

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
SEPTEMBER 24, 2020

The regular monthly meeting of the Commission on Environmental Quality was held telephonically on Thursday, September 24, 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; 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 Dane and after Mr. Winstead led the invocation, the following business was transacted:

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, September 24, 2020, will take place telephonically. The items to be brought before the Commission for action will be the following:

- Approval of the August 27, 2020 Telephonic Commission Meeting Minutes
- Commission Approval of Brownfield Agreement
- Environmental Covenant for Transmontaigne Operating Company, LP
- Commission Approval of Brownfield Agreement Termination
- Asbestos Certifications (*reporting purposes only*)
- Lead Paint Certifications (*reporting purposes only*)
- Underground Storage Tanks (UST) Certifications (*reporting purposes only*)
- Emergency Clean-Up Expenses (*reporting purposes only*)
- Administrative Orders (*reporting purposes only*)
- Other Business
- Confirmation of the October 22, 2020 Commission Meeting

This meeting will be held through a telephone conference call initiated at 9:00 a.m. on Thursday, September 24th 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 September 17, 2020.

Approval of Minutes

On motion made by Mr. Phillips and seconded by Ms. Lathan, the minutes of the August 27, 2020, telephonic meeting were approved and adopted as the Official Minutes.

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 Jack's Family Restaurant, LP regarding the remediation

of brownfield property located at 112 Cagle Street in Louisville, Mississippi. The proposed Brownfield agreement incorporates assessment funds from an EPA Brownfield assessment grant awarded to the City of Louisville. If approved by the Commission it will also provide financial clean-up incentives offered by the Mississippi Development Authority. The administrative record for this environmental response project is referred to as the Team Motors site. The proposed Brownfield Agreement Site previously operated as an automotive body shop, petroleum distribution facility, and most recently as commercial retail property. Site assessments identified asbestos containing materials, solid wastes, and chlorinated solvents and petroleum hydrocarbons in the subsurface. Therefore, remediation of the proposed Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be commercial as a Jack's Family Restaurant. The 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. Following staff presentation and after deliberation, on motion made by Ms. Martin and seconded by Mr. Winstead, the Commission unanimously voted to approve Brownfield Agreement between the Commission and Jack's Family Restaurant, LP regarding the remediation of brownfield property located at 112 Cagle Street in Louisville, Mississippi.

Environmental Covenant for Transmontaigne Operating Company, LP

Ms. Lynn Chambers stated that pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), the Interim Executive Director of MDEQ approved the Restrictive Use Agreed Order and Environmental Covenants between the Commission and TransMontaigne Operating Company, LP regarding the remediation of property located at 310 Walthall Street, Greenville, Washington County, Mississippi. TransMontaigne Operating Company, LP operated the site as the TransMontaigne Operating Company, LP Walthall Street Terminal, a bulk petroleum distribution facility. Environmental Site Assessments revealed a release of petroleum impacting soils and groundwater at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site was necessary. The staff of the MDEQ evaluated the proposed Restrictive Use Agreed Order and 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.

Commission Approval of Brownfield Agreement Termination

Ms. Lynn Chambers stated that the Commission approved Brownfield Agreement 6761-17 in June 2017 between the Commission and WALM Properties, LLP for the remediation of the former Big Yank property located in West Point, Mississippi. The original brownfield agreement required the remediation of various chlorinated solvents and other Volatile Organic Compounds in the soil and groundwater. The completed remedial activities have met the requirements of the MDEQ-approved Corrective Action Plan dated March 2017. WALM Properties, LLP requested the Commission make a determination as to the completion of the Brownfield Agreement. Staff of the MDEQ 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. On behalf of MDEQ staff, Ms. Chambers recommended the completion of the Brownfield Agreement. 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 completion of Brownfield Agreement 6761-17 between the Commission and WALM Properties, LLP for the remediation of the former Big Yank property located in West Point, Mississippi.

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 134 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 47 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 2 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 MDEQ Executive Director, the staff reported that 8 Administrative Orders have been issued since the Commission's meeting on August 27, 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 the expenses pertaining to a recent landfill fire would be reflected on a future agenda as the invoices were just received by staff. Mr. Wells stated the contractors hired to put out the landfill fire were able to do so in less time than anticipated and that the expenses incurred were lower than expected. In response to a question by Mr. Dane, Mr. Wells stated contractors were paid out of the Pollution Emergency Fund which is funded by penalties in enforcement cases. Mr. Wells will let the Commission know the balance of the Pollution Emergency Fund.

Mr. Wells also provided the Commission with an update regarding the Gold Coast wastewater matter that has received some media attention lately. A Cease and Desist order has been issued against Gold Coast and there are additional civil and criminal enforcement actions pending at this time.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, October 22, 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. Winstead and seconded by Mr. Phillips, the meeting was adjourned.


CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

(Attachment 1)
9/24/2020

Emergency Services Clean-Up

To:	Enhanced Environmental Services	Date of Response: 07/29/2020
Amount:	\$682.00	
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and pick up a mercury container for disposal in Harrison County.	
To:	Enhanced Environmental Services	Date of Response: 07/08/2020
Amount:	\$1,524.30	
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Covich County.	

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Calvert Company Rankin Co., MS	Order No. 7061 20 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within forty-five (45) days of this Agreed Order.	Respondent was cited for violations of the Mississippi Hazardous Waste Management Regulations, 11 Miss Admin Code Part 3, Chapter 1, Rule 1.3. Violations are listed under Section #1 of this Agreed Order.
2	Heartland Catfish Company, Inc., Leflore Co., MS	Order No. 7062 20 Respondent agrees to pay MDEQ a penalty in the amount of \$22,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Permit Number MS0051098. Violations are listed under Section #1 of this Agreed Order.
3	Midsouth Green LLC Lafayette Co., MS	Order No. 7063 20 Respondent agrees to pay MDEQ a penalty in the amount of \$2,800.00 within forty-five (45) days of this Agreed Order.	Respondent failed to obtain coverage under the Mining Storm Water General Permit.
4	Castle Starkville, LLC Oktibbeha Co., MS	Order No. 7064 20	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.
5	Greenway Environmental Services, LLC and Riverbend Environmental Services, LLC Jefferson County (Landfill) and Warren County (Transfer Station)	Order No. 7065 20	An agreement between MDEQ, Greenway and Riverbend which allows Greenway to assume the operations of Riverbend's landfill and transfer station (upon approval by the U.S. Bankruptcy Court of the sale motion from Riverbend to Greenway which covers the landfill and transfer station and occurred on September 4, 2020). In the agreed order, Greenway agrees to initiate actions to bring the landfill into compliance, to complete the construction of a new disposal cell and to apply for transfer/renewal of environmental permits. Upon receipt of a completed transfer application, MDEQ agrees to promptly review and process the request for a transfer of the solid waste management permit, to hold a public hearing within 60 days and to present to the Permit Board for consideration within 90 days of the September 4 th effective date.
6	Holcium US, Inc. Lowndes Co., MS	Order No. 7066 20 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 MS Code Section 49-17-29(2)(b) regarding waters of the state.

7	Transmontaigne Operating Company, LP Washington Co., MS	Order No. 7067 20	Respondent has interest in a tract of land located in Greenville, MS. The site is contaminated with free-product petroleum, and dissolved phase benzene, toluene, ethylbenzene, xylenes, MTBE, Total Petroleum Hydrocarbons – Gasoline Range Organic, and Total Petroleum Hydrocarbons – Diesel Range Organics at levels in excess of the Target Remediation Goals (TRGs), and, therefore, remediation of the Site is necessary.
8	Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY 2020 Intended Use Plan	Order. No. 7068 20	This order confirms the Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY 2020 Intended Use Program, which will supersede and replace the previous, and now expired, Final FY 2019 Intended Use Plan, codified at 11 Miss. Admin. Code Part 6, Chapter 8.