

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, June 23, 2016
9:00 A.M.
Room 104A
515 East Amite Street
Jackson, Mississippi 39201

AGENDA

1. **Call to Order - Chair**
2. **Approval of Minutes of April 28, 2016 Meeting**
3. **Commission Approval of Brownfield Agreement – Wal-Mart Real Estate Business Trust-Pascagoula, Jackson County**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and Wal-Mart Real Estate Business Trust regarding the remediation of brownfield property located in the southwest quadrant of the Communy Avenue and Market Street intersection in Pascagoula, Mississippi. The administrative record for this environmental response project is referred to as Estabrook Toyota. Past use of the facility included gas stations, car dealership, and automotive paint, body repair, and service facilities. Assessments revealed an area of limited contamination of petroleum related contaminants 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 a Wal-Mart retail store. 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 Agreement –Hernando Town Properties, LLC - Hernando, Desoto County**

The staff recommends that the Commission approve the Brownfield Agreement between the Commission and Hernando Town Properties, LLC regarding the remediation of brownfield property located at 2353 Highway 51 South in Hernando, Mississippi. The site is hereafter referred to as the "Reliable Equipment Brownfield Agreement Site." Past use of the facility included a retail farm/land equipment supply store and maintenance repair shop which utilized gasoline and diesel range Total Petroleum Hydrocarbons, which have impacted soil and groundwater at the Site. Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed future land use of the site will be a 3 story, approximately 18,000 square foot (6000 sq. ft. per level) mixed-use building for retail/restaurant, office, and apartment redevelopment. 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.

5. **Request of Commission Variance and Commission Approval of Brownfield Agreement – Spring Plaza, Ocean Springs, Jackson County**

Staff of MDEQ requests the Commission consider a variance to the following Commission regulation related to the above proposed Brownfield Agreement: *11 Miss. Admin. Code, Pt. 3:*

R. 2.1.4 Public Notice Requirements.

A. Public Notice Requirements

(1) Public Notice by the MCEQ:

(a) **At least forty-five days (45) before the date MCEQ considers the proposed Brownfield Agreement**, MDEQ shall publish a public notice in a newspaper of general circulation in the county or counties in which the Brownfield Agreement Site is located. The public notice shall:

(1) describe the proposed Brownfield Agreement, including the proposed Brownfield Agreement Site;

- (2) **request public comment on the proposed agreement within thirty (30) days after the date of publication of the notice;** and
- (3) provide the date and location of MCEQ's consideration of the proposed Brownfield Agreement.

The staff of the MDEQ respectfully requests a variance to 11 Miss. Admin. Code Pt. 3, R. 2.1.4 A(1)(a) which requires a minimum forty-five (45) days before consideration of the proposed Brownfield Agreement. The staff would like to bring forward consideration of the Village Cleaners Brownfield Agreement Site. The 30-day public comment period was completed on June 20, 2016. The provided 30-day public comment period is specified in the above regulation and is required by Miss. Code Ann. § 49-35-9 (1) (a). No public comments were received. The Staff of the MDEQ requests a variance from the 45-day notice requirement in its regulations to allow the Commission to consider the proposed brownfield agreement during this meeting as no public comments were received during the 30-day public comment period. The Commission is authorized to make exceptions to and grant variances to its regulations pursuant to Miss. Code Ann. § 49-2-9 (1) (b).

The staff further recommends that the Commission approve the Brownfield Agreement between the Commission and Spring Plaza regarding the remediation of brownfield property in Ocean Springs, Mississippi. The site is hereafter referred to as the "Village Cleaners Brownfield Agreement Site." The property is utilized as a shopping center which contained Village Cleaners, a dry cleaning operation and the source of the environment impacts. Assessments revealed an area of soil and groundwater contamination resulting from past operations. Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will continue to be commercial in nature. 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.

6. Commission Approval of Completion of Brownfield Agreement –Tupelo Redevelopment Agency-Tupelo, Lee County

On August 24, 2006, the Commission reached a Brownfield Agreement (#5180-06) with Tupelo Redevelopment Agency for the remediation of the former Long's Laundry Site in Tupelo, Mississippi. On March 7, 2016, and in accordance with 11 Miss. Admin. Code Pt. 3, R. 2.1.7.B: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, EarthCon Consulting Group, on behalf of the Tupelo Redevelopment Agency, sent a petition to the Commission to make a determination as to the completion of Brownfield Agreement and as to the issuance of a "no further action" letter by the Executive Director. The staff of the MDEQ has reviewed the petition, has conducted the required inspection of the Brownfield Agreement Site, and hereby recommends that the Commission issue an order in accordance with the Brownfield Regulations concluding that Tupelo Redevelopment Agency has completed Brownfield Agreement #5180-06.

7. Commission Approval of Environmental Covenant – Port of Greenville, Delta Terminal, Inc. and Transmontaigne Operating Company LP-Greenville, Washington County

The staff recommends that the Commission approve the Environmental Covenant between the Commission and the Port of Greenville, Delta Terminal Inc., and TransMontaigne Operating Company LP regarding the remediation of property located at 2081 Harbor Front Road, Greenville, MS referred to as the TransMontaigne Mississippi Terminal Harbor Front Road "Site", AI-#2287. The Environmental Covenant includes TransMontaigne and adjacent property owners related to a 2004 release of 35,000 gallons of urea ammonium nitrate fertilizer. Environmental Site Assessments have revealed a release of hazardous substances impacting soils and groundwater, including but not limited to Ammonia and Nitrate in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. The staff of the MDEQ 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.

8. Commission Approval of Environmental Covenant – Huron Smith Oil Company, Inc. - Batesville, Panola County

The staff recommends that the Commission approve the Environmental Covenants between the Commission and Huron Smith Oil Company, Inc. regarding the remediation of property located at 204 Hays Street, Batesville, MS. Huron Smith Oil Company, Inc. operated the site as a bulk fuel terminal. Environmental Site Assessments have revealed a release of petroleum impacting soils and groundwater at concentrations in excess of Target Remediation Goals (TRGs). Therefore,

remediation of the site is necessary. The staff of the MDEQ 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.

9. Commission Approval of Environmental Covenant –Titan International, Inc. and The City of Natchez-Natchez, Adams County

The staff recommends that the Commission approve the Environmental Covenants between the Commission, Titan International, Inc. and the City of Natchez regarding the remediation of property located at 89 Kelly Street, Natchez, MS. Environmental Site Assessments have revealed a release of Trichloroethene and petroleum compounds impacting groundwater at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. The staff of the MDEQ 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.

10. Establishment of the Lignite Mining Fee for Liberty Fuels Company, LLC for the Liberty Mine in Kemper County for State Fiscal Year 2017; Establishment of the Lignite Fee for the Mississippi Lignite Mining Company for the Red Hills Mine in Choctaw County for State Fiscal Year 2017

The staff will recommend that the Liberty Fuels Company, LLC Lignite Mining Fee for the 2017 state fiscal year be set at \$125,000, which is the same as for state fiscal year 2016. The staff will recommend that the Mississippi Lignite Mining Company Lignite Mining Fee for the 2017 state fiscal year be set at \$125,000, which is the same as for state fiscal year 2016. 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.

11. Stephanie Howard, Executrix of the Estate of Gerald Donald-Request for an Evidentiary Hearing-Proposed Final Order

Following a presentation by designated Hearing Officer Ricky Luke which included his Findings and Recommendation, a Motion to Lift Stay and Motion to Dismiss filed by the oil company defendants in the referenced matter was granted by the Commission at its meeting on April 28, 2016. A proposed final Order which memorializes the Commission's decision is attached for the Commission's consideration. The proposed final Order also includes a requirement that a certified copy of the Order be filed in the land records of the Chancery Clerk of Wayne County to provide notice to potential purchasers of the subject property.

12. Update on the Development of Numeric Nutrient Criteria for MS

Staff has been actively working to develop numeric nutrient criteria that are appropriate and protective for MS's surface waters and will provide an update on numeric nutrient criteria development activities currently underway and the anticipated timeline for work in this area.

13. Briefing on the 2016 Mississippi Section 303(d) List of Impaired Water Bodies

Staff will brief the Commission on the 2016 Mississippi Section 303(d) List of Impaired Water Bodies. Staff previously briefed the Commission at the March meeting on the public notice and hearing scheduled for March 14, 2016. Public comments were received and the responsiveness summary was prepared. EPA issued no further comment on the draft list. The Commission has been provided with a document package including the hearing transcript, a copy of the written comments received, draft list for public review, public notice and proof of publication, and MDEQ CALM document. Additionally, The Commission has been provided with the responsiveness summary and the final 303(d) list. Staff will request the Commission adopt the 2016 list and propose the list to EPA Region 4 for their final approval with an accompanying Order.

14. Asbestos Certifications

We have issued 213 asbestos certifications since the last report. This list will be available at the

Commission meeting.

15. Lead Paint Certifications

We have issued 135 lead paint certifications since the last report. This list will be available at the Commission meeting.

16. Underground Storage Tanks (UST) Certifications

We have issued 30 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

17. Wastewater Operator Certifications

We have issued 57 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

18. Emergency Clean-Up Expenses

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

19. Administrative Orders

We have issued 19 administrative 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.

20. Other Business

21. Confirmation of meeting on July 28, 2016

22. Adjournment

EMERGENCY SERVICES CLEAN-UP

To: CTEH
Amount: \$4,378.51 **Date of Response:** 01/13/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an overturned tanker hauling chemicals in Pearl River County.

To: CTEH
Amount: \$1,923.12 **Date of Response:** 03/28/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a mercury spill in Stone County.

To: Complete Environmental
Amount: \$4,262.91 **Date of Response:** 04/25/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a hydraulic oil spill in Wayne County.

To: Complete Environmental
Amount: \$1,506.79 **Date of Response:** 03/18/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a crude oil spill in Marion County.

To: Complete Environmental
Amount: \$1,786.36 **Date of Response:** 03/09/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a paint spill in Jones County.

To: Complete Environmental
Amount: \$2,981.54 **Date of Response:** 02/24/16
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: \$2,266.24 **Date of Response:** 01/29/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up used oil dumped in a ditch in Hancock County.

To: United States Environmental Services
Amount: \$1,304.94 **Date of Response:** 02/24/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and pick up an abandoned drum in Amite County.

To: United States Environmental Services
Amount: \$3,877.20 **Date of Response:** 04/28/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a gasoline spill in Yazoo County.

To: United States Environmental Services
Amount: \$2,968.31 **Date of Response:** 03/21/16
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: \$1,990.50 **Date of Response:** 04/07/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and assist with a fire in Scott County.

To: United States Environmental Services
Amount: \$2,429.06 **Date of Response:** 03/28/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and investigate an unknown blue dye in Stone County.

To: United States Environmental Services
Amount: \$1,083.80 **Date of Response:** 02/24/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an unknown substance in Amite County.

To: United States Environmental Services
Amount: \$1,182.30 **Date of Response:** 04/06/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum product in a UST in Jackson County.

To: United States Environmental Services
Amount: \$5,413.36 **Date of Response:** 03/14/16
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Jones County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	North East Mississippi Electric Power Association Lafayette Co., MS	Order No. 6638 16 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit for construction activities.
2	Humphreys County Board of Supervisors Humphreys Co., MS	Order No. 6639 16 The four (4) land applications are listed in Section 3 of this Order.	The issuance of this Order confirms the approval of the modification of the Humphreys County Solid Waste Management Plan to add Four (4) additional land application sites for municipal bio-solids and certain food processing residuals from waste water treatment facilities.
3	Enpro Industries, Inc. Yalobusha Co., MS	Order No. 6640 16 Respondent agrees to reimburse MDEQ for the costs of the second, seasonal round of vapor intrusion investigation which will occur during the Summer of 2016 by MDEQ and/or its contractor. Respondent agrees to all other Actions listed for the Groundwater Corrective Action Plan in this Agreed Order.	Respondent was in violation of causing groundwater contamination that has migrated under residential homes, government facilities and commercial facilities with the potential to cause vapor intrusion impacts.
4	EBI Redbanks, LLC DeSoto Co., MS	Order No. 6641 16 Respondent agrees to pay MDEQ a penalty in the amount of \$3,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Mississippi Large Construction Storm Water General Permit Certificate of Coverage MSR106852.
5	Proposed amendments to "Regulations for the Prevention of Significant Deterioration of Air Quality" and revision to the "SIP for Control of Air Pollution"	Order No. 6642 16	This Order confirms the adoption of the proposed amendments for MDEQ's Regulations for the Prevention of Significant Deterioration of Air Quality along with an associated Revision to the Mississippi State Implementation Plan (SIP) for Control of Air Pollution (SIP Revision). Commission Regulation 11 Mississippi Administrative Code, Part 2, Chapter 5
6	Title V State Air Permit Fee	Order No. 6643 16	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.
7	OFP Match Worx, LLC Leake Co., MS	Order No. 6644 16 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit for construction activities.

8	Oddee Smith and Sons, Inc. Lincoln Co., MS	Order No. 6645 16 Respondent agrees to pay MDEQ a penalty in the amount of \$3,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Solid Waste Management General Permit No. SWGP-R2-043.
9	Tyson Farms, Inc. Leake Co., MS	Order No. 6646 16 Respondent agrees to pay MDEQ a penalty in the amount of \$65,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS 0026140
10	Scott County Board of Supervisors Scott Co., MS	Order No. 6647 16 The issuance of this order grants approval from MDEQ of the Comprehensive Update of the Scott County Solid Waste Management Plan to address the changing needs of the planning areas of the Cities of Forest and Morton, the Town of Lake, and the Village of Sebastopol.	The responsibilities and requirements of Scott County Solid Waste Management Plan are listed in Section 4 of this Agreed Order.
11	Transcontinental Gas Pipe Line Company, LLC Covington Co., MS	Order No. 6648 16 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Transcontinental Gas Pipe Line Company, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.
12	City of Hazlehurst Copiah Co., MS	Order No. 6649 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 failed to submit the 2015 annual report for the City of Hazlehurst Class II Rubbish Landfill in a timely manner.
13	Illinois Central Railroad Minter City, MS	Order No. 6650 16 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Illinois Central Railroad desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Voluntary Evaluation Program.
14	Commerce Street Partners, LLC Harrison Co., MS	Order No. 6651 16 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Commerce Street Partners, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Voluntary Evaluation Program.
15	Accelerated Companies, LLC Laurel, MS	Order No. 6652 16 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Accelerated Companies, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Voluntary Evaluation Program.
16	EBI Red Banks, LLC DeSoto Co., MS	Order No. 6653 16 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Mississippi Large Construction Storm Water General Permit Certificate of Coverage MSR106751
17	Howard Industries, Inc. Simpson Co., MS	Order No. 6654 16 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No. MS0056731
18	Rankin County School District Dirtworks, Inc. of Vicksburg Rankin Co., MS	Order No. 6655 16 Respondent(s) agree to pay MDEQ a penalty in the amount of \$6,000.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under Mississippi's Large Construction Storm Water General Permit for construction activities.
19	Taylorville POTW Smith Co., MS	Order No. 6656 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. MS0056405

