

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
AUGUST 25, 2016

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, August 25, 2016, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

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

Commissioners John Dane III and Dick Flowers were not present.

Others present were: Gary Rikard, Executive Director; Lynn Chambers, Roy Furrh, Tony Caldwell, 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:

Election of Officers for Fiscal Year 2017 (July 2016 – June 2017)

On a motion made by Mr. Phillips and seconded by Mr. Kendall, the Commission voted to re-elect Billy Van Devender to serve as Chairman and Jack Winstead to serve as Vice-Chairman of the Commission for Fiscal Year 2017. No other nominations were made.

Approval of Minutes

On motion made by Mr. Kendall and seconded by Ms. Lathan, the minutes of the June 23, 2016, meeting were approved and adopted as the Official Minutes.

Commission Approval of Environmental Covenant - Cavenham Forest Industries LLC, Baxterville, Lamar County

On behalf of MDEQ staff, Ms. Lynn Chambers, recommended the Commission approve the Environmental Covenant between the Commission and Cavenham Forest Industries, LLC regarding the remediation of property located at 5060 Highway 13, Baxterville, MS. Environmental Site Assessments revealed a release of the pesticide Benzene Heptachloride impacting groundwater at concentrations in excess of Target Remediation Goals (TRGs). Since 1997, remediation has been conducted under a MDEQ approved remedial action plan. The staff of the MDEQ evaluated the proposed Environmental Covenant and believes that, 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. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Phillips, the Commission unanimously voted to approve the Environmental Covenant between the Commission and Cavenham Forest Industries, LLC regarding the remediation of property located at 5060 Highway 13, Baxterville, MS.

Commission Approval of Environmental Covenant - Schlumberger Technology Corporation, Hattiesburg, Forrest County

On behalf of MDEQ staff, Ms. Lynn Chambers, recommended the Commission approve the Environmental Covenant between the Commission and Schlumberger Technology Corporation regarding the remediation of property located at 1232 James Street, Hattiesburg, MS. Environmental Site Assessments revealed a release of chlorinated solvents impacting groundwater at concentrations in excess of Target Remediation Goals (TRGs). Remediation efforts have been conducted by Schlumberger Technology Corporation under an MDEQ approved remedial action plan. The staff of the MDEQ evaluated the proposed Environmental Covenant and believes that, 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. Following staff presentation and deliberation, on motion made by Mr. Phillips and seconded by Mr. Winstead, the Commission unanimously voted to approve the Environmental Covenant between the Commission and Schlumberger Technology Corporation regarding the remediation of property located at 1232 James Street, Hattiesburg, MS.

Resolution of the Commission Declaring the Need for the Issuance of General Obligation Bonds of the State of Mississippi for the Repair and Renovation of High Hazard Dams in DeSoto County

Mr. Roy Furrh stated that Section 61 of House Bill 1729 (Regular Session 2016) provided the Bond Commission with the authority to issue general obligation bonds of the State in an amount not to exceed Six Hundred Twenty-Five Thousand Dollars (\$625,000) for the purpose of paying the costs of repair and renovation of high hazard dams in DeSoto County. Pursuant to Section 61 of House Bill 1729 and in order to fulfill the intent of the Legislature, the Commission on behalf of MDEQ must declare the necessity of the issuance of these bonds for the purpose of paying the costs of repair and renovation of high hazard dams in DeSoto County. MDEQ staff recommended the Commission adopt and approve the proposed Commission Resolution which was previously provided. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Phillips, the Commission unanimously voted to adopt the Commission Resolution declaring the necessity of these general obligation bonds for the purpose of paying the costs of repair and renovation of high hazard dams in DeSoto County.

Commission Designated Hearing Officer-Serenity Lane Evidentiary Hearing

Mr. Roy Furrh stated that due to the recent fee legislation, the Office of Attorney General has informed MDEQ that it will no longer provide hearing officers for evidentiary hearings before the Commission and the Permit Board. The fee legislation prevents the Office of Attorney General from charging fees for its services. The Commission previously designated Special Assistant Attorney General Chuck Rubisoff as the hearing officer for the Serenity Lane evidentiary hearing which is scheduled for October 17-19. Due to the aforementioned legislation, Mr. Rubisoff has withdrawn as a hearing officer. Miss. Code Ann. Section 49-17-33 allows the designated hearing officer to conduct the hearing in the name of the Commission and provide the record of the hearing and findings and a recommendation for the Commission's review and consideration. Pursuant to Miss. Code Ann. Section 49-17-33, staff of MDEQ recommended that the Commission designate Frank Spencer, former Special Assistant Attorney General, as the replacement hearing officer for the Commission in the upcoming Serenity Lane Evidentiary hearing. Following staff presentation and deliberation, on motion made by Mr. Phillips and seconded by Mr. Kendall, the Commission unanimously voted to designate Frank Spencer, former Special Assistant Attorney General, as the replacement hearing officer for the Commission in the upcoming Serenity Lane Evidentiary hearing. In response to questions asked by Mr. Phillips and Mr. Van Devender, Mr. Furrh advised that MDEQ would be paying \$100 per hour for the hearing officers' fees. MDEQ previously paid \$85 per hour to the Attorney General's office for these fees.

Commission Designated Hearing Officers

Mr. Roy Furrh stated that pursuant to Miss. Code Ann. Sections 49-17-31 and 49-17-33, MDEQ staff recommended that the following individuals be designated by the Commission to serve as hearing officers in future Commission evidentiary hearings:

Ricky Boggan
Rick Gamblin
Leyser Hayes
Steve Ray
Trey Smith
Frank Spencer

Following staff presentation and deliberation, on motion made by Ms. Lathan and seconded by Mr. Kendall, the Commission unanimously voted to designate Ricky Boggan, Rick Gamblin, Leyser Hayes, Steve Ray, Trey Smith and Frank Spencer to serve as hearing officers in future Commission evidentiary hearings.

Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Conditional Adoption of FY-2016 Intended Use Plan

On behalf of MDEQ staff, Mr. Tony Caldwell stated that action was required on the FY-2016 Intended Use Plan prior to September 30, 2016, and staff recommended adoption by the Commission of the FY-2016 WPCRLF Intended Use Plan, subject to completion of the required public notice period and public hearing, and provided that any resulting public comments are resolved without significant changes. The staff recommendation included Commission delegation of authority to the Executive Director to execute an order approving the Intended Use Plan if there are no significant changes or

comments resulting from public participation. The Plan is currently at public notice and a public hearing is scheduled for Thursday, September 8, 2016. The Intended Use Plan identifies the loan funds available to our communities for the construction of wastewater infrastructure, the communities to receive these loan funds, the loan interest rate, program deadlines, and other related information. This Plan also reflects the implementation of the new federal requirements which apply to FY-2016 and after loan projects. Following staff presentation and deliberation, on motion made by Mr. Phillips and seconded by Mr. Kendall, the Commission unanimously voted to adopt the FY-2016 WPCRLF Intended Use Plan, subject to completion of the required public notice period and public hearing, and provided that any resulting public comments are resolved without significant changes. The Commission also unanimously delegated authority to the Executive Director to execute an order approving the Intended Use Plan if there are no significant changes or comments resulting from public participation. Mr. Phillips requested that the Commission hear any comments received during the public notice period and public hearing at the next Commission 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>
Hinds County Board of Supervisors	\$20,000
Issaquena County Board of Supervisors	\$6,591
Lafayette County Board of Supervisors	\$18,182
Pearl River Water Valley Supply District	\$15,000
City of Richland	\$24,375

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>
Washington County Board of Supervisors	\$115,000

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 190 asbestos certifications had been issued since the last report.

Emergency Clean-Up Expenses

Emergency expenditures since the last report will be reflected on next month's Commission agenda.

Lead Paint Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 89 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 40 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 18 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, September 22, 2016, 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.


VICE-CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR