

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

Thursday, April 23, 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 February 26, 2015 Meeting**
3. **Commission Approval of Reichhold Environmental Covenant**

The staff recommends that the Commission approve the Environmental Covenant between the Commission, Reichhold, Inc. ("Reichhold"), and the United States Environmental Protection Agency ("EPA") regarding the remediation of property located in Gulfport, Mississippi (the "Site"). Reichhold owned and operated a resin manufacturing plant along the Industrial Seaway in Gulfport that processed byproducts of the ethylene industry to make flaked resin. Production at the Site ceased permanently in April 1996, and a portion of the site has contamination. The Site has been decommissioned, with no process equipment or buildings left except for maintenance buildings and the wastewater treatment system. Reichhold has both a RCRA permit for post-closure care issued by MDEQ and a Hazardous and Solid Waste Amendments ("HSWA") permit to address corrective action at the Site issued by EPA. Reichhold has recently filed bankruptcy and the bankruptcy court has authorized Reichhold to execute the Environmental Covenant. The Environmental Covenant is part of the final remedy for the Site as approved by EPA. The staff of MDEQ has evaluated the environment covenant and believes, with the conditions and restrictions contained within the environment covenant the site will be in compliance with applicable state and federal laws and regulations and will be protective of human health and the environment.

4. **Commission Approval for Regulatory Variance**

Tronox, LLC has applied to the Department for the issuance of a permit for a non-hazardous solid waste landfill to be located onsite at their Hamilton Mississippi facility. The proposed landfill would accept only industrial waste produced from the manufacture of Titanium Dioxide and Sodium Chlorate. The current condition of the proposed landfill site does not comply with the natural geology requirements specified in the Nonhazardous Solid Waste Management Regulations Rule 1.3.L.(1); therefore, Tronox is requesting the Commission grant a variance from the natural geology requirements.

5. **Pilot Travel Centers LLC Proposed Order**

Pilot requested Mississippi Groundwater Protection Trust Fund eligibility related to assessment and remediation costs at its underground storage tank ("UST") site in Moss Point, Jackson County, for releases occurring in March of 2013, and thereafter. The Commission previously appointed Ricky Luke, Assistant Attorney General, as the hearing officer in the Pilot matter on May 22, 2014, and the hearing was conducted on September 11, 2014. In January 2015, the Commission was provided with copies of the record of the hearing (including the transcript, prefiled testimony, exhibits and post hearing filings) and the Hearing Officer's Findings and Recommendation for its review and consideration. At the Commission meeting on February 26, 2015, Hearing Officer Luke presented his Findings and Recommendation for the Commission's consideration. The Commission decided to approve Hearing Officer's Luke recommendation and deny Pilot's trust fund eligibility request. The Commission will be asked to consider a proposed order to memorialize its decision in the Pilot matter. Staff of MDEQ recommends the Commission adopt and approve the proposed order.

6. **Asbestos Certifications**

We have issued 240 asbestos certifications since the last report. This list will be available at the Commission meeting.

7. Lead Paint Certifications

We have issued 141 lead paint certifications since the last report. This list will be available at the Commission meeting.

8. Underground Storage Tanks (UST) Certifications

We have issued 22 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

9. Emergency Clean-Up Expenses

We have 7 emergency expenditures since the last report. See **Attachment 1** at the end of this agenda.

10. Administrative Orders

We have 20 emergency expenditures since the last report. See **Attachment 2** at the end of this agenda.

11. Other Business

12. Confirmation of Meeting on Thursday, May 28, 2015

13. Adjournment

EMERGENCY SERVICES CLEAN-UP

To: Complete Environmental & Remediation Co.
Amount: \$3,357.04 Date of response: 11/03/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Harrison County.

To: Complete Environmental & Remediation Co.
Amount: \$2,205.32 Date of Response: 12/16/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help distinguish a tire fire in Hinds County.

To: Complete Environmental & Remediation Co.
Amount: \$2,628.02 Date of Response: 12/31/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Clarke County.

To: Complete Environmental & Remediation Co.
Amount: \$3,947.74 Date of Response: 12/31/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Jones County.

To: United States Environmental Services
Amount: \$3,786.90 Date of Response: 01/03/15
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a chlorine spill in Harrison County.

To: United States Environmental Services
Amount: \$2,992.31 Date of Response: 11/04/14
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Jackson County.

To: United States Environmental Services
Amount: \$1,185.63 Date of Response: 12/30/14
For: Costs associated with providing supervision, labor, equipment and material to respond to an 18 Wheeler fire in Harrison County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Pride of the Pond Tunica, MS	Order No. 6494 15 Respondent agrees to comply with the requirements in Section 2 of this Agreed Order which includes a penalty in the amount of \$1,500 payable to MDEQ within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit No.MS0039802.
2	Heritage Builders, LLC Oxford, MS	Order No. 6495 15 Respondent agrees to pay MDEQ \$5,000 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Mississippi's Large Construction Storm Water General Permit Certification of Coverage Number MSR104127.
3	Dupont Delisle Facility Pass Christian, MS	Order No. 6496 15 Respondent agrees to pay MDEQ \$4,875 within forty-five (45) days of this Agreed Order – subject to the Memorandum of Agreement (“MOA”) which is attached hereto as exhibit “A” of this Agreed Order.	Respondent was in violation of Title V Operating Permit 1020-00115.
4	Oxford Sand Company, Inc. Oxford, MS	Order No. 6497 15 Respondent agrees to the requirements in Section 2 of this Agreed Order which includes a penalty in the amount of \$2,500 payable to MDEQ within forty-five (45) days of this Agreed Order.	Respondent was in violation of General Permit – Ready Mix Concrete MSG110225.
5	Three Rivers Regional Solid Waste Management Plan Oxford, MS	Order No. 6498 15	This Order is an amendment to the Three Rivers Solid Waste Management Plan and approves a new Class I rubbish site for the City of Oxford and final approval granted to previous conditional approval orders.
6	Carlisle Syntec Inc., Plant 9 Senatobia, MS	Order No. 6499 15 Respondent agrees to pay MDEQ \$7,500 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Storm Water Baseline Permit – Coverage No. MSR001410.
7	Michael P. McGill Gulfport, MS	Order No. 6500 15	Respondent has been ordered to immediately cease and desist from engaging in the water well drilling business; and Respondent shall immediately cease and desist from advertising and holding himself out to be a water well driller.

8	Safety-Kleen Systems, Inc. Jackson, MS	Order No. 6501 15 Respondent agrees to pay MDEQ \$7,425 within forty-five (45) days of this Agreed Order.	Respondent failed to properly label two (2) 55-gallon drums of hazardous waste in the "Retain Area SAA". Respondent failed to properly close one (1) 55-gallon drum of hazardous waste in the "Retain Area SAA". Respondent failed to properly label two (2) 55-gallon drums of hazardous waste in the "Return and Fill SAA".
9	City of Pearl Pearl, MS	Order No. 6502 15 Respondent agrees to pay MDEQ \$7,500 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain a permit before commencement of construction activities.
10	Title V State Air Permit Fee	Order No. 6503 15	This Order authorizes the Commission to set annually 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.
11	Madison County of Board of Supervisors Canton, MS	Order No. 6504 15 Respondent agrees to pay MDEQ \$6,500 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. MSR106016 and 401 Water Quality Certification WQC2012090.
12	S And B Industrial Minerals North America Aberdeen, MS	Order No. 6505 15 Respondent agrees to pay MDEQ \$50,000 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Air-Synthetic Minor Operating Permit No. 1840-00010.
13	Encana Oil and Gas USA, Inc. Amite County, MS	Order No. 6506 15 Respondent agrees to pay MDEQ \$72,000 subject to the Memorandum of Agreement attached in this Agreed Order.	Respondent was in violation of Air-Synthetic Minor Operating Permit No. 2940-00020. Violations are listed in Section 1 of this Agreed Order.
14	Regan Penton Nicholson, MS	Order No. 6507 15 Respondent agrees to pay all outstanding fees and a penalty in the total aggregate amount of \$420.	Respondent failed to submit renewal forms and proof of continuing education on more than one occasion.
15	City of Jackson Jackson, MS	Order No. 6508 15 Respondent agrees to continue to operate the existing thirteen (13) acre Class I rubbish disposal area and the fifty (50) acre Class I rubbish disposal expansion area according to the conditions of the permit issued to Respondent on June 7, 2004 until the MDEQ Permit Board or its designee acts on the renewal application submitted on May 30, 2014.	Respondent was in violation of Solid Waste Management Permit No. SW025002047.

16	Richard Allbritton Conroe, TX	Order No. 6509 015 Respondent agrees to pay all outstanding fees and a penalty in the total aggregate amount of \$600.	Respondent failed to submit renewal forms and proof of continuing education on more than one occasion.
17	Weyerhaeuser NR Company, Columbus Cellulose Fibers Columbus, MS	Order No. 6510 15 Respondent agrees to pay MDEQ \$17,500 within forty-five (45) days of this Agreed Order.	Respondent failed to comply with the applicable emissions limitations and operating limitations, and other requirements for Spark Ignition (SI) Engines as required in the Reciprocating Internal Combustion Engines Maximum Achievable Control Technology (RICE MACT) Standards.
18	Mississippi State University Mississippi State, MS	Order No. 6511 15 Respondent agrees to the requirements in Section 2 of this Agreed Order which includes the payment to MDEQ in the amount of \$9,500. Respondent agrees to pay \$2,375 within forty-five (45) days of this Agreed Order. Respondent shall receive credit toward the payment of the penalty in the amount of \$7,125 upon completion of a Supplemental Environmental Project.	Respondent was in violation of Title V Operating Permit No. 2060-00038.
19	King Construction and Environmental Services, LLC Bay St. Louis, MS	Order No. 6512 15 Respondent agrees to pay MDEQ \$40,000. Respondent shall pay \$20,000 within forty-five (45) days of this Agreed Order. The remaining balance of \$20,000 shall be due within ninety (90) days of this Agreed Order.	Respondent was in violation of Solid Waste Management Permit No. SW0230020546.
20	Homan Industries Fulton, MS	Order No. 6513 15 Respondent agrees to pay MDEQ \$15,375 within forty-five (45) days of this Agreed Order.	Respondent failed to submit the 2013 Annual Monitoring Report. Respondent failed to submit the Semi-Annual Monitoring Reports for the second half of 2013 and the first half of 2014. Respondent failed to conduct weekly observations for visible emissions for the Planer Mill and the Pallet Sawmill.