

# MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, October 22, 2015  
9:00 A.M.  
Room 104A  
515 East Amite Street  
Jackson, Mississippi 39201

## AGENDA

1. **Call to Order - Chair**
2. **Approval of Minutes of August 27, 2015 Meeting**
3. **Commission Approval of Brownfield Consulting Firms**

The staff has reviewed applications from consulting firms requesting to be listed as Brownfield Consulting Firms and has determined them to be complete and acceptable. Therefore, the staff recommends that the Commission approve the following firms as Brownfield Consulting Firms:

FC&E Engineering, LLC  
PO Box 1774  
Brandon, MS 39043

Waggoner Engineering, Inc.  
143-A Lefleurs Square  
Jackson, MS 39211

4. **Commission Approval of Environmental Covenant**

The staff recommends that the Commission approve the Environmental Covenant between the Commission, Gayle and Tommy M. Davis, and the United States Environmental Protection Agency (“EPA”) regarding the remediation of property located on Jackson Road in Hattiesburg, Lamar County, Mississippi, referred to as the “Davis Timber Company Superfund Site.” The facility has historically been utilized as a wood treatment operation. Hazardous wastes, hazardous constituents, hazardous substances, pollutants, or contaminants remain on the Property. The property is the subject of a remedial action pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§ 9601 et seq. (“CERCLA”), more particularly described in the EPA’s Record of Decision (“ROD”) issued on September 24, 2009. EPA selected a remedial action for the property in the ROD that involved capping of contamination in place. Therefore, remediation of the site is necessary. The restrictions presented in the proposed environmental covenant will allow for the site to be used as a community-based animal shelter. 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 and Federal laws and standards and will be protective of the public health and the environment.

5. **2015 Triennial Review: Proposed Amendments to MS’s Water Quality Standards**

MDEQ is required by the Clean Water Act to routinely review and update the state’s water quality standards document in a process known as the triennial review. The last modifications to Mississippi’s Water Quality Standards were adopted by the Commission in June 2012. Staff will provide the Commission with an overview of the proposed amendments to the State’s water quality standards. During this triennial review, staff proposes to update the criteria for recreational waters based on EPA’s most recent recommendations released in 2012. Based on the 2012 EPA recommendations, staff proposes to update the bacterial indicator for freshwaters from fecal coliform to e.coli. Minor modifications to the language regarding pH criteria were also made in an effort to provide clarification. The public comment period for the proposed revisions to the State’s water quality standards is currently underway and the public hearing is scheduled for November 5<sup>th</sup>.

**6. Mississippi Priority Framework for Listing Priority Watersheds**

Staff will inform the Commission of MDEQ's efforts to comply with a national initiative by USEPA to develop a process to prioritize watersheds. The objective of this initiative is to develop a prioritization process that coordinates and focuses efforts to advance the effectiveness of water programs. In response to this initiative MDEQ staff has developed a process which establishes a systematic and multi-program approach to set planning priorities for watershed protection and restoration. This is for briefing purposes only; no action is required by the Commission.

**7. Commission Approval of Hazardous Waste Management Regulation Amendments**

On September 15, 2015, a public hearing was held concerning the adoption of hazardous waste rules promulgated by EPA. These rules include amendments to management criteria for cathode ray tubes promulgated June 26, 2014; criteria regarding carbon dioxide streams when used for carbon sequestration promulgated January 3, 2014; and implementation of the electronic manifest system promulgated February 7, 2014. There were no attendees to the public hearing and the staff has received no comments on the proposed rules. Therefore, we are recommending that the Commission adopt these hazardous waste regulation amendments. Adoption of these regulations maintains consistency between the Mississippi Hazardous Waste Regulations and the EPA Hazardous Waste Regulations as required by 40 CFR 271.4.

**8. Adoption of amendments to 11 Miss. Admin. Code Ch. 1, Pt. 1, "Regulations Regarding the Delegation of Authority from the Mississippi Commission on Environmental Quality to the Executive Director of the Mississippi Department of Environmental Quality"**

A public hearing was held on October 14, 2015, concerning proposed amendments to Commission Regulations 11 Miss. Admin. Code Ann. Pt. 1, Ch.1, Regulations Regarding the Delegation of Authority from the Mississippi Commission on Environmental Quality to the Executive Director of the Mississippi Department of Environmental Quality. The proposed amendments makes numerous formatting changes and clarifies the Executive Director's authority to issue orders pursuant to Miss. Code Ann. § 53-9-69(1) of the Mississippi Surface Coal Mining and Reclamation Law, to enter into reciprocity agreements with other states related to certifications when so authorized by law or rules and regulations, to issue administrative orders to require compliance of water well drillers who are operating in violation of Mississippi law, regulations, or other Orders, to execute, approve and amend environmental covenants, to delegate the authority to sign Commission Orders to the Chief of Staff, to re-issue, deny, or revoke Asbestos Certifications and approve Asbestos Abatement Training Programs, to re-issue, deny, or revoke Underground Storage Tank (UST) Certifications to individuals authorized to install, alter and /or close USTs, to re-issue, deny, or revoke Landfill (Solid Waste) Operator and Class I Rubbish Site Operator Certifications, re-issue, deny, or revoke Wastewater Operator Certifications and approve Wastewater Training Programs, to re-issue, deny, or revoke Water Well Driller Licenses, to re-issue, deny, or revoke Lead Certifications and approve Lead-Based Paint Activities Training Programs, to re-issue, deny, or revoke Waste Tire Transporter Certificates, to requisition and use funds in the Nonhazardous Solid Waste Corrective Action Trust Fund and the Waste Tire Abatement Funds, to discharge or exercise any power or duty granted to the Commission by the provisions of the Surface Coal Mining and Reclamation Law and its respective rules and regulations, and to approve and award Regional Recycling Cooperative Grants and Nonhazardous Solid Waste Corrective Action Trust Fund Cooperative Agreements. No comments were received. Staff will present the final version of the proposed amendments for consideration by the Commission.

**9. Adoption of amendments to Commission Regulation 11 Miss. Admin. Code Pt. 1, Ch. 2, "Regulations Regarding the Review and Reproduction of Public Records"**

A public hearing was held on October 14, 2015, concerning proposed amendments to Commission Regulations 11 Miss. Admin. Code Pt. 1, Ch. 2, Regarding the Review and Reproduction of Public Records. The proposed amendments are to provide clarity, further detail how public record requests can be made and how the Department processes such requests. No comments were received. Staff will present the final version of the proposed amendments for consideration by the Commission.

**10. Asbestos Certifications**

We have issued 188 asbestos certifications since the last report. This list will be available at the Commission meeting.

**11. Lead Paint Certifications**

We have issued 119 lead paint certifications since the last report. This list will be available at the Commission meeting.

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

We have issued 18 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

**13. Emergency Clean-Up Expenses**

We have 9 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

**14. Administrative Orders**

We have issued 10 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.

**15. Other Business**

**16. Confirmation of next Commission Meeting**

**17. Adjournment**

**EMERGENCY SERVICES CLEAN-UP**

**To:** Complete Environmental & Remediation  
**Amount:** \$68,389.40 **Date of Response:** 01/26/15  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a Well Blow Out in Smith County.

**To:** Complete Environmental & Remediation  
**Amount:** \$2,495.29 **Date of Response:** 09/19/14  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a spill from a truck wreck in Jones County.

**To:** United States Environmental Services  
**Amount:** \$4,480.30 **Date of Response:** 03/23/15  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a engine oil/diesel spill in Scott County.

**To:** United States Environmental Services  
**Amount:** \$9,847.08 **Date of Response:** 01/06/15  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a transformer oil spill in Forrest County.

**To:** United States Environmental Services  
**Amount:** \$5,775.84 **Date of Response:** 01/05/15  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a mercury spill in Lowndes County.

**To:** United States Environmental Services  
**Amount:** \$7,049.82 **Date of Response:** 04/21/15  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Warren County.

**To:** Complete Environmental & Remediation  
**Amount:** \$5,497.70 **Date of Response:** 07/05/15  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Forrest County.

**To:** United State Environmental Services  
**Amount:** \$8,175.14 **Date of Response:** 07/23/15  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Scott County.

**To:** United States Environmental Services  
**Amount:** \$1,847.81 **Date of Response:** 05/08/15  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an abandoned bucket with an oily mixture in Harrison County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Yazoo City Public Service Commission Yazoo City, MS	Order No. 6564 15 Respondent agrees to pay MDEQ \$2,500.00 within forty-five (45) days of this Agreed Order. Respondent agrees to comply with the NPDES Permit No. MS0000329 issued to Respondent on December 18, 2008 until the Mississippi Environmental Quality Permit Board or its designee acts on the renewal application for the Respondent's NPDES Permit.	Respondent failed to submit a timely renewal application for NPDES Permit No. MS000329.
2	Wildwood Subdivision New Albany, MS	Order No. 6565 15 Respondent agrees to pay MDEQ \$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 before commencement of land disturbing activities.
3	Gaston Construction, Inc. Picayune, MS	Order No. 6566 15 Respondent agrees to pay MDEQ \$4,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Mississippi's Large Construction Storm Water General Permit Certificate of Coverage No. MSR106890 at its facility located in Picayune, MS
4	Renpetco II, LLC Bay Springs, MS	Order No. 6567 15 Respondent agrees to pay MDEQ \$87,500.00 in twelve (12) consecutive monthly installments; the first being due within forty-five (45) days after this Agreed Order has been executed by the MDEQ Executive Director in the amount of \$10,500.00 and the following eleven (11) payments due each thirty days thereafter in the amounts of \$7,000.00.	Respondent was in violation of polluting state waters due to a well control event that was releasing crude oil.
5	Regulations for Ambient Air Quality Non-Attainment Areas	Order No. 6568 15	This order confirms the Commission's adoption of the amendments to Commission Regulation 11 Mississippi Administrative Code, Part 2, Chapter 11 entitled "Regulations for Ambient Air Quality Nonattainment Areas" along with the associated Revision to the Mississippi State Implementation Plan for Control of Air Pollution (SIP Revision).

<b>6</b>	Southeastern Concrete Company Inc., Plant Number 4 Hattiesburg, MS	Order No. 6569 15 Respondent agrees to pay MDEQ \$8,800.00. Respondent shall pay this penalty in monthly installments of \$1,466.00 beginning October 1, 2015 thru February 1, 2016 and \$1,470.00 for the last installment due on March 1, 2016.	Respondent was in violation of Mississippi Ready-Mix Concrete Facility General Permit Certificate of Coverage Number MSG110145.
<b>7</b>	Charles Henley, Henley Pit Number 1 Class II Rubbish Site Kiln, MS	Order No. 6570 15 Respondent agrees to pay MDEQ \$4,000.00. Respondent shall pay \$2,000.00 of this penalty within forty-five days after the Agreed Order has been executed by the MDEQ Executive Director. The remaining balance of \$2,000.00 shall be held in abeyance pending timely submittal of the 2015 calendar year annual reports. Should respondent fail to submit the 2015 Calendar year annual reports to MDEQ by the February 28, 2016 deadline, the remaining \$2,000.00 shall be due and payable no later than forty-five days from written notification from MDEQ.	Respondent was in violation of submitting the calendar year 2014 annual reports for the Henley Pit Number 1 Class II Rubbish Site and the Henley Pit Number 2 Class II Rubbish Site both located on Old Kiln Picayune Road in Kiln, Hancock County, Mississippi.
<b>8</b>	Jackson County Board of Supervisors Ocean Springs, MS	Order No. 6571 15 Respondent agrees to comply with the requirements listed in Section 3 of this Agreed Order.	Respondent was in violation of its Class 1 rubbish site located at 10401 Seaman Road, Ocean Springs, Mississippi in Jackson County.
<b>9</b>	Approval of the Jefferson County Solid Waste Management Plan Fayette, MS	Order No. 6572 15 .	This order confirms the approval of the comprehensive update of the Jefferson County Solid Waste Management Plan and continues the deferral of the moratorium imposed by Miss. Code Ann. Section 17-17-59.
<b>10</b>	Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY 2015 Intended Use Plan	Order No. 6573 15	This order will supersede and replace the previous, and now expired, Final FY 2014 Intended Use Plan Amendment 1, codified at 11 Miss. Admin. Code Part 6, Chapter 8.