

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
APRIL 23, 2015

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, April 23, 2015, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

Dick Flowers
Chat Phillips, Chairman
Billy Van Devender
Jack Winstead

Commissioners Martha Dalrymple and Charles Dunagin were not present.

Others present were: Gary Rikard, Executive Director; Carla Brown, Harry Wilson, Roy Furrh, 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 after which the following business was transacted.

Approval of Minutes

On motion made by Mr. Winstead and seconded by Mr. Van Devender, the minutes of the February 26, 2015 meeting were approved and adopted as the Official Minutes.

Commission Approval of Reichhold Environmental Covenant

Ms. Carla Brown stated that Reichhold, Inc. owned and operated a resin manufacturing plant along the Industrial Seaway in Gulfport, Mississippi (the "Site") that processed byproducts of the ethylene industry to make flaked resin. Production at the Site ceased permanently in April 1996, but 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 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 environmental covenant and believes, with the conditions and restrictions contained within the environmental 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. Staff recommended that the Commission approve the Environmental Covenant between the Commission, Reichhold, Inc., and the United States Environmental Protection Agency ("EPA") regarding the remediation of property located in Gulfport, Mississippi. Mr. Van Devender asked Ms. Brown if staff monitored the financial status of polluting companies so that they may be held accountable for contamination while still viable. Ms. Brown said that staff did monitor this and that they have a letter of credit for financial assurance from Reichhold, Inc. in case additional remediation is required at this site. Any additional remediation at this site should be done at no cost to the State of Mississippi. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Winstead, the Commission unanimously voted to approve the Environmental Covenant between the Commission, Reichhold, Inc., and the United States Environmental Protection Agency ("EPA") regarding the remediation of property located in Gulfport, Mississippi, and authorized that the Environmental Covenant be executed by the Chairman.

Commission Approval for Regulatory Variance

Mr. Harry Wilson stated Tronox, LLC 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. Jeff Allen with Allen Engineering and Science, and Jason Minga and Jamie Lindsey from Tronox, LLC, gave a presentation to the Commission in support of their request for a permit variance. Tronox, LLC is the third largest manufacturer of TiO₂ in the world which is used in paints, plastics, paper and specialty products. The process waste is a non-hazardous, odorless reddish brown "dirt like" substance which has been managed within settling ponds over the past 50 years. The last pond was built in 1999 and the pond system is now at capacity. Tronox is in need of a new operational onsite landfill by May, 2016, for the sustainability of operations. However, due to previous mining activity, the proposed landfill site does not comply with regulatory requirements for natural occurring buffer material above the water table. Tronox, LLC, requested a variance for the construction of a three foot buffer which would be more protective of groundwater than the regulatory requirement. In response to questions by Mr. Winstead and Mr. Van Devender it was stated that Tronox would conduct semi-annual groundwater monitoring and that the constructed buffer would not increase the chance of water contamination. The anticipated life of the landfill is fourteen years. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Winstead, the Commission unanimously voted to approve Tronox, LLC's request for a regulatory variance.

Pilot Travel Centers LLC Proposed Order

Mr. Roy Furrh stated that Pilot previously 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. A proposed order memorializing its decision in the Pilot matter was sent to the Commission. Staff of MDEQ recommended the Commission adopt and approve the proposed order. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Van Devender, the Commission unanimously voted to approve and adopt the proposed order denying Pilot's trust fund eligibility request for reimbursement for assessment and remediation costs from the Mississippi Groundwater Protection Trust Fund for releases that occurred in March, 2013, and thereafter, and authorized that the proposed order be executed by the Chairman.

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>
Lee County Board of Supervisors	\$ 19,650
Prentiss County Board of Supervisors	13,304
Tate County Board of Supervisors	14,158

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:

County/ Municipality

Grant Amount

Sunflower County board of Supervisors

\$ 30,000

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 240 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 141 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 22 that 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 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.

Setting of Meeting

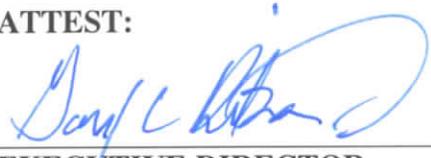
It was the decision of the Commission to meet next on Thursday, May 28, 2015, beginning at 9:00 a.m., in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi.

Adjournment

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


CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

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