

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
FEBRUARY 23, 2017

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, February 23, 2017, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

John Dane III
Ted Kendall IV
Brenda Lathan
Chat Phillips
Billy Van Devender, Chairman
Jack Winstead

Commissioner Dick Flowers was not present.

Others present were: Gary Rikard, Executive Director; Chad Lafontaine, Roy Furrh, Lynn Chambers, staff of MDEQ; and other staff members and visitors whose names appear elsewhere in these minutes.

The meeting was called to order by Chairman Van Devender, and after he led the invocation, the following business was transacted:

Approval of Minutes

On motion made by Mr. Winstead and seconded by Mr. Dane, the minutes of the November 10, 2016, meeting were approved and adopted as the Official Minutes.

FY2018 Title V Fee Recommendation

Mr. Chad Lafontaine stated a Public Hearing concerning the FY2018 Title V Permit Fee, was held on December 21, 2016, and no comments were received. Staff recommended the Commission set the Title V fee at \$47.00 per ton of regulated air pollutants with a minimum fee of \$250.00, which is the same as last year's fee. Following staff presentation and after deliberation, on motion made by Ms. Lathan and seconded by Mr. Phillips, the Commission unanimously voted to set the FY2018 Title V permit fee at \$47.00 per ton of regulated air pollutants with a minimum fee of \$250.00. The Commission further authorized that an Order setting this fee be executed by the Executive Director.

Mississippi State Oil and Gas Board Rule 68 - Commission's Consideration and Approval of Oil and Gas Board Statewide Rule 68 and the Amendments and Revisions thereto

Mr. Roy Furrh stated that the Oil and Gas Board approved amendments and revisions to its Statewide Rule 68 on November 18, 2015, and November 16, 2016, related to Disposal of Naturally Occurring Radioactive Materials (NORM) Associated with the Exploration and Production of Oil and Gas. A copy of the December 20, 2016, correspondence from the Oil and Gas Board was previously provided to the Commission for review. By statute and through case law, Oil and Gas Board Rule 68 Disposal regulations must be approved by the Commission. Staff previously briefed the Commission on this matter. The staff of the Oil and Gas Board coordinated with staff of MDEQ and other stakeholder organizations on the amendments and revisions to Rule 68. A rationale and supplemental rationale prepared by MDEQ staff related to the amendments and revisions to Oil and Gas Rule 68 were also previously provided to the Commission for review. Ms. Lisa Ivshin, Executive Director of the Oil and Gas Board and Mr. Howard Leach, General Counsel of the Oil and Gas Board were present to answer questions. MDEQ staff recommended the Commission approve Oil and Gas Board Rule 68 and the amendments and revisions thereto. Following staff presentation and after deliberation, on motion made by Mr. Dane and seconded by Mr. Winstead, the Commission unanimously voted to approve Oil and Gas Board Rule 68 and the amendments and revisions thereto.

Commission Designated Hearing Officer

Mr. Roy Furrh stated that pursuant to the Miss. Code Ann. Sections 49-17-31 and 49-17-33, MDEQ recommended that Doug Levanway, an attorney with Wise Carter in Jackson, be added and designated by the Commission to serve as hearing officer in future Commission evidentiary hearings. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Ms.

Lathan and Mr. Kendall, the Commission unanimously voted to designate Doug Levanway as a hearing officer in future Commission evidentiary hearings.

Commission Approval of Brownfield Consulting Firms

Ms. Lynn Chambers 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:

Tioga Environmental Consultants, Inc.
357 North Main St.
Memphis, TN 38103-1529

Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Mr. Dane, the Commission unanimously voted to approve Tioga Environmental Consultants, Inc., from Memphis, TN, as a Brownfield Consulting Firm.

Commission Approval of Environmental Covenant - Accelerated Companies, LLC Facility – Laurel, MS

Pursuant to the Commission’s delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), Ms. Lynn Chambers stated the Executive Director of MDEQ previously approved the Environmental Covenant between the Commission and Accelerated Companies, LLC regarding the remediation of property located at 3625 Industrial Boulevard, Laurel, MS. The Restrictive Use Agreed Order was also approved by the Executive Director. Environmental Site Assessments revealed a release of Diesel Range Petroleum compounds impacting shallow soils beneath the footprint of the building on-site and a release of Cadmium impacting groundwater in one shallow well at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site was necessary. Staff of the MDEQ evaluated the proposed Environmental Covenant and believed 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. This briefing was for informational purposes only, requiring no action by the Commission.

Commission Rescind Brownfield Agreement and Accompanying Environmental Covenant Wal-Mart Real Estate Business Trust-Pascagoula, Jackson County

This matter was not brought before the Commission at today’s meeting as the parties are currently working on a resolution. If necessary, it will be heard at a future meeting.

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 that have been awarded to local governments:

<u>County/Municipality</u>	<u>Grant Amount</u>
Calhoun County Board of Supervisors	\$8,227
Covington County Board of Supervisors	\$10,152
Forrest County Board of Supervisors	\$11,727
Grenada County Board of Supervisors	\$7,614
Itawamba County Board of Supervisors	\$11,115
Lamar County Board of Supervisors	\$16,453
Pontotoc County Board of Supervisors	\$11,115
Simpson County Board of Supervisors	\$11,727
Winston County Board of Supervisors	\$9,715
City of Winona	\$15,000

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>
Jackson County Board of Supervisors	\$88,000

Leflore County Board of Supervisors	\$50,000
Neshoba County Board of Supervisors	\$40,000
Panola County Board of Supervisors	\$15,000
Pine Belt Regional Solid Waste Mgt Authority	\$154,970
Pike County Board of Supervisors	\$55,000
Scott County Board of Supervisors	\$35,000
Tallahatchie County Board of Supervisors	\$20,000
City of Kosciusko (w/Attala County)	\$20,000

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 336 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 104 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 17 certifications to those who install, alter, or remove underground storage tanks had been issued since the last report.

Administrative Orders

On previous authority delegated to the Executive Director, DEQ, the staff reported that 20 Administrative Orders, and 3 Amended Agreed 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

At Mr. Phillips' request, Executive Director Gary Rikard provided the Commission with an update on the budget.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, March 23, 2017, 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.



 CHAIRMAN

ATTEST:



 EXECUTIVE DIRECTOR