MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
FEBRUARY 28, 2019

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, February 28, 2019, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

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

Others present were: Gary Rikard, Executive Director; Melissa Fortenberry, Lynn Chambers, 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 Winstead and after he led the invocation, the following business was transacted:

Approval of Minutes

On motion made by Mr. Dane and seconded by Mr. Van Devender, the minutes of the November 8, 2018, meeting were approved and adopted as the Official Minutes.

FY 2020 Title V Fee Recommendation - Approval to Proceed to Public Notice of Hearing

Ms. Melissa Fortenberry stated a copy of the draft report containing the Title V Advisory Council's Title V fee recommendation for the upcoming fee year had previously been forwarded to the Commission. It is both the Council's recommendation and staff's recommendation to retain the fee of $47 per ton of regulated air pollutants. On behalf of staff, Ms. Fortenberry requested approval to hold a public hearing to receive comments regarding the proposed fee and to proceed with public notice of the hearing. After the public participation process is completed, staff will bring the fee recommendation back before the Commission for final action. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Ms. Lathan, the Commission unanimously voted to proceed to public notice for a hearing on the Title V fee recommendation.

Environmental Covenant for Selcast S.A., Inc.

Pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), Ms. Lynn Chambers stated the Executive Director of MDEQ approved the Environmental Covenant between the Commission and Selcast S.A., Inc. regarding the remediation of property located at 2363 Pass Road in Biloxi, MS. Star Dry Cleaners operates at this location and Environmental Site Assessments revealed a release of chlorinated solvents impacting soils and groundwater at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site was necessary. Staff of the MCEQ 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. This briefing was for informational purposes only, requiring no action by the Commission.

Restrictive Use Agreed Order & Environmental Covenant Illinois Central Railroad Company

Pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), Ms. Lynn Chambers stated the Executive Director of MDEQ approved the Restrictive Use Agreed Order & Environmental Covenants between the Commission and Illinois Central Railroad Company regarding the remediation of property located at 101 Roy Street in Hattiesburg, MS. This property operated as a refueling station and Environmental Site Assessments revealed a release of petroleum hydrocarbons impacting soils and groundwater at concentrations in excess of the Target Remediation Goals (TRGs). Therefore, remediation of the site was necessary. Staff of the MCEQ evaluated the proposed Restrictive Use Agreed Order & 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. This briefing was for informational purposes only, requiring no action by the Commission.

Environmental Covenant for Southern States Cooperative, Inc.

Pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), Ms. Lynn Chambers stated the Executive Director of MDEQ approved the Environmental Covenants between the Commission and Southern States Cooperative, Inc. regarding the remediation of property located at 1013 Highway 6 West in Batesville, MS. Environmental Site Assessments revealed Nitrate-N impacting soils and groundwater at concentrations in excess of the Target Remediation Goals (TRGs). Therefore, remediation of the site was necessary. Staff of the MCEQ 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. This briefing was for informational purposes only, requiring no action by the Commission.

Ex Parte Administrative Order for Parker Hannifin Corporation

Under the authority of Miss. Code Ann. § 49-12-13 (Rev. 2003), Ms. Lynn Chambers stated the Executive Director of MDEQ issued an Ex Parte Administrative Order against the Parker Hannifin Corporation. Parker Hannifin Corporation owns an approximately 20-acre parcel located at 200 East Parker Drive in Booneville, MS. Parker Hannifin Corporation operated a production plant and supportive facilities at this location which manufactured aluminum automotive air-conditioning accumulators. Environmental assessments conducted by the Parker Hannifin Corporation determined that soil and groundwater at and/or near this location had been impacted by various chlorinated solvents above MDEQ Target Remediation Goals (TRGs). Therefore, the Executive Director of the MDEQ found it necessary to issue this Ex Parte Administrative Order so that Parker Hannifin Corporation must develop a work plan, submit it for approval, and conduct sampling investigation at this location to adequately delineate the soil and groundwater contamination. MDEQ approved the work plan and authorized implementation of off-site assessment activities. This briefing was for informational purposes only, requiring no action by the Commission.

Commission Approval of Brownfield Agreement Termination

Ms. Lynn Chambers stated the Commission approved Brownfield Agreement 6662 16 in February 2016, between the Commission and Hernando Town Properties for remediation of the former Reliable Equipment property located in Hernando, Mississippi. The original brownfield agreement required soil excavation for Total Petroleum Hydrocarbons – Gasoline Range Organics (TPH-GRO) and Total Petroleum Hydrocarbons – Diesel Range Organics (TPH-DRO). The excavation met the requirements of the MDEQ-approved Corrective Action Plan, Revision 2.1 dated December 20, 2017. Hernando Town Properties requested the Commission make a determination as to the completion of the Brownfield Agreement. Staff evaluated the Brownfield Agreement completion and believes that, with the conditions and restrictions contained within the Environmental Covenant required in Brownfield Agreement Order No. 6662 16 and the adequate completion of the soil excavation activities, 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. Staff recommended the Commission vote to complete the Brownfield Agreement. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Mr. Dane and Mr. Van Devender, the Commission unanimously voted to terminate the Brownfield Agreement between the Commission and Hernando Town Properties.

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:

County/Municipality	**Grant Amount**
Alcorn County BOS	$35,489.00
Amite County BOS	$31,388.00
Town of Monticello	$25,000.00
City of Natchez	$25,000.00
City of Greenville	$50,000.00
City of Hattiesburg	$75,000.00

Hancock County BOS	$22,500.00
3 Rivers SWM Authority	$75,000.00
Washington County BOS	$15,000.00
Madison County BOS	$75,000.00

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:

County/Municipality	**Grant Amount**
Copiah County BOS	$75,000.00
Neshoba County BOS	$40,000.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 383 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 161 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 32 that 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 61 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 28 Administrative Orders and 1 Amended Agreed Order, have 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

Executive Director Gary Rikard updated the Commission on two bills which passed in the Mississippi House of Representatives and which are now headed to the Mississippi State Senate. Under the Water Pollution Control Revolving Fund Loan Program, HB 1568, authorizes the issuance of $7,940,000.00 bonding authority requested by MDEQ to access all the federal grant funds available to Mississippi ($39.70 million). The Clean Water State Revolving Fund provides low interest loans to counties, municipalities and other governmental entities for new wastewater treatment facilities and upgrades to existing systems. The state's investment is matched 5 to 1 by federal funds. If Mississippi provides the full match, there will be approximately $12 million available for "subsidy" funding (which is basically grant funding) to small/low income communities. In response to a question by Mr. Van Devender, Mr. Tony Caldwell and Executive Director Gary Rikard explained that the City of Jackson is eligible for a loan under the Clean Water State Revolving Fund, but does not meet the requirements of eligibility under the program for a subsidy.

HB1657 is MDEQ's FY 2020 Appropriations Request. MDEQ requested an increase of $2,962,972.00 in general funds from FY 2019. This additional money would be used to fill approximately 28

vacant positions so that MDEQ can timely issue permits, conduct required inspections and address noncompliance issues. The additional funds would also be used to coordinate valuable water resources including the Mississippi Water Information System database and the PERS match. Executive Director Gary Rikard said Alice Perry and he plan to meet next week with House Speaker, Philip Gunn, and Lieutenant Governor Tate Reeves, about MDEQ's appropriation request. The Commissioners expressed interest in attending meetings about the requests as appropriate.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, March 28, 2019, 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

(Attachment 1)
2/28/2019

EMERGENCY SERVICES CLEAN UP

To: CTEH
Amount: $3,905.75 **Date of Response: 09/15/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill due to a leaking AST in Scott County.

To: CTEH
Amount: $5,685.92 **Date of Response: 08/16/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and investigate an unknown gasoline odor from the sewer drain in Chickasaw County.

To: Complete Environmental
Amount: $3,253.40 **Date of Response: 07/20/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Smith County.

To: Complete Environmental
Amount: $27.50 **Date of Response: 07/20/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Smith County. This is for the disposal costs.

To: Complete Environmental
Amount: $1,993.62 **Date of Response: 09/09/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum oil spill in Harrison County.

To: Enhanced Environmental & Emergency Services
Amount: $1,737.70 **Date of Response: 09/19/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Jackson County.

To: Enhanced Environmental & Emergency Services
Amount: $86,815.54 **Date of Response: 08/16/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and investigate an unknown gasoline odor from the sewer drain in Chickasaw County.

To: Enhanced Environmental & Emergency Services
Amount: $1,755.89 **Date of Response: 09/11/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel/hydraulic oil spill in Copiah County.

To: Enhanced Environmental & Emergency Services
Amount: $4,052.57 **Date of Response: 09/14/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Forrest County.

To: Enhanced Environmental & Emergency Services
Amount: $11,538.29 **Date of Response: 09/03/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an adhesive spill in Hancock County.

To: Enhanced Environmental & Emergency Services
Amount: $10,126.47 **Date of Response: 09/15/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill due to a leaking AST in Scott County.

To: Enhanced Environmental & Emergency Services
Amount: $3,450.06 **Date of Response: 08/10/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an abandoned medical waste dump site in Tishomingo County.

To: Enhanced Environmental & Emergency Services
Amount: $2,007.70 **Date of Response: 09/21/18**
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: $3,102.55 **Date of Response: 3,102.55**
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: $3,364.16 **Date of Response: 09/13/18**
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Harrison County.

(Attachment 2)
2/28/2019

ADMINISTRATIVE ORDERS

	Respondent	Order No.	Summary
1	Camp Shelby Training Site Forrest Co., MS	Order No. 6898 18 Respondent agrees to comply with the terms and conditions listed under Section #2.	Respondent was in violation of SMOP Permit No. 0800-00036.
2	Riverbend Environmental Services, LLC Jefferson Co., MS	Order No. 6899 18 Respondent agrees to comply with the terms and conditions listed under Section #2.	Respondent was in violation of Solid Waste Permit No. SW0320040549.
3	Illinois Central Railroad Company Forrest Co., MS	Order No. 6900 18 Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has an interest in a tract of land located in Hattiesburg, MS. The Site is contaminated with petroleum at levels in excess of the Target Remediation Goals (TRG's), and, therefore, remediation of the Site is necessary.
4	John Glenn, individually and d/b/a Joe Glenn & Sons, Inc. Rankin Co., MS	Order No. 6901 18 Respondent agrees to the requirements listed in Section 3 of this Agreed Order which include a UST certified contractor license suspension for an employee and penalty in the amount of $5,000.00 due and payable to MDEQ within one hundred eighty (180) days after July 1, 2019 if adequate testing equipment and training is not obtained.	Respondent is a licensed Mississippi Underground Storage Tank (UST) Certified Contractor conducting business in the state of Mississippi. Respondent's employee, Robert Glenn's current licensure is valid through August 1, 2019. Violations are listed in Section 2 of this Agreed Order.
5	Ergon Refining, Inc. And Ergon Biofuels, Inc. and Ergon Trucking, Inc. Warren Co., MS	Order No. 6902 18 Respondent agrees to pay MDEQ a penalty in the amount of $405,000.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I of this Agreed Order.
6	Parker Hannifin Corporation Prentiss Co., MS	Ex Parte Order No. 6903 18 MDEQ is requiring respondent to delineate area of contamination on-site and off-site to MDEQ TRGs.	Respondent has provided documentation of soil and groundwater impacts above MDEQ's Target Remediation Goals (TRGs) for various chlorinated solvents. A work plan to delineate area of contamination on-site and off-site with monitoring wells has not been provided to MDEQ, as requested.
7	Three Rivers Regional Solid Waste Management Authority Lafayette Co., MS	Order No. 6904 18	This order approves the modified version of the Three Rivers Regional Solid Waste Management Plan as requested by the Three Rivers Regional Solid Waste Authority. Specifically, this order approves the Authority's modification to include an expanded service area for the North MS Recycling Solutions

			Class I Rubbish Site to include the counties of Calhoun, Lee, Marshall, Panola, Pontotoc, Tate, Union, and Yalobusha in addition to the previous service area of Lafayette County.
8	Water Valley Poultry LLC Yalobusha Co., MS	Order No. 6905 18 Respondent agrees to pay MDEQ a penalty in the amount of $31,825.00 within forty-five (45) days of this Agreed Order. Respondent also agrees to comply with the terms and conditions listed under Section #2.	Violations are listed in Section I of this Agreed Order.
9	Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 6, Chapter 9	Order No. 6906 18	This order memorializes the Commission's adoption of the proposed amendments to MDEQ's "Mississippi 2018 Section 303(d) List of Impaired Water Bodies", which is codified at 11 Miss. Admin. Code Pt. 6, Ch. 9.
10	S & R Development Hinds Co., MS	Order No. 6907 18 Respondent agrees to pay MDEQ a penalty in the amount of $7,500.00 within thirty (30) days of this Agreed Order.	Respondent engaged in building demolition activity in connection with a real estate development project by Fondren Hospitality Group, LLC in the Fondren community, Jackson, MS. Instances of non-compliance with requirements of asbestos regulations are listed in Section I of this Agreed Order.
11	Liberty Fuels Kemper Co., MS	Order No. 6908 18	This Order authorizes the Commission to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
12	Mississippi Lignite Mining Company Choctaw Co., MS	Order No. 6909 18	This Order authorizes the Commission to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
13	Ms. Nelwyn Madison Warren Co., MS	Order No. 6910 18 Respondent agrees to comply with the requirements/obligations listed under #2 of this Agreed Consent Order.	This Agreed Consent Order approves the initiation of the clean-up of an unauthorized waste tire stockpile on the property located at 17783 Highway 465, Vicksburg, MS.
14	Terra Renewal Services, Inc. Hinds Co., MS	Order No. 6911 18 Respondent agrees to pay MDEQ a penalty in the amount of $18,000.00 within forty-five (45) days of this agreed Order.	Respondent was in violation of Solid Waste Permit No. SW0250030570.

15	Waste Pro of Mississippi, Inc. Harrison Co., MS	Order No. 6912 18 Respondent agrees to pay MDEQ a penalty in the amount of $60,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Mississippi Code by having multiple petroleum releases from Waste Pro trucks in Harrison and Jackson Counties in 2017 and 2018. The spills impacted soil beside the roadways and had the potential to impact waters of the State.
16	Terry Flowers Jones Co., MS	Order No. 6913 18 Respondent agrees with the terms and conditions listed in Section 4 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.
17	Dr. Cindy A. Elliott Hinds Co., MS	Order No 6914 18 Respondent is subject to the terms and conditions listed in Section 3 of this Executive Order.	Respondent's dam (Dam Inventory No. MS01745) 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.
18	Forrest County Board of Supervisors	Order No. 6915 18	This order approves the modification to expand the Fairley's Tire and Rubber Disposal Site owned and operated by Fairley Tire and Rubber Disposal, LLC. The expansion increases the size of the approved disposal area by 19.97 acres and will continue to accept processed tires from the associated tire processing facility and miscellaneous rubber-only items accepted by the business.
19	Simpson County Board of Supervisors	Order No. 6916 18	This order approves the amendment to include the addition of eleven new land application sites in Simpson County to be operated by Terra Renewal Services, Inc. for the land spreading of wastewater residuals from poultry and food processing facilities.
20	Longs Transfer and Storage, Inc. Jackson Co., MS	Order No. 6917 18 Respondent agrees to pay MDEQ a penalty in the amount of $30,000.00 within forty-five (45) days of the Agreed Order.	Respondent experienced a product release that discharged titanium dioxide and impacted waters of the state as a result of the discharge.
21	JCG FARMS Bolivar Co., MS	Order No. 6918 18 Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section 1-A&B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-47553.
22	Joe Van Anglin Calhoun Co., MS	Order No. 6919 19 Respondent shall comply with all conditions listed in Section 7 of this Order.	This order was issued because of MDEQ's inability to reach an agreement with respondent and his failure to implement corrective actions at his Class I rubbish site.

23	Mark Carpenter d/b/a Dallas Drilling Silverhill, Al	Order No. 6920 19 Respondent agrees to pay MDEQ all outstanding fees and a penalty in the total aggregate amount of $570.00 (five hundred seventy dollars)	Respondent has requested reinstatement of his license and has agreed to pay all fees associated with such reinstatement, including a license fee, late fees, and a penalty for not submitting appropriate proof of continuing education before the expiration date of June 30, 2018.
24	Wis-Pak of Hattiesburg, LLC Forrest Co., MS	Order No. 6921 19 Respondent agrees to pay MDEQ a penalty in the amount of $7,500.00 within forty-five (45) days of the Agreed Order.	Respondent was in violation of NPDES Pretreatment Permit No. MSP092288.
25	Looxahoma, LLC DeSoto Co., MS	Order No. 6922 19 Respondent agrees to pay MDEQ a penalty in the amount of $5,250.00 within forty-five (45) days of the Agreed Order.	Respondent was in violation of MS Code Section 49-17-29(2)(b) regarding waters of the state.
26	Utility Constructors, Inc. Rankin Co., MS	Order No. 6923 19 Respondent agrees to pay MDEQ a penalty in the amount of $6,500.00 within forty-five (45) days of the Agreed Order.	Respondent was in violation of Mississippi's Large Construction Storm Water General Permit No. MSR107469.
27	Borden Dairy Company of Alabama, LLC Forrest Co., MS	Order No. 6924 19 Respondent agrees to pay MDEQ a penalty in the amount of $18,750.00 within forty-five (45) days of the Agreed Order.	Respondent was in violation of NPDES Pretreatment Permit No. MSP091493.
28	Mr. Howard Moore Sunflower Co., MS	Order No. 6925 19 Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section I-A & B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-39996.

Amended Orders

1	First Chemical Corporation	Amended Agreed Order No. 6762 17	Respondent agrees to comply with the amended requirements listed in Section I of this Agreed Order Amendment.