

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY  
OFFICIAL MINUTES  
APRIL 22, 2021

The regular monthly meeting of the Commission on Environmental Quality was held telephonically on Thursday, April 22, 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: Patrick Johnson, Brenda Lathan, Jamie Martin, Chat Phillips, Billy Van Devender and Jack Winstead.

Commissioner John Dane III was not present.

Others present were: Chris Wells, Executive Director; Melissa Fortenberry, James Matheny, 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 Vice-Chairman Brenda Lathan 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, April 22, 2021, will take place telephonically. The items to be brought before the Commission for action will be the following:

- Approval of the March 25, 2021 Telephonic Commission Meeting Minutes
- FY 2022 Title V Fee Recommendation
- Establishment of the Lignite Mining Fees for Liberty Fuels Company, LLC for the Liberty Mine (MS-003, Renewal 1) in Kemper County for State Fiscal Years 2020 and 2021;  
Establishment of the Lignite Fees for the Mississippi Lignite Mining Company for the Red Hills Mine (MS-002, Renewal 3) in Choctaw County for State Fiscal Years 2020 and 2021;  
Establishment of the Lignite Fees for the Mississippi Lignite Mining Company for the Red Hills Mine Area 3 (MS-004) in Choctaw County for State Fiscal Years 2020 and 2021
- Environmental Covenant for Pine Belt Wood Preserving Inc. (*reporting purposes only*)
- Asbestos Certifications (*reporting purposes only*)
- Lead Paint Certifications (*reporting purposes only*)
- UST Certifications (*reporting purposes only*)
- Wastewater Operator Certifications (*reporting purposes only*)
- Emergency Clean-Up Expenses (*reporting purposes only*)
- Administrative Orders (*reporting purposes only*)
- Confirmation of the May 27, 2021 Commission Meeting

This meeting will be held through a telephone conference call initiated at 9:00 a.m. on Thursday, April 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 in the MDEQ offices in Jackson, MS on April 15, 2021.

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Dept. of Environmental Quality

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#### Approval of Minutes

On motion made by Mr. Winstead and seconded by Mr. Johnson, the minutes of the March 25, 2021, telephonic meeting were approved and adopted as the Official Minutes.

#### FY 2022 Title V Fee Recommendation

Ms. Melissa Fortenberry stated that during the Commission meeting on January 28, 2021, staff presented the Title V Advisory Council's fee recommendation of \$46.00 per ton of regulated air pollutants, with a minimum fee of \$250. A virtual public hearing concerning the FY2022 Title V Permit Fee was held on March 18, 2021, and no comments were received. On behalf of staff, Ms. Fortenberry recommended that the Commission set the fee at the proposed rate of \$46.00 per ton of regulated air pollutants, which is \$1 less than the previous year's fee. Following staff presentation and after deliberation, on motion made by Ms. Martin and seconded by Mr. Phillips, the Commission unanimously voted to set the FY2022 Title V permit fee at \$46.00 per ton of regulated air pollutants, with a minimum fee of \$250. The Commission further authorized that an Order setting this fee be executed by the Executive Director.

Establishment of the Lignite Mining Fees for Liberty Fuels Company, LLC for the Liberty Mine (MS-003, Renewal 1) in Kemper County for State Fiscal Years 2020 and 2021;  
Establishment of the Lignite Fees for the Mississippi Lignite Mining Company for the Red Hills Mine (MS-002, Renewal 3) in Choctaw County for State Fiscal Years 2020 and 2021;  
Establishment of the Lignite Fees for the Mississippi Lignite Mining Company for the Red Hills Mine Area 3 (MS-004) in Choctaw County for State Fiscal Years 2020 and 2021

On behalf of MDEQ staff, Mr. James Matheny recommended the Liberty Fuels Company, LLC Lignite Mining Fee for the 2020 and 2021 state fiscal years be set at \$125,000 each year, which is the same as for state fiscal year 2019. Mr. Matheny also recommended that the Mississippi Lignite Mining Company, Red Hills Mine Lignite Mining Fee for the 2020 and 2021 state fiscal years be set at \$125,000 each year, which is a decrease of \$50,000 from the fee for state fiscal year 2019. In addition, Mr. Matheny recommended a Lignite Mining Fee of \$50,000 for the Mississippi Lignite Mining Company, Red Hills Mine Area 3 for state fiscal years 2020 and 2021. This fee is necessary to cover the additional staff resources/costs associated with a new surface coal mining permit. These amounts will cover approximately 50% of the anticipated costs of administering the federally-approved coal mining program in Mississippi; the remaining approximately 50% of the cost will be covered by a federal Office of Surface Mining Reclamation and Enforcement grant. These fees will cover 100% of the anticipated cost of administering the program above the amount of the federal OSMRE grant. Following staff presentation and deliberation, on motion made by Mr. Johnson and seconded by Mr. Phillips, the Commission unanimously voted to set the Liberty Fuels Company, LLC Lignite Mining Fee for the 2020 and 2021 state fiscal years at \$125,000 each year and set the Mississippi Lignite Mining Company, Red Hills Mine Lignite Mining Fee for the 2020 and 2021 state fiscal years at \$125,000 each year. In addition, the Commission unanimously voted to approve the new Lignite Mining Fee of \$50,000 for the proposed Mississippi Lignite Mining Company, Red Hills Mine Area 3 for the state fiscal years 2020 and 2021. The Commission also authorized Orders setting these fees be executed by the Executive Director.

#### Environmental Covenant for Pine Belt Wood Preserving Inc.

*(For Reporting Purposes only)*

The Executive Director of MDEQ approved an Environmental Covenant between the Commission, the Environmental Protection Agency (EPA), and Pine Belt Wood Preserving Inc. (Pine Belt) to implement land use restrictions on the company's former wood preserving property located on Highway 15, just south of Interstate 59 in Laurel, Jones County, Mississippi, pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.). Prior to the approval, the MDEQ Hazardous Waste program staff evaluated the terms of the Environmental Covenant and believes that, with the conditions and restrictions contained within; the site will remain secure and will continue to be in compliance with applicable State laws and standards and will be protective of the public health and the environment. Pine Belt had previously conducted wood preserving activities at the site utilizing both pentachlorophenol and chromated copper arsenate at the site. MDEQ's Hazardous Waste Program regulated the site remediation and long-term care for the closed surface impoundment through a RCRA post-closure permit. This environmental covenant has been placed on the property to ensure the long-term integrity of the closed, surface impoundment and imparts requirements on the existing and future landowners to ensure the site is secure. With the placement of this environmental covenant, Pine Belt has complied with all terms and conditions of the RCRA Post-Closure

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Permit, and MDEQ has begun the process to terminate the MDEQ RCRA Permit. Pine Belt continues to be subject to the RCRA Corrective Action Permitting Program that is managed by EPA in Mississippi and is a party to the EPA RCRA Corrective Action permit issued on December 4, 2020. This briefing was for informational purposes only, requiring no action by the Commission.

#### Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 273 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 100 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 4 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 35 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 11 Administrative Orders have been issued since the Commission's meeting on February 25, 2021. A list of these orders is made a part of these minutes and is filed in the Official Minutes File.

#### Setting of Meeting

On motion made by Mr. Winstead and seconded by Mr. Phillips, the Commission decided to meet next on Thursday, May 27, 2021, beginning at 9:00 a.m.

#### Adjournment

There being no further business to come before the Commission, the meeting was adjourned.

  
CHAIRMAN

ATTEST:

  
EXECUTIVE DIRECTOR

**(Attachment 1)**  
**4/22/2021**

**Emergency Services Clean-Up**

<b>To:</b>	<b>E3 Environmental</b>	<b>Date of Response: 11/18/2020</b>
<b>Amount:</b>	<b>\$3,395.80</b>	
<b>For:</b>	<b>Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up abandoned drums in Harrison County.</b>	

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Gulfsouth Pipeline Company, LLC Rankin Co., MS	Order No. 7097 21 Respondent agrees to pay MDEQ a penalty in the amount of \$55,125.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Title V Permit No. 2380-00096.
2	Boykin Coleman Dirt, Noxubee Co., MS	Order No. 7098 21 Respondent agrees to pay MDEQ a penalty in the amount of \$3,750.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of MS. Code Ann. § 49-17-29(2b) regarding waters of the state.
3	Lamed Associates, LLC c/o Kevin Revich With regards to the Richardson Molding Site Neshoba Co., MS	Order No. 7099 21	Lamed Associates of Newark, New Jersey has purchased the former Richardson Molding Site in Neshoba Co., MS, from ORG Holdings, LLC. In 2019, ORG Holdings, LLC entered into Agreed Order No. 6961-19 with the MCEQ and placed an Environmental Covenant on the property. In accordance with Agreed Order No. 6961-19, Lamed Associates has entered into Agreed Order No. 7099-21 and acknowledges the restrictions on the use of the Former Richardson Molding site. These restrictions include the annual reporting requirements and other restrictions that are included in Agreed Order No. 7099- 21 and the Environmental Covenant that was executed on this property in 2019.
4	Ronald Clark Noxubee Co., MS	Order No. 7100 21 Respondent agrees to pay MDEQ a penalty in the amount of \$6,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of MS. Code Ann. § 49-17-29(2b) regarding waters of the state.
5	Sayle Oil Company Desoto Co., MS	Order No. 7101 21	Sayle Oil Company desires to submit and MDEQ accepts the Site for participation in the Mississippi Brownfield Program.
6	3-D Construction MS, Inc. Rankin Co., MS	Order No. 7102 21 Respondent agrees to pay MDEQ a penalty in the amount of \$9,325.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Mining Storm Water Permit No. MSR322559.
7	Murphy Oil USA, Inc. El Dorado, AR	Order No. 7103 21 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 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.
8	Premier Plastics, Inc. Pontotoc Co., MS	Order No. 7104 21 Respondent agrees to pay MDEQ a penalty in the amount of \$5,170.00 within sixty (60) days of this Agreed Order.	Respondent was in violation of Title V Permit No. 2300-00024.

9	Pine Bluff Investments, LLC Lafayette Co., MS	Order No. 7105 21 Respondent agrees to pay MDEQ a penalty in the amount of \$22,250.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Mississippi's Large Construction Storm Water General Permit No. MSR107474.
10	Gene Stock Construction Harrison Co., MS	Order No. 7106 21 Respondent agrees to pay MDEQ a penalty in the amount of \$7,350.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of MS. Code Ann. § 49-17-29(2b) regarding waters of the state.
11	Bryant Parrish Holmes Co., MS	Order No. 7107 21 Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section I-A & B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permits/Certificates of Coverage MS-GW-50240, MS-GW-50241, and MS-GW-50242.