

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
OCTOBER 22, 2020

The regular monthly meeting of the Commission on Environmental Quality was held telephonically on Thursday, October 22, 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, and Jack Winstead.

Commissioner Billy Van Devender was not present.

Others present were: Chris Wells, Interim, Executive Director; Willie McKercher, 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:

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, October 22, 2020, will take place telephonically. The items to be brought before the Commission for action will be the following:

- Approval of the September 24, 2020 Telephonic Commission Meeting Minutes
- Mississippi Dam Safety Fund (MDSF) Program, Resolution of Necessity to Issue Bonds
- 2020 Mississippi 303(d) List of Impaired Water Bodies
- Asbestos Certifications (*reporting purposes only*)
- Lead Paint 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 next Commission Meeting

This meeting will be held through a telephone conference call initiated at 9:00 a.m. on Thursday, October 22nd 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 October 15, 2020.

Recognition

On behalf of the Commission, Chairman John Dane congratulated Chris Wells on being named Executive Director of MDEQ by Governor Tate Reeves.

Approval of Minutes

On motion made by Mr. Phillips and seconded by Mr. Winstead, the minutes of the September 24, 2020, telephonic meeting were approved and adopted as the Official Minutes.

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Mississippi Dam Safety Fund (MDSF) Program, Resolution of Necessity to Issue Bonds

Mr. Willie Mc Kercher stated that during the 2020 State legislative session, House Bill 1730 was passed into law. This bill provided for the issuance of up to \$1,000,000 in bonds to make grants to owners of high hazard dams to provide funds to be used for the purposes of draining, repairing, rehabilitating, breaching, or removing high hazard dams in this state as necessary to protect downstream lives and property. The funds are subject to a grantee cost-sharing requirement of not less than 35% and will be distributed utilizing a risk-based prioritization approach. In order to initiate this process, the Commission must adopt a Resolution of Necessity for issuance of these bonds. Staff previously provided a copy of the Resolution to the Commission for consideration. On behalf of MDEQ staff, Mr. Mc Kercher recommended that the Commission adopt the Resolution of Necessity to Issue the Bonds which would allow the proceeds of the bonds to be deposited in the Mississippi Dam Safety Fund, which was also created by House Bill 1730. Following staff presentation and after deliberation, on motion made by Mr. Winstead and seconded by Mr. Johnson, the Commission unanimously voted to adopt a Resolution of Necessity for issuance of the bonds necessary to make grants to owners of high hazard dams for purposes of draining, repairing, rehabilitating, breaching, or removing high hazard dams in this state as necessary to protect downstream lives and property. The Commission further unanimously voted that the Resolution be executed by the Chairman of the Commission.

2020 Mississippi 303(d) List of Impaired Water Bodies

Mr. Shawn Clark stated that public notice of the draft 2020 Mississippi Section 303(d) List of Impaired Water Bodies list began August 28th and ended September 28th. A public hearing was held on September 28th. Public comments were received, and a responsiveness summary was prepared. EPA issued a letter of no comment on the draft list. Commission members were previously provided with a document package which included the final list, the transcript of the public hearing, the public notice and proof of publication, EPA's letter of no comment, the public comments, and the responsiveness summary. On behalf of MDEQ staff, Mr. Clark requested the Commission adopt the 2020 list and propose the list to EPA Region 4 for their final approval with an accompanying Order. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Ms. Lathan, the Commission unanimously voted to adopt the 2020 303(d) List of Impaired Water Bodies and propose the list to EPA Region 4 for their final approval along with an accompanying Order.

Solid Waste Assistance Grants, Waste Tire Grants, and Solid Waste Planning 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>
Alcorn County BOS	\$33,426.00
DeSoto County BOS	\$47,198.00
Wayne County BOS	\$53,962.00
Monroe County BOS	\$23,114.00

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>
Yazoo County BOS	\$75,000.00
Holmes County BOS	\$22,000.00
Panola County BOS	\$15,000.00
Alcorn County BOS	\$33,000.00
Tate County BOS	\$50,000.00
Coahoma County BOS	\$30,000.00

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

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<u>County/Municipality</u>	<u>Grant Amount</u>
City of Jackson	\$67,500.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 138 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 46 lead paint certifications 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 30 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 7 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

There was no other business brought before the Commission.

Setting of Meeting

It was the decision of the Commission to conduct a special "in person" meeting on Thursday, November 19, 2020, beginning at 9:00 a.m., in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, for purposes of conducting an evidentiary hearing related to Gold Coast Commodities, Inc. In response to concerns by the Commission, Executive Director Chris Wells stated that there was an agreement between MDEQ staff and Counsel of Gold Coast Commodities, Inc., to provide all materials pertaining to the evidentiary hearing to members of the Commission for review a week prior to the specially held meeting on November 19, 2020. Doug Levanway will serve as the hearing officer for the Commission.

Adjournment

There being no further business to come before the Commission, on motion made by Mr. Johnson and seconded by Mr. Winstead, the meeting was adjourned.


CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

(Attachment 1)
10/22/2020

EMERGENCY SERVICES CLEAN-UP

To: CTEH
Amount: \$20,363.05
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a gasoline spill from a leaking AST in Marshall County. Date of Response: 08/04/2020

To: E3
Amount: \$68,729.83
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a motor oil spill from a burning 18 wheeler in Lincoln County. Date of Response: 07/07/2020

To: E3
Amount: \$3,662.52
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a grease spill in Grenada County. Date of Response: 07/15/2020

To: E3
Amount: \$2,281.51
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Warren County. Date of Response: 09/03/2020

To: E3
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. Date of Response: 07/29/2020

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ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Gold Coast Commodities, Inc. Rankin Co., MS	Order No. 7069 20	Under the authority of Miss. Code Ann. § 49-2-13, the Interim Executive Director of MDEQ issued an Ex Parte Administrative Order against Gold Coast Commodities, Inc. This respondent was in violation of MS Code Section 49-17-29(2)(a) among other violations listed in Section 3 of this Ex Parte Order.
2	McCarthy Building Companies, Inc. Lauderdale Co., MS	Order No. 7070 20 Respondent agrees to pay MDEQ a penalty in the amount of \$55,000.00 within forty-five (45) days of this Agreed Order.	Violations are listed in Section I of this Agreed Order.
3	WALM Properties, LLP Clay Co., MS	Order No. 7071 20	Respondent and the MCEQ Agree, through this Brownfield Agreement, that the Contaminated Site has been remediated, and appears to be in compliance with all applicable State and Federal laws and standards.
4	Jack's Family Restaurants, LP Winston Co., MS	Order No. 7072 20	Respondent has an interest in a tract of land located in Louisville, MS. The site is contaminated with asbestos containing materials in the buildings on site and petroleum hydrocarbons and chlorinated solvents in the groundwater and soils at levels in excess of the Target Remediation Goals (TRG's); and therefore, remediation of the Brownfield Agreement Site is necessary.
5	Taylor Power Systems, Inc. Richland, MS	Order No. 7073 20 Respondent agrees to pay MDEQ a penalty in the amount of \$7,950.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of NPDES Pretreatment Permit No. MSP092372.
6	Gold Coast Commodities, Inc. Rankin Co., MS	Order No. 7074 20	Under the authority of Miss. Code Ann. § 49-2-13, the Interim Executive Director of MDEQ issued its second Ex Parte Administrative Order against Gold Coast Commodities, Inc. Respondent was in violation of MS Code Section 49-17-29(2)(a) listed in Section 3 of this Ex Parte Order. The Interim Executive Director found Respondent has demonstrated an apparent inability or lack of willingness to comply with its Permit, as well as applicable laws and regulations, and the inability or lack of willingness to operate properly the permitted facility and therefore, ordered, under the authority of MS Code Ann. §49-2-13, that Respondent comply with all terms and conditions listed in Section 3 of this Ex Parte Administrative order and that nothing contained in this Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions or to levy fines, penalties, or other sanctions for violations addressed in this Order,

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			for violations not addressed in this Order, or for future violations of environmental laws, rules, and regulations.
7	Mark Twain Redi-Mix Desoto Co., MS	Order No. 7075 20 Respondent agrees to pay MDEQ a penalty in the amount of \$11,250.00 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.

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