

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
FEBRUARY 27, 2014

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, February 27, 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
Billy Van Devender
Jack Winstead

Commissioner Kay Kell was not present.

Others present were: Alice Perry, Deputy Director; Trey Hess, Maya Rao, Kay Whittington, Richard Harrell, and Greg Jackson, 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:

Notice of Meeting

The Commission was informed that a legal Notice of Meetings concerning the time, date, and place of the November and December, 2013, meetings, if needed, had been posted publicly as required by law. The Notice of Meetings read as follows: "Please take note that the regularly scheduled meeting of the Mississippi Commission on Environmental Quality for November, 2013, will take place on Thursday, November 21, 2013. The regularly scheduled meeting of the Mississippi Commission on Environmental Quality for December, 2013, will take place on Thursday, December 12, 2013. These meetings will be held in the Commission Hearing Room at the offices of the Mississippi Department of Environmental Quality at 515 East Amite Street, Jackson, Mississippi. As always, the public is invited to attend." This notice was posted in the lobby of the MDEQ offices in Jackson on October 25, 2013.

Approval of Minutes

On motion made by Mr. Dunagin and seconded by Mr. Winstead the minutes of the October 24, 2013, meeting were approved and adopted as the Official Minutes.

Commission Approval of Brownfield Agreement

Mr. Trey Hess stated that staff evaluated the Brownfield Agreement between the Commission and Cooley Center, LLC & Cooley Center Hotel, LLC regarding the remediation of brownfield property generally located southeast of the corner of Russell Street and Mill Street in Starkville, Mississippi. The site is hereafter referred to as the "Cooley Building Brownfield Agreement Site." The Cooley Building is slated for renovation and has Asbestos Containing Materials (ACM) and Lead-Based Paint inside of it. An unused Underground Storage Tank (UST) is buried onsite and needs to be removed; and fluorescent bulbs, ballasts, and some solid waste/rubbish require disposal at approved facilities. Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be The Mill at MSU Development which will include the renovation of the Cooley Building into a Conference Center and the construction of a Hotel and parking garage. The staff of the MCEQ recommended that the Commission approve the Brownfield Agreement between the Commission and Cooley Center, LLC & Cooley Center Hotel, LLC, and believes that, with the conditions and restrictions contained within the Brownfield Agreement, the Site will be in compliance with applicable State and Federal 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. Van Devender, the Commission unanimously voted that an order approving the Brownfield Agreement between the Commission and Cooley Center, LLC & Cooley Center Hotel, LLC, be executed by the Executive Director.

Commission Approval to Proceed to Public Notice of Hearing on Title V Fee Recommendation

Ms. Maya Rao stated that a copy of the draft report containing the Title V Air Advisory Council's recommendation on the Title V fee for the next fee year was previously forwarded to the Commission. Staff requested approval to proceed to public notice and to hold a public hearing to receive comments regarding the proposed fee of \$41/ton. After the public comment period ends, the public hearing has been held, and comments have been reviewed, staff will bring the fee recommendation back to the Commission for final action. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Winstead, the Commission unanimously voted to proceed to public notice of hearing on the Title V fee recommendation.

Briefing on Public Water Supplies with Surface Water In-takes

Kay Whittington gave a presentation to the Commission on Mississippi Public Water Supplies with Surface Water In-takes. On January 9, 2014, 10,000 gallons of 4-methylcyclohexane methanol and polyglycol ethers leaked from above ground storage tanks into the Elk River in West Virginia. This shut down the water system for 300,000 customers for over a week. Executive Director Trudy Fisher asked staff to provide an update to the Commission on the vulnerability of Mississippi's public surface water systems. Since over 93% of Mississippi's drinking water supply is derived from groundwater, Mississippi has only five public surface water systems. Of the five public surface water systems, only one, Pickwick Lake in Tishomingo County, has a bulk storage facility nearby. In order to protect Mississippi's source waters, it is necessary to take an inventory of potential contaminant sources and develop and implement measures that will lower the risk of exposure to these contaminant sources. EPA and the State of Mississippi lack regulatory or statutory authority to require protection of source water on the local level so protection of source water must occur at the county or municipality level. MDEQ is working with the Mississippi State Department of Health and local agencies to assist in this effort. Mr. Van Devender asked what caused the leak of contaminants in West Virginia. Mr. Richard Harrell responded that it was a catastrophic one-time release at a non-permitted West Virginia facility. Mr. Winstead stressed the importance of local government support in protecting Mississippi's source waters. This briefing was for informational purposes only, requiring no action by the Commission.

Briefing on Impaired Waters

Greg Jackson provided the Commission with a report on the 2014 303(d) listing of impaired waters. This report is required to be produced every two years. Staff requested approval to proceed to public notice and to hold a public hearing to receive comments regarding the report on impaired waters. Any proposed changes will be brought before the Commission for approval. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Ms. Dalrymple, the Commission unanimously voted to proceed to public notice of hearing on the 2014 303(d) listing of impaired waters.

Briefing on Open Burning Regulations

Deputy Director, Alice Perry, provided the Commission with a summary of MDEQ's Open Burning Regulations. Staff has developed draft modifications to Rule 1.3G of the Regulations in response to community concerns about residential open burning. MDEQ is statutorily responsible for keeping Mississippi's air clean and safe, but proposes modifications to the regulations which will permit local communities to pass their own local ordinances on residential open burning if they meet certain requirements. The draft modifications will be considered by the Commission before the proposed changes are published for the public's review and comment. This briefing was for informational purposes only, requiring no action by the Commission.

FY 2015 Budget Request

Deputy Director, Alice Perry, provided the Commission with a copy of MDEQ's FY2015 Budget Request which was presented to the House and Senate Appropriation Committees. The FY2015 Budget Request has passed the House Appropriations Committee and is headed to the Senate. Ms. Perry stated MDEQ's general fund has decreased over time but that the money is extremely important to specific agency needs. Staff is diligently working to make sure those needs are conveyed to the Legislature. 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>
Calhoun County Board of Supervisors	\$ 11,280
City of Cleveland	20,000
City of Gautier	25,000
City of Poplarville	15,000
Coahoma County Board of Supervisors	10,800
Covington County Board of Supervisors	13,920
Golden Triangle Solid Waste Management Authority	36,675
Grenada County Board of Supervisors	17,479
Harrison County Board of Supervisors	70,000
Itawamba County Board of Supervisors	15,240
Jackson County Board of Supervisors	29,640
Jefferson Davis County Board of Supervisors	12,720
Lafayette County Board of Supervisors	17,880
Lamar County Board of Supervisors	22,560
Leflore County Board of Supervisors	13,560
Marion County Board of Supervisors	15,600
Panola County Board of Supervisors	71,900
Prentiss County Board of Supervisors	13,080
Stone County Board of Supervisors	11,760
Tate County Board of Supervisors	23,420
Three Rivers Solid Waste Management Authority	60,000
Town of Potts Camp	3,121
Town of Jonestown	15,000
Walthall County Board of Supervisors	13,800
Webster County Board of Supervisors	10,320
Yalobusha County Board of Supervisors	16,860

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>
Carroll County Board of Supervisors	\$ 25,000
Golden Triangle Solid Waste Management Authority	90,000
Leflore County Board of Supervisors	50,000
Panola County Board of Supervisors	15,000
Yalobusha County Board of Supervisors	55,953

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 368 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 131 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 had been issued since the last report.

Administrative Orders

On previous authority delegated to the Executive Director, DEQ, the staff reported that 51 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, March 27, 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.



CHAIRMAN

ATTEST:



EXECUTIVE DIRECTOR