

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

**Monday, December 12, 2022
9:00 A.M.
Room 104A
515 East Amite Street
Jackson, Mississippi 39201**

AGENDA

- 1. Call to Order - Chair**
- 2. Approval of the October 27, 2022, Commission Meeting Minutes**
- 3. Commission Approval of Brownfield Agreement**

The administrative record for this environmental response project is referred to as the Pascagoula Ice Plant located at the northeast corner of US Highway 90 and Pascagoula Street in Pascagoula, Jackson County, Mississippi. The site consists of 7.24 acres and has a long history of different commercial and industrial uses going back as far as 1909, including: a former oil house, a foundry, an auto repair shop, a filling station, and an ice manufacturer. Assessments revealed the extent of contamination in the groundwater and soil at levels in excess of the Target Remediation Goals for petroleum substances and ammonia (used for refrigerant in the ice manufacturing process). Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed remedial actions consist of excavating soils containing petroleum substances and an Environmental Covenant to prevent the use of groundwater due to ammonia in the groundwater. The proposed use of the Site after completion of all remediation will be a mixed-use development including a restaurant, possible apartment complex, a bank, and other commercial businesses. The staff of 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. The staff recommends that the Commission approve the Brownfield Agreement between the Commission and In Sync Holdings, LLC regarding the remediation of the Pascagoula Ice Plant brownfield site.

- 4. Commission Approval of Underground Storage Tank Fee for Fiscal Year 2024**

The Underground Storage Tank (UST) Advisory Council and the staff of MDEQ met on September 8, 2022, 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 2024. Fiscal Year 2022 expenditures and accomplishments and the expected expenditures for Fiscal Year 2023 are provided in the UST report to the Commission on the UST program. The staff of MDEQ recommends that the Commission approve the Advisory Council's recommended \$150 tank fee for fiscal year 2024.

- 5. Commission Approval of Environmental Response Action Contractor (ERAC)**

The staff has reviewed an application from a consulting firm requesting to be listed as an Environmental Response Action Contractor (ERAC) and has determined it to be complete and acceptable. Therefore, the staff recommends that the Commission approve the following firm as an ERAC:

Leaaf Environmental, LLC
2301 Whitney Ave
Gretna, LA 70056

- 6. Asbestos Certifications**

We have issued 77 asbestos certifications since the last report. This list will be available at the Commission meeting.

- 7. Lead Paint Certifications**

We have issued 55 lead paint certifications since the last report. This list will be available at the Commission meeting.

8. Emergency Clean-Up Expenses

We have 6 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

9. Administrative Orders

We have issued 13 Agreed Orders and 1 Amended 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.

10. Other Business

11. Confirmation of the January 26, 2023, Commission Meeting

12. Adjournment

EMERGENCY CLEAN-UP EXPENSES

To: CTEH
Amount: \$5,208.31 **Date of Response:** 08/11/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and take samples for a possible mold contamination.

To: CTEH
Amount: 2,562.73 **Date of Response:** 09/08/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and take samples for a possible mold contamination.

To: E3 Environmental
Amount: \$1,993.44 **Date of Response:** 03/10/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a spill of POL (petroleum, oil & lubricant) in Harrison County.

To: E3 Environmental
Amount: \$3,625.34 **Date of Response:** 10/19/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a spill of POL (petroleum, oil & lubricant) in Harrison County.

To: E3 Environmental
Amount: \$3,228.56 **Date of Response:** 06/22/22
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a spill of POL (petroleum, Oil & lubricant) in Jackson County.

To: E3 Environmental
Amount: \$76,394.42 **Date of Response:** 09/02/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help with an anhydrous ammonia spill in Madison County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Tate County Board of Supervisors Tate Co., MS	Order No. 7215 22	This order approves a modification of the Tate County Solid Waste Management Plan for the inclusion of a proposed waste tire processing facility and Class 1 Rubbish Site at the request of Strayhorn Tire Recyclers.
2	JWM Development, LLC Lafayette Co., MS	Order No. 7216 22 Respondent agrees to pay MDEQ a penalty in the amount of \$14,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Mississippi's Large Construction Storm Water General Permit No. MSR108539.
3	Moss Point Properties, LLC Jackson Co., MS	Order No. 7217 22 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Moss Point Properties, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Sites Voluntary Evaluation Program.
4	Lottie Carpenter Warren Co., MS	Order No. 7218 22 Respondent agrees to comply with the requirements/obligations listed under Section #2 of this Agreed Consent Order.	This Agreed Consent Order approves the initiation of the clean-up of an unauthorized waste tire stockpile on property located at 114 Choctaw Circle, Vicksburg, MS through the MDEQ waste tire abatement program.
5	Hazlehurst POTW, Lagoon Copiah Co., MS	Order No. 7219 22 Respondent agrees to pay MDEQ a penalty in the amount of \$2,062.50 within forty-five (45) days of this Agreed Order. A penalty of \$2,062.50 will be held in abeyance, pending Respondent's compliance with the requirements of the Agreed Order. Respondent also agrees to perform upgrades at the facility by September 30, 2023, to achieve compliance with its NPDES Permit.	Respondent was in violation of NPDES Permit Number MS0023884. Violations are listed under Section #1 of this Agreed Order.
6	Hazlehurst POTW, Activated Sludge Copiah Co., MS	Order No. 7220 22 Respondent agrees to pay MDEQ a penalty in the amount of \$11,250.00 within forty-five (45) days of this Agreed Order. A penalty of \$11,250.00 will be held in abeyance, pending Respondent's compliance with the requirements of the Agreed Order. Respondent also agrees to perform upgrades at the facility by September 30, 2023, to achieve compliance with its NPDES Permit.	Respondent was in violation of NPDES Permit Number MS0023922. Violations are listed under Section #1 of this Agreed Order.

7	Blue Mountain Production Company Tippah Co., MS	Order No. 7221 22 Respondent agrees to pay MDEQ a penalty in the amount of \$19,125.00 within forty-five (45) days of this Agreed Order.	Respondent exceeded the Particulate Matter limitation at Emission Point AA-005, in violation of Title V Operating Permit No. 2620-00003.
8	In Sync Holdings, LLC New Orleans, LA	Order No. 7222 22	Respondent has an interest in a tract of land referred to as the Pascagoula Ice Plant (“Site”) located at the northeast corner of US Highway 90 and Pascagoula Street in Pascagoula, MS.
9	Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY2022 Intended Use Plan	Order No. 7223 22	This order confirms the Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY 2022 Intended Use Program, which will supersede and replace the previous, and now expired, Final FY 2021 Intended Use Plan, codified at 11 Miss. Admin. Code Part 6, Chapter 8.
10	View, Inc. DeSoto Co., MS	Order No. 7224 22 Respondent agrees to pay MDEQ a penalty in the amount of \$1,500,000.00. Respondent shall pay this penalty to MDEQ in three (3) equal monthly installments of \$500,000.00 on the 28 th day of each month, beginning the month after this Agreed Order is executed by the MDEQ Executive Director or his designee. Respondent also agrees to comply with all terms and conditions listed under Section #2 of this Agreed Order.	Violations are listed in Section #1 of this Agreed Order.
11	Modification to the Three Rivers Regional Solid Waste Management Plan Monroe County, MS	Order No. 7225 22	This order approves a modification of the Three Rivers Regional Solid Waste Management Plan for the inclusion of a proposed solid waste processing facility for chipping waste railroad ties at the request of Akers Railroad Holdings, LLC.
12	BFI Waste Systems of Mississippi, LLC Madison Co., MS	Order No. 7226 22 Respondent agrees to pay MDEQ a penalty in the amount of \$99,000.00 within forty-five (45) days of this Agreed Order and fully implement the Gas Collection and Control System Compliance Plan dated September 27, 2022, upon execution of the Agreed Order.	Violations are listed in Section 1 of this Agreed Order.

13	Parish Petroleum, LLC Copiah Co., MS	Order No. 7227 22 Respondent agrees to pay MDEQ a penalty in the amount of \$2,500.00 within six (6) months of this Agreed Order.	Respondent employs a MDEQ licensed Underground Storage Tank (UST) Certified Contractor conducting business in the state of Mississippi. Respondent's licensee, Richard Jackson, failed to use reasonable care or judgement in performance duties.
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Amended Orders

1	Transcontinental Gas Pipe Line Company, LLC Covington Co., MS	Sixth Amendment to Agreed Order No. 6033 11 Respondent agrees to accept the restrictions and obligations put forth in the Agreed Order	Respondent desires the ability to work through MDEQ Project Manager to make minor changes to ongoing monitoring plan without an Amendment to the Agreed Order each time.
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