

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
JANUARY 28, 2021

The regular monthly meeting of the Commission on Environmental Quality was held via Zoom on Thursday, January 28, 2021, 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, Executive Director; Lynn Chambers, Melissa Fortenberry, Trent Jones, Jennifer Milner, 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, January 28, 2021, will take place via Zoom. The items to be brought before the Commission for action will be the following:

- Approval of the October 22, 2020 Telephonic Commission Meeting Minutes
- Approval of the November 19, 2020 Specially Called Commission Meeting Minutes
- FY 2022 Underground Storage Tank Fee Recommendation
- FY 2022 Title V Fee Recommendation - Approval to Proceed to Public Notice of Hearing
- Request from the City of Canton for a Variance to State Siting Criteria for the Proposed Expansion Area at the City's Municipal Solid Waste Landfill
- Commission Briefing on MDEQ State Recycling Program Efforts
- 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 February 25, 2021 Commission Meeting

This meeting will be held via Zoom accessed through the below listed link and initiated at 9:00 a.m. on Thursday, January 28th 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 proceedings of the Commission through the attached Zoom link:

<https://us02web.zoom.us/j/89250679250?pwd=dHFZM294SkNFUkFtdWRaWkJhcEErZz09>

Password: 001058

Meeting ID: 892 5067 9250

Or by Telephone:

Dial: USA 713 353 0212, Conference code: 7557756

Visitors are requested to place their phones/audio on the mute setting so the Commission can conduct its proceedings without interruption."

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This notice was posted on MDEQ's website on January 22, 2021.

Approval of Minutes

On motion made by Mr. Winstead and seconded by Ms. Martin, the minutes of the October 22, 2020, telephonic meeting were approved and adopted as the Official Minutes.

Approval of Minutes

Mr. Dane asked about the status of the Order from the Gold Coast Commodities, Inc. hearing on November 19, 2020. Executive Director Chris Wells stated that counsel for MDEQ and counsel for Gold Coast Commodities, Inc., were working together on the language and believed the parties were close to having a draft order for the Commission's consideration. On motion made by Mr. Phillips and seconded by Mr. Johnson, the minutes of the November 19, 2020, specially called meeting were approved and adopted as the Official Minutes.

FY 2022 Underground Storage Tank Fee Recommendation

Ms. Lynn Chambers stated 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. The owners of each underground storage tank available for use in Mississippi are required to pay MDEQ the annual tank regulatory fee. The statutory revision also created Miss. Code Ann. Sec. 49-17-422 that established an Advisory Council to conduct an independent study of the costs of the UST Program and to provide the Commission a written report and recommendations on the annual tank fee. This draft report was previously provided to the Commission on December 18, 2020. A public comment period concerning the FY2022 Underground Storage Tank (UST) Fee was held between December 15, 2020, through January 14, 2021, with the public notice information distributed to the Mississippi Petroleum Marketers and Convenience Store Association. No comments were received. On behalf of staff, Ms. Chambers recommended that the Commission set the fee at the proposed rate of \$150.00 per UST, which is the same rate as last year's tank fee. Following staff presentation and after deliberation, on motion made by Mr. Winstead and seconded by Ms. Martin, the Commission unanimously voted to set the UST tank fee at the proposed rate of \$150.00 per UST.

FY 2022 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 2022 was previously forwarded to the Commission. On behalf of MDEQ staff, Ms. Fortenberry requested approval to hold a public hearing to receive comments regarding the proposed Title V fee at \$46/ton, which is a \$1 decrease from the previous year's 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 of \$46/ton.

Request from the City of Canton for a Variance to State Siting Criteria for the Proposed Expansion Area at the City's Municipal Solid Waste Landfill

On behalf of MDEQ staff, Mr. Trent Jones stated that the City of Canton, requested a variance for a proposed expansion in relation to their municipal solid waste landfill and that representatives of the City of Canton planned to present a formal presentation to the Commission regarding their request for a variance. The City of Canton made preliminary plans to expand the permitted disposal area of their landfill, but upon review of the regulatory siting criteria, it was determined that the proposed location of the expansion area did not meet certain setback distances in the regulations. The Mississippi Nonhazardous Solid Waste Management Regulations (11 Miss. Admin. Code Pt. 4 Ch. 1.), states that no new or expanded municipal solid waste landfill shall be located within one mile of a residential area, unless the proposed facility would be located in an established industrial park, in which case the facility shall not be located less than 1000 feet from any residential area. The City of Canton is proposing an expansion of the disposal area at the existing Canton Landfill that would be located within one mile of a residential area as defined by the Regulations. Mr. Jones provided the Commission with additional information regarding the City of

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Canton Landfill's permit history and with information on the landfill siting criteria. He also reminded the Commission and the City of Canton that the granting of a variance would not guarantee the issuance of a permit. The ultimate decision for the issuance of a permit granting approval of a new disposal area would be rendered by the Mississippi Environmental Quality Permit Board. The City of Canton would still be required to go through the permitting process, which would include a public participation process. Kimberly Banks, Attorney for the City of Canton, presented the Commission with details of their proposed expansion plans and other relative information regarding their proposed variance request. A couple of general questions were asked by the Commission and answered by the City of Canton. Gloria Tatum addressed the Commission and provided them with her comments opposing the proposed variance. General Counsel for MDEQ, Roy Furrh, stated an emailed comment opposing the variance was also received from Frazier Riddell, and had been forwarded to the Commission earlier in the morning. In response to a question by Executive Director, Chris Wells, Mr. Furrh stated that the Commission did not have to render their decision in this matter today, but could wait until a later Commission meeting. Mr. Dane asked that a copy of the City of Canton's presentation be forwarded to the Commission and several members of the Commission voiced a desire to further review the presentation before rendering a decision in this matter. On motion made by Mr. Phillips and seconded by Mr. Johnson, the Commission unanimously voted to table their ruling on the City of Canton's request for a variance for their proposed expansion in relation to their municipal solid waste landfill until a later Commission meeting.

Commission Briefing on MDEQ State Recycling Program Efforts

MDEQ's State Recycling Coordinator, Jennifer Milner, gave a presentation to the Commission regarding the agency's efforts to promote and grow recycling in Mississippi as directed by state statute. The update included how the Recycling and Waste Reduction Branch of MDEQ's Waste Division are working to overcome challenges through various programs, projects, and initiatives.

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 193 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 107 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 12 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 55 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 21 Administrative Orders and 1 Amended Agreed Order have been issued since the Commission's meeting on October 22, 2020. A list of these orders is made a part of these minutes and is filed in the Official Minutes File.

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Other Business


There was no other business brought before the Commission.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, February 25, 2021, beginning at 9:00 a.m.

Adjournment

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



CHAIRMAN

ATTEST:



EXECUTIVE DIRECTOR