

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
FEBRUARY 27, 2020

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, February 27, 2020, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

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

Others present were: Chris Wells, Interim Executive Director; Chad Lafontaine, Lynn Chambers, Ted Lampton, staff of MDEQ; and other staff members and visitors whose names appear elsewhere in these minutes.

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

Welcome of Interim Executive Director

Chairman Dane recognized Chris Wells, MDEQ's Interim Executive Director.

Approval of Minutes

On motion made by Mr. Winstead, seconded by Mr. Phillips, the minutes of the November 15, 2019, meeting were approved and adopted as the Official Minutes.

FY 2021 Title V Fee Recommendation - Approval to Proceed to Public Notice of Hearing

Mr. Chad Lafontaine stated that a copy of the draft report containing the Title V Advisory Council's Title V fee recommendation for the upcoming 2021 fee year had previously been forward to the Commission for review. 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, Mr. Lafontaine 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. Johnson and seconded by Ms. Lathan, the Commission unanimously voted to proceed to public notice for a hearing on the Title V fee recommendation.

Commission Briefing on Underground Storage Tank Regulatory Fee

Ms. Lynn Chambers stated that pursuant to Miss. Code Ann. Sec. 49-17-421, revised July 1, 2018, the Commission is charged by law to establish the tank regulatory fee in an amount sufficient to cover the cost of the UST Program. Owners of each underground storage tank available for use in Mississippi are required to pay MDEQ the annual tank regulatory fee. Currently, the UST Program is running low on funding due to inflation, a 12% reduction in revenue, and changes in the industry. The statutory revision also created Miss. Code Ann. Sec. 49-17-422 that established an Advisory Council to conduct an independent study of the cost of the UST Program and provide the Commission a written report and recommendations on the annual tank fee. That report was provided to the Commission on December 31, 2019, and recommends a fee of \$150.00 per tank for the upcoming billing cycle which begins in July of this year. Public Notice of the Council's recommendations is in progress and staff will come back before the Commission at a later date for further action. 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 6957-19 in June 2019, between the Commission and the Military Lee, LLC for remediation of the former Lee Middle School

property located in Columbus, Mississippi. The original brownfield agreement required lead paint and asbestos abatement. The completed remedial activities met the requirements of the MDEQ-approved Corrective Action Plan dated April 2019 and Military Lee, LLC has requested the Commission make a determination as to the completion of the Brownfield Agreement. The staff of the MCEQ evaluated the Brownfield Agreement completion and believes that the Site is in compliance with applicable State and Federal laws and standards and will be protective of the public health and the environment. Ms. Chambers recommended the Commission approve the completion of the Brownfield Agreement. Following staff presentation and after deliberation, on motion made by Ms. Lathan and seconded by Mr. Winstead, the Commission unanimously voted to approve the completion of the Brownfield Agreement between the Commission and the Military Lee, LLC for remediation of the former Lee Middle School property located in Columbus, Mississippi.

Environmental Covenant for YRC Freight Facility

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 YRC Inc. regarding the remediation of property located at 102 Carrier Boulevard in Richland, Mississippi. YRC is an active trucking terminal and vehicle maintenance facility. The remediation involved diesel product cleanup and the groundwater monitoring and recovery wells have been plugged and decommissioned. 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. This briefing was for informational purposes only, requiring no action by the Commission.

Pollution Emergency Response Regulations

Pursuant to Mississippi Code Sections 17-17-29, 49-17-43, 49-17-27, and 49-17-68, persons who cause pollution or own facilities which cause pollution are liable for the cost of remedial or clean-up action resulting from such pollution. Mr. Ted Lampton stated that the purpose of this new regulation is to include these various sources of statutory authority for pollution emergency response and to include definitions to provide clarity and consistency in the implementation of these statutes related to emergency response requirements. Interim Executive Director Chris Wells provided some background and stated the new regulation clarifies what constitutes a facility from which a release can occur. If adopted by the Mississippi Commission on Environmental Quality, this regulation will be codified at Title 11, Part 9, Chapter 1 of the Mississippi Administrative Code. A public hearing on the new regulation was held on December 12, 2019 and no written or verbal comments were received from the public related to the proposed regulation. A copy of the proposed regulations were previously provided to the Commission for review. On behalf of staff, Mr. Lampton recommended the Commission adopt this new regulation. Following staff presentation and after deliberation, on motion made by Mr. Van Devender and seconded by Mr. Johnson, the Commission unanimously voted to adopt the new regulation to be codified at Title 11, Part 9, Chapter 1 of the Mississippi Administrative Code.

Modification of Hinds County Solid Waste Management Plan

Mr. Ted Lampton stated an evidentiary hearing was held on September 19, 2019, regarding Commission Order No. 6772-17, which approved the modification of the Hinds County Solid Waste Management Plan to allow for the expansion of the Faircloth Class I Rubbish Site. The hearing was held before Hearing Officer Doug Levanway who subsequently presented his findings of fact and recommended decision at the Commission's November 15, 2019, meeting. In his findings and recommended decision, the Hearing Officer recommended that the Commission affirm the Order which approves the modification of the Hinds County Solid Waste Management Plan allowing for the expansion of the Faircloth Class I Rubbish Site by an additional 26.55 acres. The Commission considered the Hearing Officer's recommended decision after reviewing the previously provided record which includes the Petition for Hearing, the transcript of the Motion Hearing, the transcript of the Evidentiary Hearing, exhibits to the transcripts (including pre-filed testimony submitted by the parties-William G. (Bill) Moore-Petitioner, Hinds County Board of Supervisors-Intervenor, Faircloth Rubbish Landfill, Inc.-Intervenor and MDEQ), Motions to Intervene, Motions in Limine, Responses to Motions, witness lists, and the Hearing Officer's Findings of Fact and Recommended Decision. The Commission voted to adopt the Hearing Officer's Recommended Decision to affirm the issuance of Commission Order No. 6772-17, which approved the modification of the Hinds County Solid Waste Management Plan to allow for the expansion of the Faircloth Class I Rubbish Site. A proposed Order reflecting its previous decision in this matter to affirm the issuance of Commission Order 6772-7 was previously provided to the Commission for review. Mr. Lampton recommended that the Commission adopt

the proposed Order, and that Interim Executive Director Chris Wells be authorized to sign the Order on behalf of the Commission. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Mr. Winstead, the Commission unanimously voted to adopt the proposed Order reflecting its previous decision in this matter and further authorized that the Order memorializing the Commission's decision be executed by Interim Executive Director Chris Wells.

Solid Waste Assistance Grants, Waste Tire Grants, and Solid Waste Planning 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>
City of Richland	\$27,119.00
City of Greenwood	\$22,000.00
City of Hattiesburg	\$75,000.00
Town of Monticello	\$25,000.00
City of Byram	\$25,000.00
Golden Triangle Authority	\$52,500.00
City of Jackson	\$75,000.00
City of Grenada	\$25,000.00
Three Rivers Authority	\$75,000.00
City of Grenada	\$25,000.00
Grenada County BOS	\$14,500.00
Harrison County BOS	\$75,000.00
Leake County BOS	\$32,419.00
Hinds County BOS	\$75,000.00
Carroll County BOS	\$25,000.00
Chickasaw County BOS	\$25,000.00
Forrest County BOS	\$17,692.00
Lincoln County BOS	\$24,879.00
Madison County BOS	\$25,843.00
Franklin County BOS	\$14,446.00
Scott County BOS	\$20,064.00

On previous authority delegated to the Executive Director, MDEQ, the Commission was provided a listing by staff of the following waste tire grants that have been awarded to local governments:

<u>County/Municipality</u>	<u>Grant Amount</u>
Hinds County BOS	\$60,000.00
Tallahatchie County BOS	\$32,000.00
Wayne County BOS	\$25,000.00
Scott County BOS	\$50,000.00
Lincoln County BOS	\$50,000.00

On previous authority delegated to the Executive Director, MDEQ, the Commission was provided a listing by staff of the following solid waste planning grants that have been awarded to local governments:

<u>County/Municipality</u>	<u>Grant Amount</u>
Lamar County BOS	\$16,700.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 292 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 147 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 22 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 70 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 27 Administrative Orders and 2 Amended Agreed Orders 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

There was discussion about how to address the trash and debris that had been created due to recent flooding. Mr. Wells said that MDEQ will help by providing drop off locations for disposing of household hazardous waste and that the agency would address requests for disposal of demolition debris as they are made.

In response to questions raised by Ms. Martin, Mr. Wells stated he would have staff brief the Commission on MDEQ's role in recycling efforts at the next meeting.

Commissioner Van Devender asked who represented MDEQ on the board of the Pearl River Valley Water District. Commissioner Jack Winstead responded that he represented MDEQ on the board. This led to some questions and discussion about using the Ross Barnett Reservoir for flood control. Mr. Winstead stated the Ross Barnett Reservoir was constructed primarily to supply drinking water and for recreation and that the ability to use the dam for flood control is limited.

Setting of Meeting


It was the decision of the Commission to meet next on Thursday, March 26, 2020, 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:


INTERIM EXECUTIVE DIRECTOR

EMERGENCY SERVICES CLEAN UP

To: E3 Environmental
Amount: \$1,382.20 **Date of Response:** 09/27/2019
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum spill in Perry County.

To: E3 Environmental
Amount: \$2,370.51 **Date of Response:** 11/19/2019
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an engine oil/diesel spill in Desoto County.

To: E3 Environmental
Amount: \$2,235.99 **Date of Response:** 12/17/2019
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up an engine oil/diesel spill in Walthall County.

To: E3 Environmental
Amount: \$1,471.84 **Date of Response:** 12/31/2019
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up oil leaking out of a storm drain in Lincoln County.

To: E3 Environmental
Amount: \$2,935.28 **Date of Response:** 11/01/2019
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill in Jackson County.

To: E3 Environmental
Amount: \$3,129.10 **Date of Response:** 11/15/2019
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum spill in Jackson County.

To: E3 Environmental
Amount: \$2,730.00 **Date of Response:** 12/04/2019
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a petroleum spill in Harrison County.

To: W.T. Drilling
Amount: \$541.00 **Date of Response:** 10/21/2019
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill in Adams County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	NSLC Southern, Inc. Claiborne Co., MS	Order No. 6997 19 Respondent agrees to pay MDEQ a penalty in the amount of \$40,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Title V Permit No. 0420-00004.
2	Barge Forest Products Company Noxubee Co., MS	Order No. 6998 19 Respondent agrees to pay MDEQ a penalty in the amount of \$4,250.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0045349. Violations are listed under Section #1 of this Agreed Order.
3	Cam2 International, LLC Warren Co., MS	Order No. 6999 19 Respondent agrees to pay MDEQ a penalty in the amount of \$90,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Air-Synthetic Minor Operating Permit No. 2780-00012.
4	Mississippi Truck Dismantlers Rankin Co., MS	Order No. 7000 19 Respondent agrees to pay MDEQ a penalty in the amount of \$2,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Baseline Storm Water General Permit No. MSR001286
5	Panola County Airport Panola Co., MS	Order No. 7001 19 Respondent agrees to pay MDEQ a penalty in the amount of \$2,500.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under MDEQ's Baseline Storm Water General NPDES Permit.
6	Everest, LLC Yalobusha Co., MS	Order No. 7002 19 Respondent agrees to the remediation requirements/obligations to be conducted in this Brownfield Agreement Order.	Respondent and the MCEQ agree, through this Brownfield Agreement, that the contaminated Site will be in compliance with all applicable State and Federal laws and standards, once complete.
7	MFM Development, LLC Lafayette Co., MS	Order No. 7003 19 Respondent agrees to pay MDEQ a penalty in the amount of \$6,275.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of ACT6 Condition S-1 (1).
8	Southern Import Specialist, Inc. Rankin Co., MS	Order No. 7004 19 Respondent agrees to pay MDEQ a penalty in the amount of \$8,910.00 within sixty (60) days of this Agreed Order.	Respondent was in violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.1B (2)(b)(1) and 40 CFR 122.26(a)(ii).
9	Liberty Fuels Kemper Co., MS	Order No. 7005 19	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.
10	Mississippi Lignite Mining Company Choctaw Co., MS	Order No. 7006 19	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.
11	Mississippi Lignite Mining Company Choctaw Co., MS	Order No. 7007 19	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	Murphy Oil USA, Inc.	Order No. 7008 19 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within thirty (30) days of this Agreed Order.	Respondent owns/operates several UST's in Mississippi. Facilities are listed in Section I and violations are listed in Section 2 of this Agreed Order.
13	Lamar County Board of Supervisors	Order No. 7009 19	This Order approves an amendment to the Lamar County Solid Waste Management Plan
14	Mississippi Power Company Hancock Co., MS	Order No. 7010 19 Respondent agrees to pay MDEQ a penalty in the amount of \$200,000.00 within thirty (30) days of this Agreed Order and comply with other provisions listed within this Agreed Order.	Respondent was in violation of MS Code Section 49-17-1, et seq. (MAWPCL).
15	Omega Protein, Inc. Jackson Co., MS	Order No. 7011 19 Respondent agrees to pay MDEQ a penalty in the amount of \$37,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0002950. Violations are listed under Section #1 of this Agreed Order.
16	TCI Automotive, LLC Benton Co., MS	Order No. 7012 19 Respondent agrees to pay MDEQ a penalty in the amount of \$4,750.00.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0039063. Violations are listed under Section #1 of this Agreed Order.
17	City of Winona Montgomery Co., MS	Order No. 7013 19 Respondent agrees to pay MDEQ a penalty in the amount of \$500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0021024. Violations are listed under Section #1 of this Agreed Order.
18	Mark Twain Redi Mix Plant Desoto Co., MS	Order No. 7014 19 Respondent agrees to pay MDEQ a penalty in the amount of \$5,250.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under Mississippi's Ready Mix Concrete General Permit before commencement of manufacturing activities.
19	City of Saltillo Lee Co., MS	Order No. 7015 20 Respondent agrees to pay MDEQ a penalty in the amount of \$1,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0021733. Violations are listed under Section #1 of this Agreed Order.
20	YRC Inc. dba YRC Freight Overland Park, KS	Order No. 7016 20 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	YRC Inc. dba YRC Freight desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.
21	City of Starkville Oktibbeha Co., MS	Order No. 7017 20 Respondent agrees to pay MDEQ a penalty in the amount of \$3,750.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0036145. Violations are listed under Section #1 of this Agreed Order.
22	Dr. Cindy A. Elliott Hinds Co., MS	Order No. 7018 20 Respondent agrees with the terms and conditions listed in Section 5 of this Order.	Respondent's dam (Dam Inventory No. MS01745 has been declared a High Hazard dam – Respondent must submit Formal Inspection and provide schedule for permit application for Permit to Modify a Dam and perform all corrective actions required.
23	H D & H, Inc. Madison Co., MS	Order No. 7019 20	In lieu of a formal enforcement hearing, parties agree to settle the matter with Respondent submitting a plan for draining the lake and breaching the dam no later than the close of business January 31, 2020.

24	Enviva Pellets Amory, LLC Monroe Co., MS	Order No. 7020 20 Respondent agrees to pay MDEQ a penalty in the amount of \$10,000.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under MDEQ's Baseline Storm Water General NPDES Permit.
25	Prentiss County Board of Supervisors Prentiss Co., MS	Order No. 7021 20 Respondent agrees to pay MDEQ a penalty in the amount of \$19,000.00 within forty-five (45) days of this Agreed Order. Respondent also agrees to comply with all terms and conditions listed under Section #3 of this Agreed Order.	Respondent was in violation of the conditions of Statewide Solid Waste Management General Permit No. SWGP-R1 (Certification of Coverage # R1-016).
26	Choctaw Generation Limited Partnership Red Hills Generation Facility Choctaw Co., MS	Order No. 7022 20 Respondent agrees to pay MDEQ a penalty in the amount of \$18,750.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0053881. Violations are listed under Section #1 of this Agreed Order.
27	Warren Excavation, LLC Rankin, Co., MS	Order No. 7023 20 Respondent agrees to pay MDEQ a penalty in the amount of \$31,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Large Construction Storm Water General Permit No. MSR107704.

Amended Orders

1	Town of Coldwater Tate Co., MS	Amended Agreed Order No. 6744 17	Respondent agrees to comply with the amended requirements listed in Sections 2 and 3 of this Agreed Order Amendment.
2	City of Morton Scott Co., MS	Amended Agreed Order No. 6982 19	Respondent agrees to comply with the requirements listed in Section I, II, and III of this Agreed Order Amendment.