

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
AUGUST 27, 2020

The regular monthly meeting of the Commission on Environmental Quality was held telephonically on Thursday, August 27, 2020, and initiated from Conference Room 604-B at the offices of the Mississippi Department of Environmental Quality, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m.

Commissioners who participated telephonically were: John Dane III, Patrick Johnson, Brenda Lathan, Jamie Martin, Chat Phillips, Billy Van Devender, and Jack Winstead.

Others present were: Chris Wells, Interim, Executive Director; Thomas Wallace, Tony Caldwell, Shawn Clark, 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 Dane and after Mr. Winstead led the invocation, the following business was transacted:

Election of Officers for Fiscal Year 2021 (July 2020 – June 2021)

On a motion made by Mr. Phillips and seconded by Mr. Winstead, the Commission voted to re-elect John Dane III to serve as Chairman and Brenda Lathan to serve as Vice-Chairman of the Commission for Fiscal Year 2021. No other nominations were made.

Notice of Meeting

The Commission was informed that the attached legal Notice of Meeting concerning the time, date, place and manner of this meeting had been posted publicly as required by law and also posted on the MDEQ website.

The Notice of Meeting read as follows: "Please take note that the regularly scheduled meeting of the Mississippi Commission on Environmental Quality ("Commission") on Thursday, August 27, 2020, will take place telephonically. The items to be brought before the Commission for action will be the following:

- Election of Officers for Fiscal Year 2021
- Approval of the June 25, 2020 Telephonic Commission Meeting Minutes
- Commission Approval of Brownfield Agreement
- Commission Approval of Brownfield Consulting Firm
- Showcase of 2020 Municipal Excellence Award Winner – City of Hernando – Reliable Equipment Brownfield Redevelopment Project (*reporting purposes only*)
- Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Adoption of FY-2020 Intended Use Plan
- Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Resolution of Necessity to Issue Bonds
- 2020 Draft Mississippi Section 303(d) List of Impaired Water Bodies
- Asbestos Certifications (*reporting purposes only*)
- Lead Paint Certifications (*reporting purposes only*)
- Underground Storage Tanks (UST) Certifications (*reporting purposes only*)
- Wastewater Operator Certifications (*reporting purposes only*)
- Emergency Clean-Up Expenses (*reporting purposes only*)
- Administrative Orders (*reporting purposes only*)
- Other Business
- Confirmation of the September 24, 2020 Commission Meeting

This meeting will be held through a telephone conference call initiated at 9:00 a.m. on Thursday, August 27th from Conference Room 604-B at the offices of the Mississippi Department of Environmental Quality at 515 East Amite Street, Jackson, Mississippi.

The public is invited to hear the deliberations of the Commission telephonically by dialing 1-888-822-7517 and entering Participant Code 1649618#. Visitors are requested to place their phones on the mute setting so the Commission can conduct its deliberations without interruption.”

This notice was posted on MDEQ’s website and on the front door of the MDEQ offices in Jackson, MS on August 20, 2020.

Approval of Minutes

On motion made by Mr. Winstead and seconded by Ms. Lathan and Mr. Johnson, the minutes of the June 25, 2020, telephonic meeting were approved and adopted as the Official Minutes.

Commission Approval of Brownfield Agreement

On behalf of MDEQ staff, Mr. Thomas Wallace recommended that the Commission approve the Brownfield Agreement between the Commission and Castle Starkville, LLC regarding the remediation of brownfield property located at 601 Highway 12 in Starkville, Mississippi. The administrative record for this environmental response project is referred to as the former Garan Manufacturing site. The proposed Brownfield Agreement Site previously operated as a clothing manufacturer and distributor. Site assessments identified the presence of asbestos containing materials, therefore remediation of the proposed Brownfield Agreement Site was necessary. The proposed use of the Site after completion of all remediation will be a 90,000 square foot commercial redevelopment for retail space. Staff of the MDEQ 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. Staff received one inquiry during the public comment period, but no objections. Following staff presentation and after deliberation, on motion made by Ms. Lathan and seconded by Ms. Martin, the Commission unanimously voted to approve the Brownfield Agreement between the Commission and Castle Starkville, LLC regarding the remediation of brownfield property located at 601 Highway 12 in Starkville, Mississippi.

Commission Approval of Brownfield Consulting Firm

Mr. Thomas Wallace stated that MDEQ staff reviewed an application from a consulting firm requesting to be listed as a Brownfield Consulting Firm and determined it to be complete and acceptable. Therefore, staff recommended that the Commission approve the following firm as Brownfield Consulting Firm:

SEMS, Inc.
11628 S. Choctaw Drive
Baton Rouge, LA 70815

Following staff presentation and after deliberation, on motion made by Mr. Van Devender and seconded by Mr. Johnson, the Commission unanimously voted to approve SEMS, Inc. from Baton Rouge, LA, as a Brownfield Consulting Firm.

Showcase of 2020 Municipal Excellence Award Winner – City of Hernando – Reliable Equipment Brownfield Redevelopment Project

Mr. Thomas Wallace provided the Commission with an update on a former Brownfield project. In July 2020, the City of Hernando received the Mississippi Municipal League’s 2020 Municipal Excellence Award for Planning and Economic Development, Population Over 10,000 for the public-private partnership with City of Hernando, the Mississippi Development Authority, the Mississippi Department of Environmental Quality, and Hernando Town Properties, LLC for the redevelopment of the former Reliable Equipment farm equipment maintenance facility into Uncle Bubba’s Barbecue and Social x Saint, upscale shop. Hernando Town Properties invested \$500,000 in the project which created 50 jobs. Through a Brownfield Community Wide Grant by the Environmental Protection Agency (EPA) to the City of Hernando, Brownfield Agreements between MDEQ and Hernando Town Properties, LLC, and a redevelopment tax incentive between MDA and Hernando Town Properties, LLC this public-private partnership were possible. The Commission on Environmental Quality’s participation by (1) the approval of the original Brownfield Agreement application, (2) the approval of the Brownfield Corrective Action Plan, (3) the approval of the modified Brownfield Corrective Action Plan, and (4) the approval of the completion of the original Brownfield Agreement not only allowed the clean-up of petroleum contaminated soil and petroleum/lead contaminated groundwater, but also provided Hernando Town Properties, LLC the opportunity to receive tax incentives and credits from MDA to make this redevelopment possible. The Commission’s actions also allowed for reuse of the building which

minimized waste disposal activities. A picture of the project was listed in MDEQ's August external newsletter and was also highlighted in MDEQ's Annual Brownfield Report which was sent to the legislature back in February. Interim Executive Director Chris Wells stated that MDEQ's Brownfield Program has been very successful and is a very popular source of funding for redevelopment. This briefing was for informational purposes only, requiring no action by the Commission.

Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Adoption of FY-2020 Intended Use Plan

On behalf of MDEQ staff, Mr. Tony Caldwell recommended adoption by the Commission of the FY-2020 Intended Use Plan. The FY-2020 Intended Use Plan was previously provided to the Commission and 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. Each year an Intended Use Plan is drafted and submitted to EPA as part of the capitalization grant application in order to obtain seed money for the program. The FY-2020 Intended Use Plan implements changes including lowered interest rates and adjusted subsidy eligibility thresholds, which were discussed at the June 25, 2020, Commission Meeting. The new interest rates are 0.8% for a 20-year loan, and 1.8% for a 30 year loan and the new subsidy eligibility thresholds require a population of 4,000 or less, and a median household income requirement of \$40,000 or less. Public comments on the draft Intended Use Plan have previously been solicited through a public comment period and a public hearing but no comments were received. Staff received a few questions from EPA which were resolved without any necessity for changes to the plan. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Ms. Martin, the Commission unanimously voted to adopt the Water Pollution Control Revolving Loan Fund Program FY-2020 Intended Use Plan and that the corresponding Order be executed by the Interim Executive Director.

Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Resolution of Necessity to Issue Bonds

Mr. Tony Caldwell stated that there was one minor correction to the information reflected on the Commission meeting agenda. The agenda stated that House Bill 1730 was signed by Governor Reeves, however, it is now his understanding that House Bill 1730 was passed into law without the Governor's signature. This bill provided for the issuance of \$2,830,000 in bonds to provide state matching funds required to obtain \$14,150,000 in available federal assistance to this program. These funds are loaned at low interest rates to facilitate the construction or improvement of Wastewater Treatment facilities in the state. In order to initiate this process, the Commission must adopt a Resolution of Necessity for issuance of these bonds. Staff previously provided copies of the Resolution to the Commission for consideration and recommended that the Commission adopt the Resolution of Necessity to Issue the Bonds. 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 Resolution of Necessity for issuance of the bonds necessary to obtain federal assistance available to the Water Pollution Control State Revolving Loan Fund Program.

2020 Draft Mississippi Section 303(d) List of Impaired Water Bodies

On behalf of MDEQ staff, Mr. Shawn Clark briefed the Commission on the 2020 Draft Mississippi Section 303(d) List of Impaired Water Bodies. Section 303(d) of the Clean Water Act requires the State of Mississippi to identify waters within its jurisdiction that do not meet one or more applicable water quality standards. Mississippi's 2020 303(d) list fulfills the state's obligation to develop a list of impaired water bodies every 2 years and establish priorities for TMDL development of such waters taking into account the severity of the pollution and the designated use of the water bodies. The Commission was previously provided with the document package which included the 2020 DRAFT Mississippi 303(d) List, a copy of the public notice and the MDEQ CALM document. Mr. Clark stated the number of impaired water bodies reflected on the 2020 303(d) list is down from 2018 and that the state's efforts to protect contact recreation seems to be working. Structural changes were also made to the 2020 report to make it easier to read and alternative action plans and program success stories were also included. Mr. Phillips said the structural changes made the report user friendly. A public notice is scheduled to be held on September 28, 2020, to receive public comments. Staff will return to the Commission following the public notice and hearing to request the adoption of the Final 2020 303(d) list. After adoption, the Final 2020 303(d) list will be sent to EPA Region 4 and filed with the Mississippi Secretary of State's office. 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 MDEQ Executive Director, 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>
Covington County BOS	\$18,619.00
Chickasaw County BOS	\$15,409.00
Forrest County BOS	\$16,352.00
Grenada County BOS	\$13,964.00
Itawamba County BOS	\$20,385.00
Jefferson Davis County BOS	\$17,014.00
Jones County BOS	\$33,707.00
Montgomery County BOS	\$12,359.00
Marion County BOS	\$20,866.00
Tate County BOS	\$23,274.00
Tippah County BOS	\$17,977.00
Stone County BOS	\$15,700.00
Lee County BOS	\$25,842.00
DeSoto County BOS	\$75,000.00
Quitman County BOS	\$23,000.00
Jackson County BOS	\$114,647.00
Lamar County BOS	\$30,176.00
Tishomingo County BOS	\$17,495.00
Hancock County BOS	\$60,000.00
Wayne County BOS	\$53,962.00
Webster County BOS	\$28,804.00
Sunflower County BOS	\$50,000.00
Hancock Solid Waste Auth	\$6,000.00
City of Cleveland	\$25,000.00
Coahoma County BOS	\$50,000.00
Washington County BOS	\$17,911.00
Tunica County BOS	\$15,409.00
Lowndes County BOS	\$25,682.00
Lafayette County BOS	\$23,916.00
Marshall County BOS	\$23,755.00
Oktibbeha County BOS	\$20,224.00
Lawrence County BOS	\$15,409.00
Pearl River County BOS	\$30,818.00
Sunflower County BOS	\$18,458.00
Panola County BOS	\$23,434.00
Tallahatchie County BOS	\$16,212.00
Leake County BOS	\$33,770.00
Amite County BOS	\$33,095.00
Newton County BOS	\$19,101.00
Jefferson County BOS	\$38,180.00
Jasper County BOS	\$18,138.00
Copiah County BOS	\$48,917.00
Sharkey County BOS	\$10,594.00
Prentiss County BOS	\$17,496.00
City of Clinton	\$25,000.00
Claiborne County BOS	\$39,293.00
Lauderdale County BOS	\$29,213.00
Lauderdale County BOS	\$75,000.00
City of Ridgeland	\$34,905.00
Noxubee County BOS	\$14,446.00
Neshoba County BOS	\$22,472.00
Benton County BOS	\$10,826.00
Clarke County BOS	\$17,656.00
Kemper County BOS	\$16,533.00
Holmes County BOS	\$17,977.00
Pike County BOS	\$50,000.00

Simpson County BOS	\$21,509.00
Warren County BOS	\$70,706.00
Wilkinson County BOS	\$13,323.00

On previous authority delegated to the MDEQ Executive Director, 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>
Carroll County BOS	\$30,000.00
George County BOS	\$25,000.00
Lamar County BOS	\$30,000.00
Three River Solid Waste Authority	\$90,000.00
Copiah County BOS	\$75,000.00
Issaquena County BOS	\$20,000.00
Kemper County BOS	\$20,000.00
City of Yazoo City	\$21,000.00
South Central Regional Authority	\$25,000.00
Lamar County BOS	\$30,000.00
Scott County BOS	\$50,000.00
Lincoln County BOS	\$50,000.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 227 asbestos certifications had been issued since the last report.

Emergency Clean-Up Expenses

On previous authority delegated to the MDEQ 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 109 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 7 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 64 wastewater operator certificates had been issued since the last report.

Administrative Orders

On previous authority delegated to the MDEQ Executive Director, the staff reported that 13 Administrative Orders and 3 Amended Agreed Orders have been issued since the Commission's meeting on June 25, 2020. A list of these orders is made a part of these minutes and is filed in the Official Minutes File.

Other Business

Interim Executive Director Chris Wells informed the Commission that there will be an Emergency Expense listed on the next Commission agenda related to a landfill fire. The expenses were substantial but the contractors did a great job and the fire has been extinguished.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, September 24, 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, on motion made by Mr. Phillips and seconded by Mr. Winstead and Ms. Lathan, the meeting was adjourned.


CHAIRMAN

ATTEST:

INTERIM EXECUTIVE DIRECTOR

Emergency Services Clean-Up

To:	E3	
Amount:	\$8,051.25	Date of Response: 02/03/2020
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a leaking container in Scott County. This invoice also includes disposal costs.	
To:	E3	
Amount:	\$1,451.10	Date of Response: 03/26/2020
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Hinds County.	
To:	E3	
Amount:	\$1,391.70	Date of Response: 03/16/2020
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum oil lubricant spill in Stone County.	
To:	E3	
Amount:	\$1,421.20	Date of Response: 02/13/2020
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum oil lubricant spill in Jackson County.	
To:	E3	
Amount:	\$2,440.47	Date of Response: 04/24/2020
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum products spill in Jackson County.	
To:	E3	
Amount:	\$5,185.71	Date of Response: 04/05/2020
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a trash compactor fire in Jackson County.	
To:	E3	
Amount:	\$8,227.00	Date of Response: 02/07/2020
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Franklin County.	

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Modification to the Northeast Mississippi Solid Waste Management Plan	Order No. 7048 20	This order approves a modification to the Northeast Mississippi Solid Waste Management Plan as requested by the Northeast Mississippi Solid Waste Management Authority (Authority) to include a proposed expanded disposal area for the Northeast Mississippi Regional Landfill owned by the Authority and located in Walnut, MS. This expansion modifies the current 82-acre permitted disposal area by an additional 72.7 acres increasing the total allowable permitted disposal area to 154.7 acres.
2	Modification to the Pearl River County Solid Waste Plan	Order No. 7049 20	This order approves a modification to the Pearl River County Solid Waste Management Plan as requested by the Pearl River County Board of Supervisors to increase the approved service area for the Central Landfill owned by TransAmerican Waste Central Landfill, Inc. and located near McNeill, MS. The new approved service area for the landfill includes the entirety of all counties and parishes, which intersect a 75-mile radius from the center of the landfill property.
3	Goodloe Construction Co., LLC Madison Co., MS	Order No. 7050 20 Respondent agrees to pay MDEQ a penalty in the amount of \$10,737.50 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Mining Storm Water Permit No. MSR322717.
4	Brandsafway Solutions, LLC Jackson Co., MS	Order No. 7051 20 Respondent agrees to pay MDEQ a penalty in the amount of \$234,264.00 within forty-five (45) days of this Agreed Order.	Respondent violated a number of Water, Air and Waste regulations. The specific violations are outlined in Section 1 of this Agreed Order.
5	Matter of Simplot Coahoma Co., MS	Order No. 7052 20 Respondent agrees to comply with the requirements/obligations Listed under #3 of this Agreed Order.	Simplot desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.
6	Riverbend Environmental Services, LLC and Jackie McInnis, Individually Jefferson Co., MS	Order No. 7053 20	Due to violations of Agreed Order No. 6899 18 and other stated violations, the Order requires Respondents to cease and desist continued acceptance of solid waste at the Riverbend Municipal Solid Waste Landfill within thirty (30) days of execution of the Order. The Order also allows MDEQ to consider authorizing resuming waste acceptance activities only after Respondents have fully complied with remedial measures specified in the Order and resolved pending civil enforcement actions. Alternatively, MDEQ may also consider authorizing the resumption

			of waste acceptance activities and modifying or rescinding the Order, if MDEQ is satisfied that it has been provided sufficient assurance of a sale of the Site to a new owner and the potential purchaser provides and agrees to implement a MDEQ approved pre-acquisition plan that adequately addresses compliance issues.
7	McCarthy Building Companies, Inc. Lauderdale Co., MS	Order No. 7054 20 Respondent agrees to pay MDEQ a penalty in the amount of \$362,550.00 within sixty (60) days of this Agreed Order.	Respondent was in violation of Mississippi's Large Construction Storm Water General Permit No. MSR 107842.
8	Mr. Danny Murphy Madison Co., MS	Order No. 7055 20 Respondent agrees to comply with the requirements/obligations listed under Section #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 410 Pisgah Bottom Road, Canton, MS 39046.
9	James A. Hodges Construction, Inc. Lee Co., MS	Order No. 7056 20 Respondent agrees to pay MDEQ a penalty in the amount of \$63,645.00 within sixty (60) days of this Agreed Order.	Respondent was in violation of Mississippi's Large Construction Storm Water General Permit No. MSR107691.
10	Murphy Oil USA Inc.	Order No. 7057 20 Respondent agrees to pay MDEQ a penalty in the amount of \$6,000.00 within forty-five (45) 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.
11	Von Drehle Corporation Adams Co., MS	Order No. 7058 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 MS0001309. Violations are listed under Section #1 of this Agreed Order.
12	Dixie Springs Enterprises, LLC Pike Co., MS	Order No. 7059 20 Respondent agrees to pay MDEQ a penalty in the amount of \$6,000.00 within forty-five days of this Agreed Order.	Respondent was in violation of MS Code Section 49-17-29 (2) (b) regarding waters of the state.
13	Matter of Regal Cleaners Lowndes Co., MS	Order No. 7060 20 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Regal Cleaners desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.

Amended Orders

1	Sand Creek Wastewater Authority Lee Co., MS	Amended Agreed Order No. 7015 20	Respondent agrees to comply with the amended requirements listed in Section 2 of this Amended Agreed Order.
2	MPC Liquidation Trust Jackson Co., MS	Second Amendment to Agreed Order No. 6574 15	The MPC Liquidation Trust terminates on July 31, 2020, and transfers its requirements, duties and responsibilities under the Agreed Order and Amendment to Agreed Order to the MPC Environmental Trust, if applicable. Within 60 days of the execution date, the MPC Environmental Trust agrees to provide evaluation information for the Title V Air Operating Permit and NPDES permit.
3	Riverbend Environmental Services LLC, and Jackie McInnis, Individually Jefferson Co., MS	Amended Order No. 7053 20	Order No. 7053 20 is amended to provide Respondents additional time to comply with requirements 5.A., 5.D. and 5.F.