

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
FEBRUARY 25, 2021

The regular monthly meeting of the Commission on Environmental Quality was held telephonically on Thursday, February 25, 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, Jamie Martin, Chat Phillips, Billy Van Devender and Jack Winstead.

Commissioner Brenda Lathan was not present.

Others present were: Chris Wells, Executive Director; Trent Jones, Gretchen Zmitrovich, 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, February 25, 2021, will take place telephonically. The items to be brought before the Commission for action will be the following:

- Approval of the January 28, 2021 Zoom Commission Meeting Minutes
- Old Business (City of Canton Landfill Variance Request)
- Gold Coast Commodities, Inc. Order
- Asbestos Certifications (*reporting purposes only*)
- Lead Paint Certifications (*reporting purposes only*)
- Underground Storage Tanks (UST) Certifications (*reporting purposes only*)
- Administrative Orders (*reporting purposes only*)
- Confirmation of the next Commission Meeting

This meeting will be held through a telephone conference call initiated at 9:00 a.m. on Thursday, February 25th 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 in the MDEQ offices in Jackson, MS on February 18, 2021.

Approval of Minutes

On motion made by Mr. Van Devender and seconded by Mr. Phillips, the minutes of the January 28, 2021, telephonic meeting were approved and adopted as the Official Minutes.

Old Business (City of Canton Landfill Variance Request)

Executive Director Chris Wells reminded everyone that at the last Commission meeting, the City of Canton requested a variance from siting criteria related to residential areas in the Mississippi Nonhazardous Solid Waste Management Regulations for a proposed expansion to their existing municipal solid waste

landfill. The Commission decided to table their decision until a later meeting so that they could review information provided by the City of Canton on their variance request. Mr. Wells also reminded the Commission that the granting of a variance would not guarantee the issuance of a permit and that the Commission did not have to render a decision during today's meeting if they were not prepared to do so. Mr. Wells indicated the Commission had again been provided written comments from concerned citizens opposed to the requested variance. On motion made by Mr. Van Devender and seconded by Ms. Martin, the Commission decided to un-table the matter for further consideration. Mr. Dane thanked the City of Canton for the information they provided to the Commission and made a few comments about the presentation and the proposed expansion location and surrounding area. He commented that the existing landfill and proposed expansion is located within an area, that while not a designated industrial park, appears predominately industrial/commercial in nature and that the regulations allow a reduced setback to residential areas when a landfill is in an industrial park. In response to a question by Mr. Phillips, Mr. Trent Jones went over a brief operational and permit history of the landfill. Mr. Van Devender asked a couple of questions including where the City of Canton's waste would go if the Commission denied the variance. Melon Garrett from the City of Canton stated that they would need to take the waste to another, third party landfill. Mr. Phillips asked a question regarding the reduced setback and the protection of human health and the environment. Mr. Jones stated that even if the Commission granted the variance, the landfill would still need to be designed and operated in such a way as to be protective of human health and the environment. Mr. Jones reiterated that the City must submit a complete permit application that provides such demonstrations for review by the MDEQ and ultimate consideration by the Permit Board. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Mr. Johnson, the Commission unanimously voted to grant the City of Canton's request for a variance from siting criteria for their proposed expansion in relation to their municipal solid waste landfill.

Gold Coast Commodities, Inc. Order

Executive Director Chris Wells stated an evidentiary hearing on Gold Coast Commodities, Inc. was conducted back in November, 2020. The Commission was previously provided with two draft orders reflecting the findings of fact and conclusions of law. One order was drafted by MDEQ legal counsel and the other order was drafted by counsel for Gold Coast Commodities, Inc. Mr. Wells turned the briefing over to MDEQ senior attorney, Gretchen Zmitrovich, who stated that the Commission is required to enter an order memorializing the Commission's decision from the November 19, 2020 specially called meeting, and that it must be sufficient to support the commission's action in the event of an appeal. Andy Taggart, counsel for Gold Coast Commodities, Inc. also addressed the Commission regarding their proposed order. After discussion by all parties, the Commission gave MDEQ staff and counsel for Gold Coast Commodities, Inc., more specific instructions on language they want included in the draft order, which includes a requirement to reach an agreement on when conditions are appropriate for land application, and aerators operating at all times. The Commission asked MDEQ staff to work with Gold Coast on an agreement on the number of aerators to be operating. MDEQ staff will work with counsel for Gold Coast Commodities, Inc. to draft an order in accordance with the Commissions' instructions.

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>
Leake County BOS	\$35,715.00
Adams County BOS	\$25,000.00
Harrison County BOS	\$75,000.00
City of Richland	\$29,464.00
City of Natchez	\$25,000.00
City of Hattiesburg	\$75,000.00
City of Picayune	\$25,000.00
Town of Monticello	\$23,000.00
Perry County BOS	\$15,569.00
Bolivar County BOS	\$50,000.00

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>
Jefferson County BOS	\$35,000.00
Warren County BOS	\$54,000.00
Clarke County BOS	\$15,000.00
Wilkinson County BOS	\$20,000.00
Marshall County BOS	\$30,000.00
Leflore County BOS	\$50,000.00
Quitman County BOS	\$16,000.00
Northeast MS Solid Waste Authority	\$100,000.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 129 asbestos certifications had been issued since the last report.

Lead Paint Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 62 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 1 Amended Agreed Order had been issued since the Commission's meeting on January 28, 2021. A list of these orders is made a part of these minutes and is filed in the Official Minutes File.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, March 25, 2021, 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. Van Devender and seconded by Mr. Winstead, the meeting was adjourned.


CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

(Attachment 1)
2/25/2021

ADMINISTRATIVE ORDERS

Amended Agreed Order

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Sand Creek Wastewater Authority Lee County, MS	Second Amended Agreed Order No. 7015 20	Respondent agrees to comply with the requirements listed in Section I, II, and III of this Second Amendment to this Agreed Order.