

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
AUGUST 23, 2018

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, August 23, 2018, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

Patrick Johnson, Jr.
Brenda Lathan
Chat Phillips
Billy Van Devender
Jack Winstead, Chairman

Commissioner John Dane III was not present.

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

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

Approval of Minutes

On motion made by Mr. Van Devender and seconded by Ms. Lathan, the minutes of the July 26, 2018, meeting were approved and adopted as the Official Minutes.

Amendments to 11 Miss. Admin. Code Part 5, Chapter 2 – Underground Storage Tank Technical Regulations

On behalf of MDEQ staff, Ms. Lynn Chambers recommended that the Commission adopt amendments to the Commission's UST regulations, 11 Mississippi Administrative Code, Part 5, Chapter 2. Copies of the proposed amendments were previously sent to the Commission for review. In order to comply with the federal requirements of 40 CFR Part 280 and to be able to re-apply for state program approval for the MS UST Program under 40 CFR 281, staff recommended including new and revised requirements for: integrity testing for containment sumps; piping replacements; fuel type changes; release detection; and walkthrough monthly and annual inspections. The proposed amendments also include additional changes to enhance and protect human health, safety, and the environment. These proposed changes include requirements for airport hydrant systems and field constructed tanks, lender liability requirements to maintain USTs for future operation, and more specific reporting requirements. These proposed changes will align regulatory requirements of the Commission with requirements of the federal regulations whereby allowing MDEQ to seek re-authorization for state program approval of our Underground Storage Tank Program. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Mr. Johnson, the Commission unanimously voted to adopt amendments to the Commission's UST regulations, 11 Mississippi Administrative Code, Part 5, Chapter 2.

Amendments to 11 Miss. Admin. Code Part 5, Chapter 3 – Underground Storage Tank Regulations for the Certification of Persons Who Install, Alter, Test, and Permanently Close Underground Storage Tanks

On behalf of MDEQ staff, Ms. Lynn Chambers recommended that the Commission adopt amendments to the Commission's UST regulations, 11 Mississippi Administrative Code, Part 5, Chapter 3. Copies of the proposed amendments were previously sent to the Commission for review. The regulations proposed for amendment address new UST certification types, clarify the requirements on when a UST certified contractor shall be employed to conduct UST related services, add experience requirements for UST certified contractor to ensure quality services are provided to the UST regulated community, and to be compliant with the Fair Labor statutes of Mississippi. The proposed changes include two new certified contractor classifications, defined the activities that require a licensed UST contractor, add on-the-job training experience from a minimum of six (6) months to two (2) years, dependent on certification classification, and remove the requirement that an applicant must be a full-time employee of their employer to be a licensed certified contractor for that employer. Following staff presentation and after deliberation, on motion made by Ms. Lathan and seconded by Mr. Phillips, the Commission unanimously voted to adopt amendments to the Commission's UST regulations, 11 Mississippi Administrative Code, Part 5, Chapter 3. After Ms. Chambers' presentation, Executive Director Gary Rikard,

provided the Commission with a brief update on the Groundwater Protection Trust Fund, how it is funded with an environmental protection fee, and the proclamation of the 2018 Legislature in Extraordinary Session on August 23, 2018. The governor issued a proclamation to consider instead of discontinuing the collection of the environmental protection fee when the Trust Fund balance is above \$10,000,000, to deposit the revenue derived from the environmental protection fee to the State Highway Fund. It would not affect the balance in the Trust Fund; it would just continue the collection of the tax and re-direct the payment until the Trust Fund reached a balance below \$6,000,000.

Commission Approval of Brownfield Agreement

On behalf of MDEQ staff, Ms. Lynn Chambers recommended that the Commission approve the Brownfield Agreement between the Commission and the City of Vicksburg regarding the remediation of brownfield property located at 1422 Martin Luther King Jr. Boulevard in Vicksburg, Mississippi. The administrative record for this environmental response project is referred to as the Kuhn Memorial Hospital site. Assessment of the site determined the site is contaminated with asbestos containing material. Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be commercial or industrial in nature. The staff of the MCEQ evaluated the Brownfield Agreement 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 after deliberation, on motion made by Mr. Phillips and seconded by Mr. Van Devender, the Commission unanimously voted to approve the Brownfield Agreement between the Commission and the City of Vicksburg regarding the remediation of brownfield property located at 1422 Martin Luther King Jr. Boulevard in Vicksburg, Mississippi. After Ms. Chambers’ presentation, Executive Director Gary Rikard, provided a little background on how the Brownfield program works.

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>
Jefferson County BOS	\$32,852.00
Humphreys County BOS	\$26,794.00
Lincoln County BOS	\$47,000.00
Coahoma County BOS	\$50,000.00
Quitman County BOS	\$17,089.00

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>
Sharkey County BOS	\$25,000.00
Jefferson Davis County BOS	\$25,000.00
Lamar County BOS	\$30,000.00
Walthall County BOS	\$25,000.00
Washington County BOS	\$90,000.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 115 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 63 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 9 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 5 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.

Other Business

On behalf of staff, Mr. Roy Furrh stated that a proposed order was prepared setting forth the Commission's decision during the July Commission meeting, whereby the members of the Commission who attended the July meeting voted unanimously to deny C.F. Gollott and Son Seafood, Inc.'s (Gollott's) request for a hearing; to deny Gollott's request for a stay or revocation of the applicable Agreed Order and Agreed Order Amendment; and to deny Gollott's request for the Commission to petition EPA and challenge the promulgation of the new source performance standards for seafood processors which Gollot alleges were not properly promulgated in 1974. A copy of the proposed order was previously forwarded to the Commission for review and staff recommended the Commission approve this Order. Following staff presentation and after deliberation, on motion made by Mr. Johnson and seconded by Ms. Lathan, the Commission unanimously voted to adopt this Order. Mr. Furrh further stated that the Permit Board will hear Gollot's proposed permit modification request on December 11, 2018, and Executive Director, Gary Rikard informed the Commission that Gollott filed an appeal of the Commission's decision made at the July Commission meeting.

Approval to Enter into Executive Session

Executive Director, Gary Rikard, stated there was an on-going litigation matter to be discussed and the Commission needed to consider going into Executive Session. Mr. Phillips made the motion for the Commission to enter into Closed Session to determine if the Commission should go into Executive Session. Mr. Van Devender seconded the motion and the motion was unanimously approved. Everyone left the meeting room except the Commission and appropriate MDEQ staff. After the Closed Session was held, the Commission came back into open session. On motion made by Ms. Lathan and seconded by Mr. Johnson, the Commission unanimously voted to go into Executive Session. After the Executive Session was held, on motion made by Mr. Phillips and seconded by Mr. Johnson, the Commission came back into open session and stated that no actions were taken during the Executive Session.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, September 27, 2018, 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

EMERGENCY SERVICES CLEAN UP

To:	CTEH	
Amount:	\$3,405.00	Date of Response: 06/19/18
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Rankin County.	
To:	Complete Environmental	
Amount:	\$29,358.03	Date of Response: 02/20/18
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Rankin County.	
To:	Enhanced Environmental & Emergency Services	
Amount:	\$104,109.91	Date of Response: 05/31/18
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a sulfur spill in Panola County.	
To:	Enhanced Environmental & Emergency Services	
Amount:	\$9,573.29	Date of Response: 06/19/18
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Rankin County.	
To:	Enhanced Environmental & Emergency Services	
Amount:	\$3,735.13	Date of Response: 06/22/18
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel/oil spill in Hinds County.	
To:	Enhanced Environmental & Emergency Services	
Amount:	\$10,617.65	Date of Response: 05/31/18
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an asphalt sealant spill in Pearl River County.	
To:	Enhanced Environmental & Emergency Services	
Amount:	\$16,238.90	Date of Response: 04/20/18
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Jackson County.	
To:	Enhanced Environmental & Emergency Services	
Amount:	\$3,261.69	Date of Response: 05/14/18
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum products spill in Jackson County.	
To:	Enhanced Environmental & Emergency Services	
Amount:	\$2,948.32	Date of Response: 05/29/18
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum product spill in Harrison County.	

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Mike Griffin d/b/a/ 3 A's Well Service Harrison Co., MS	Order No. 6871 18 Respondent shall immediately cease and desist from engaging in the business of constructing or repairing wells; and Respondent shall immediately cease and desist from advertising and holding himself out to be a water well driller or pump installer/servicer.	Respondent was in violation of operating as a water well/pump contractor in the state of Mississippi without the required license.
2	Buffalo Services Incorporated Pike Co., MS	Order No. 6872 18 Respondent agrees to pay MDEQ a penalty in the amount of \$20,000.00 within forty-five (45) days of the Agreed Order.	Respondent was in violation of MS Code Section 49-17-29 regarding waters of the state.
3	Terry Flowers Jones Co.	Order No. 6873 18 Respondent agrees with the terms and conditions listed in Section 3 of this Order.	Respondent's dam (Dam Inventory No. MS06161) has been declared a High Hazard dam as defined in MS Commission on Environmental Quality Dam Safety Regulation 11 Miss. Admin. Code Pt. 7 Ch. 3.
4	Travelers Casualty & Surety Company of America	Order No. 6874 18 Respondent agrees to pay MDEQ \$32,500.00 (full payment on Bond No. 087-S-106395412 within thirty (30) days of this Agreed Order and MDEQ agrees to accept this payment as full and complete settlement for the matters addressed herein.	This Agreed Order memorializes the forfeiture by Travelers Casualty & Surety Co. of Performance Bond No. 106395412 in the amount of \$32,500.00 to reclaim Permit No. P16-010. The Bond was assuring reclamation of a 13 acre surface mine in Yazoo County, Mississippi. The Principal, surface mine operator Dirtworks Inc. of Vicksburg, failed to reclaim Permit No. P16-010 in accordance with the permit and the reclamation plan. The funds from the forfeiture of the Bond will be used to reclaim the mine site.
5	Military Lee, LLC Lowndes Co., MS	Order No. 6875 18 Respondent agrees to comply with the terms and conditions in the Schedule Order for participation in the Brownfield Program.	Respondent has submitted an application to participate in the Brownfield program. Respondent has an interest in the former Lee Middle School in Columbus, Mississippi with plans to re-develop the property. This Agreed Order sets the terms and conditions for participating in the Brownfield Program.