b>21</b>	JCG FARMS  Bolivar Co., MS	Order No. 6918 18  Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section 1-A&B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-47553.
<b>22</b>	Joe Van Anglin  Calhoun Co., MS	Order No. 6919 19  Respondent shall comply with all conditions listed in Section 7 of this Order.	This order was issued because of MDEQ's inability to reach an agreement with respondent and his failure to implement corrective actions at his Class I rubbish site.

<b>23</b>	Mark Carpenter d/b/a Dallas Drilling Silverhill, Al	Order No. 6920 19  Respondent agrees to pay MDEQ all outstanding fees and a penalty in the total aggregate amount of \$570.00 (five hundred seventy dollars)	Respondent has requested reinstatement of his license and has agreed to pay all fees associated with such reinstatement, including a license fee, late fees, and a penalty for not submitting appropriate proof of continuing education before the expiration date of June 30, 2018.
<b>24</b>	Wis-Pak of Hattiesburg, LLC  Forrest Co., MS	Order No. 6921 19  Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within forty-five (45) days of the Agreed Order.	Respondent was in violation of NPDES Pretreatment Permit No. MSP092288.
<b>25</b>	Looxahoma, LLC  DeSoto Co., MS	Order No. 6922 19  Respondent agrees to pay MDEQ a penalty in the amount of \$5,250.00 within forty-five (45) days of the Agreed Order.	Respondent was in violation of MS Code Section 49-17-29(2)(b) regarding waters of the state.
<b>26</b>	Utility Constructors, Inc.  Rankin Co., MS	Order No. 6923 19  Respondent agrees to pay MDEQ a penalty in the amount of \$6,500.00 within forty-five (45) days of the Agreed Order.	Respondent was in violation of Mississippi's Large Construction Storm Water General Permit No. MSR107469.
<b>27</b>	Borden Dairy Company of Alabama, LLC  Forrest Co., MS	Order No. 6924 19  Respondent agrees to pay MDEQ a penalty in the amount of \$18,750.00 within forty-five (45) days of the Agreed Order.	Respondent was in violation of NPDES Pretreatment Permit No. MSP091493.
<b>28</b>	Mr. Howard Moore  Sunflower Co., MS	Order No. 6925 19  Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section I-A & B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-39996.

#### **Amended Orders**

<b>1</b>	First Chemical Corporation	Amended Agreed Order  No. 6762 17	Respondent agrees to comply with the amended requirements listed in Section I of this Agreed Order Amendment.
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