

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY  
OFFICIAL MINUTES  
JULY 24, 2014

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, July 24, 2014, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

Martha Dalrymple  
Charles Dunagin  
Dick Flowers  
Chat Phillips, Chairman  
Jack Winstead

Commissioners Kay Kell and Billy Van Devender were not present.

Others present were: Trudy Fisher, Executive Director; Trey Hess, Greg Jackson, James Matheny, Dallas Baker, Kay Whittington staff of MDEQ; and other staff members and visitors whose names appear elsewhere in these minutes.

The meeting was called to order by Chairman Phillips after which the following business was transacted:

Election of Officers for Fiscal Year 2014 (July 2014 – June 2015)

On a motion made by Mr. Flowers and seconded by Mr. Winstead, the Commission voted to re-elect Chat Phillips to serve as Chairman and Charles Dunagin to serve as Vice-Chairman of the Commission for Fiscal Year 2015. No other nominations were made.

Approval of Minutes

On motion made by Mr. Flowers and seconded by Ms. Dalrymple the minutes of the May 22, 2014 meeting were approved and adopted as the Official Minutes.

Commission Approval of Brownfield Completion

Mr. Trey Hess stated on December 17, 2009, the Commission reached a Brownfield Agreement (#5683-09) with Kossen Properties, LLC for the remediation of the former Pilot Travel Center Site in Richland, Mississippi. On April 16, 2014, and in accordance with Rule 2.1.7.B of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, Kossen Properties, LLC 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 reviewed the petition, conducted the required inspection of the Brownfield Agreement Site, and recommended that the Commission issue an order in accordance with the Brownfield Regulations concluding that Kossen Properties, LLC had completed Brownfield Agreement #5683-09. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Dunagin, the Commission unanimously voted that Kossen Properties, LLC had completed Brownfield Agreement #5683-09 and that a “no further action” letter be executed by the Executive Director.

Commission Approval of Brownfield Consulting Firms

Mr. Trey Hess stated that staff reviewed an application from a consulting firm requesting to be listed as a Brownfield Consulting Firm and determined it to be complete and acceptable. Therefore, staff recommended that the Commission approve the following firm as a Brownfield Consulting Firm:

Covington Civil & Environmental, LLC  
2510 14<sup>th</sup> Street, Suite 1010  
Gulfport, MS 39501

Following staff presentation and deliberation, on motion made by Mr. Dunagin and seconded by Mr. Winstead, the Commission unanimously voted to approve Covington Civil & Environmental, LLC as a Brownfield Consulting Firm. Executive Director Trudy Fisher congratulated Mr. Hess on his new position as Division Chief of the Groundwater Assessment and Remediation Division and thanked him for his hard work.

#### Briefing on the 2014 Mississippi Section 303(d) List of Impaired Water Bodies

Mr. Greg Jackson stated that staff briefed the Commission at the March, 2014, meeting on the public notice and hearing scheduled for April 10, 2014, relative to the 2014 Mississippi Section 303(d) List of Impaired Water Bodies. Public comments were received and the responsiveness summary was prepared. EPA issued no further comment on the draft list. Staff provided the Commission with the hearing transcript, the draft list for public review, public notice and proof of publication, MDEQ CALM document including the water quality standards, and comments from MWF&P. Additionally, the Commission was provided with the responsiveness summary and the final 303(d) list. Staff requested the Commission adopt the 2014 list and propose the list to EPA Region 4 for their final approval with an accompanying Order. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Flowers, the Commission unanimously voted to adopt the 2014 Mississippi Section 303(d) List of Impaired Water Bodies and propose the list to EPA Region 4 for their final approval with an accompanying Order.

#### Briefing on Coal Mining Regulations Changes

Mr. James Matheny stated that in 2008 staff began making federally required changes to the Regulations Governing Surface Coal Mining in Mississippi. These changes were later published, sent to the Secretary of State's office and a public hearing was held in which no comments were received. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Ms. Dalrymple, the Commission unanimously voted to adopt the federally required changes to the Regulations Governing Surface Coal Mining in Mississippi, 11 Miss. Admin. Code Pt. 8, Ch. 2. Executive Director Trudy Fisher congratulated Mr. Matheny on his new position as the Division Director of the Mining and Reclamation Division of the Office of Geology.

#### Briefing on the EnHance Program

Mr. Dallas Baker briefed the Commission on the enHance Program which is a voluntary initiative recognizing environmental leaders in the business industry. Membership lasts three years and there are three levels of participation based on attaining high environmental standards. This program has been fully supported by Executive Director Trudy Fisher and recognized by Governor Phil Bryant as an environmental success story. Mr. Flowers asked if the program could expand to include the agriculture community and Executive Director Fisher said we would check to see if that was a possibility. This briefing was for informational purposes only, requiring no action by the Commission.

#### Briefing on the Voluntary Metering Program

Ms. Kay Whittington updated the Commission on the Voluntary Metering Program and was pleased to report that 5% of the wells in each Delta county now have meters. The next step in the program will be to report water usage and an additional 5% of wells in each Delta county must have meters installed by December 30, 2015. Any milestone not met would invoke the mandatory metering program. Mr. Phillips voiced a concern about the growth in fracking activity and if we would be able to stay on top of the permitting requirements. Ms. Whittington stated that we have acquired additional resources as activity grows and we will continue to obtain additional resources as needed. This briefing was for informational purposes only, requiring no action by the Commission.

#### Solid Waste Assistance Grants and Waste Tire Grants

On previous authority delegated to the Executive Director, MDEQ, the Commission was provided a listing by staff of the following solid waste assistance grants have that been

awarded to local governments:

<u>County/Municipality</u>	<u>Grant Amount</u>
City of Clarksdale	\$ 47,950
City of Clinton	25,000
City of Jackson	75,000
City of Ripley	24,490
Copiah County Board of Supervisors	33,211
DeSoto County Board of Supervisors	69,883
Forrest County Board of Supervisors	16,080
Hancock County Board of Supervisors	50,000
Harrison County Board of Supervisors	22,800
Hinds County Board of Supervisors	70,040
Kemper County Board of Supervisors	12,360
Lauderdale County Board of Supervisors	21,840
Leake County board of Supervisors	35,068
Marshall County Board of Supervisors	17,760
Pike County Board of Supervisors	71,788
Tippah County Board of Supervisors	13,440

On previous authority delegated to the Executive Director, MDEQ, the Commission was provided a listing by staff of the following solid waste planning grants have that been awarded to local governments:

<u>County/Municipality</u>	<u>Grant Amount</u>
Washington County Board of Supervisors	\$ 45,000

On previous authority delegated to the Executive Director, MDEQ, the Commission was provided a listing by staff of the following waste tire grants have that been awarded to local governments:

<u>County/ Municipality</u>	<u>Grant Amount</u>
Alcorn County Board of Supervisors	\$ 32,000
Amite County Board of Supervisors	30,000
City of Jackson	50,000
Neshoba County Board of Supervisors	40,000
Pike County Board of Supervisors	67,500
Three Rivers Solid Waste Management Authority	59,000

#### Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 214 asbestos certifications had been issued since the last report.

#### Emergency Clean-Up Expenses

On previous authority delegated to the Executive Director, the staff reported the Emergency Clean-Up Expenses incurred since the Commission's last meeting. A list of these expenses is made a part of these minutes and is filed in the Official Minutes File.

#### Lead Paint Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 99 lead paint certifications had been issued since the last report.

#### Underground Storage Tank (UST) Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff



reported that 3 certifications to those who install, alter, or remove underground storage tanks have been issued since the last report.

Wastewater Operator Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 51 wastewater operator certificates had been issued since the last report.

Administrative Orders

On previous authority delegated to the Executive Director, DEQ, the staff reported that 23 Administrative Orders had been issued since the Commission's last meeting. A list of these orders is made a part of these minutes and is filed in the Official Minutes File.

Other Business

Mr. Dallas Baker stated that staff is currently reviewing the Residential Open Burning Regulations and that they should be ready for public comment in the next couple of months. Mr. Winstead requested that staff study the rural storm water management policy as it pertains to home construction in order to be sure that developers do not disregard certain issues. Executive Director Fisher said she would meet with staff and report back on this issue. This briefing was for informational purposes only, requiring no action by the Commission.

Recognition of Trudy Fisher


The Commission recognized Ms. Fisher for her outstanding leadership as Executive Director of MDEQ.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, August 28, 2014, beginning at 9:00 a.m., in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned.

  
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CHAIRMAN

ATTEST:

  
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EXECUTIVE DIRECTOR