

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
OCTOBER 24, 2013

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, October 24, 2013, 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
Kay Kell
Chat Phillips, Chairman
Billy Van Devender
Jack Winstead

Others present were: Trudy Fisher, Executive Director; Trey Hess, Jerry Beasley, Elliott Bickerstaff, Roy Furrh, David Dockery, and Richard Harrell, 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.

Recognition of Martha Dalrymple

Chairman Phillips took a moment to thank Ms. Dalrymple for her willingness to serve the Commission as Chair from 2011-2013 and recognized her for being the first female to serve the Commission in this capacity.

Approval of Minutes

On motion made by Mr. Flowers and seconded by Mr. Dunagin the minutes of the August 22, 2013, meeting were approved and adopted as the Official Minutes.

Recognition of Dallas Baker

Executive Director Trudy Fisher congratulated Mr. Baker for being elected as the 108th President of the Air & Waste Management Association and thanked him for his leadership and vision.

Commission Approval of Brownfield Agreement

Mr. Trey Hess stated that staff evaluated the Brownfield Agreement between the Commission and The District Land Development Company, LLC regarding the remediation of brownfield property located on land just east of I-55 and north of Eastover Drive in Jackson, Mississippi. The site is hereafter referred to as the former "Mississippi School for the Blind Brownfield Agreement Site." Buildings slated for demolition on the Brownfield Agreement Site contained asbestos and old transformers needing proper disposal were located on the Site. The staff of the MCEQ believes that, with the conditions and restrictions contained within the Brownfield Agreement, the Site will be in compliance with all applicable State and Federal laws and standards and will be protective of the public health and the environment. Staff recommended that the Commission approve the Brownfield Agreement between the Commission and The District Land Development Company, LLC. Mr. Van Devender asked Mr. Hess when the remediation of the brownfield property was scheduled to begin. Mr. Hess stated that the asbestos should be completely removed by the end of the year and that construction should begin in Spring, 2014. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Winstead, the Commission unanimously voted that an order approving the Brownfield Agreement between the Commission and The District Land Development Company, LLC be executed by the Executive Director. Mr. Hess concluded his presentation by providing a brief overview of different Brownfield sites in Mississippi.

Adoption of Amendments to 11 Mississippi Administrative Code, Part 2, Chapter 1, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants

Dr. Jerry Beasley stated that proposed amendments involving the adoption, by reference, of amendments to federal New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, and the Consolidated Air Rule as promulgated by the U.S. Environmental Protection Agency were previously forwarded to the Commission for review. Additionally, the amendments will correct certain paragraph numbering and cross-references as well as remove provisions regarding mercury emissions from electric utilities since the federal provisions that were adopted by reference have been vacated and are no longer in effect. The amendments will make the state regulations consistent with the federal requirements. A public hearing was held and no comments were received. Staff recommended that the Commission adopt the amendments to 11 Mississippi Administrative Code, Part 2, Chapter 1, Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Dunagin, the Commission unanimously voted to adopt the amendments.

Adoption of Amendments to 11 Mississippi Administrative Code, Part 2, Chapter 4, Ambient Air Quality Standards

Dr. Jerry Beasley stated proposed amendments concerning the adoption, by reference, of amendments to the Federal National Ambient Air Quality Standards as promulgated in 40 CFR Part 50 were previously forwarded to the Commission for review. A public hearing was held and no comments were received. Staff recommended that the Commission adopt the amendments. Following staff presentation and deliberation, on motion made by Mr. Dunagin and seconded by Mr. Flowers, the Commission unanimously voted to adopt the amendments to 11 Mississippi Administrative Code, Part 2, Chapter 4, Ambient Air Quality Standards. In conclusion, Mr. Beasley provided a brief presentation on Mississippi's air quality and stated that Mississippi's air quality is good and has always met EPA's air quality standards.

Adoption of Amendments to 11 Mississippi Administrative Code, Part 2, Chapter 9, Regulations for Lead-Based Paint Activities

Mr. Elliott Bickerstaff stated proposed amendments concerning changes to make the regulations consistent with amendments to federal EPA regulations and the Mississippi Lead-Based Paint Activity Accreditation and Certification Act, as amended by Mississippi Senate Bill 2688 (Regular Session 2013) were previously forwarded to the Commission for review. The changes included removal of the "Opt-Out Provision", as well as adding provisions to allow renovators to do paint chip sampling, and further defining the recordkeeping and reporting requirements for renovation activities. Other changes included minor clarification of certain definitions and provisions related to training program accreditation requirements, containment requirements, prohibited and restricted work practices, and signage and pre-renovation education requirements for child-occupied facilities. A public hearing was held and no comments were received. Staff recommended the Commission adopt the amendments. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Flowers, the Commission unanimously voted to adopt the amendments to 11 Mississippi Administrative Code, Part 2, Chapter 9, Regulations for Lead-Based Paint Activities. Mr. Bickerstaff concluded his presentation by stating that MDEQ's lead-based paint program was created to prevent the lead poisoning of children by using regulations, work certifications and work programs to limit exposure to lead paint dust.

Stephanie Howard, Executrix of the Estate of Gerald Donald, Wayne County-Preliminary Filings-Approval and Adoption of Commission Order

Mr. Roy Furrh stated a proposed order was previously sent to the Commission for consideration related to the Commission's decision at its meeting on August 22, 2013, concerning preliminary Motion filings by the Petitioner, Stephanie Howard, Executrix of the Estate of Gerald Donald, and the Oil Company Respondents. The Commission granted the Oil Company Respondents' Motion to Deny Discovery and denied the Petitioner's Motion to Compel and for Contempt and/or Sanctions. Staff recommended that the Commission approve

and adopt the proposed Commission order. Following staff presentation and deliberation, on motion made by Mr. Dunagin and seconded by Mr. Flowers, the Commission unanimously voted to approve and adopt the proposed Order.

Presentation on Geologic Importance

Dr. David Dockery gave a presentation on the geology of Pike and Lincoln Counties and its importance to our environment and the State of Mississippi. Over the next few Commission meetings staff will present work, research, and geology of a few other key counties within the State. 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 Lexington	\$ 25,000

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>
City of Jackson	\$ 50,000
Marshall County Board of Supervisors	30,000
Pine Belt Regional Solid Waste Management Authority	172,783

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 220 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 102 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 8 certifications to those who install, alter, or remove underground storage tanks had been issued since the last report.

Wastewater Operator Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 57 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 38 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.

Mr. Van Devender asked for a status of the Orders issued to Mississippi Phosphates Corporation. Mr. Richard Harrell stated that Mississippi Phosphates Corporation is making changes in order to comply with the terms of these Orders. One Order will expire this weekend but another Order will be issued until permanent fixes are made. Mississippi Phosphates is currently in production under the conditions of these Orders. Mr. Van Devender voiced concern about Mississippi Phosphates' financial status and stated that they must be monitored closely.

Recognition of Richard Ingram and Kay Whittington

Executive Director Trudy Fisher announced that Richard Ingram would be retiring at the end of the month and thanked him for his 21 plus years of service to the State of Mississippi. Ms. Fisher then introduced Kay Whittington in her new role as Director of the Office of Land and Water.

Report by Executive Director

Executive Director Trudy Fisher stated that several meetings were held across the coast last week to update GoCoast 2020 Co-Chairs and elected officials on restoration activities. A web portal has been developed for the submission of restoration ideas. Ms. Fisher also thanked Ms. Kell for attending several of these meetings.

Setting of Meeting

It was the decision of the Commission to meet on Thursday, November 21, 2013, and Thursday, December 12, 2013, 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