

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
MAY 27, 2021

The regular monthly meeting of the Commission on Environmental Quality was held via Zoom on Thursday, May 27, 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, Billy Van Devender and Jack Winstead.

Others present were: Chris Wells, Executive Director; Trent Jones, 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. Phillips 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, May 27, 2021, will take place via Zoom. The items to be brought before the Commission for action will be the following:

- Approval of the April 22, 2021 Telephonic Commission Meeting Minutes
- Request from the Northeast Mississippi Solid Waste Management Authority for a Variance to State Siting Criteria for the Proposed Expansion Area at the Authority's Municipal Solid Waste Landfill
- Commission Approval of Brownfield Agreement - Delmar Plaza Holdings, LLC
- Restrictive Use Agreed Order and Environmental Covenant for FC Meyer Packaging, LLC (*reporting purposes only*)
- 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 June 24, 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, May 27th 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:

Join from PC, Mac, Linux, iOS or Android:

<https://us02web.zoom.us/j/87185002096?pwd=VGFsL2YxR3JwUWNEM0VIY3Q4am1tUT09>

Password: 304578

Meeting ID: 871 8500 2096

Or Telephone:

Dial:

USA 713 353 0212

Conference code: 7557756

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

This notice was posted on MDEQ’s website and in the MDEQ offices in Jackson, MS on May 14, 2021.

Approval of Minutes

On motion made by Mr. Johnson and seconded by Ms. Martin, the minutes of the April 22, 2021, telephonic meeting were approved and adopted as the Official Minutes.

Request from the Northeast Mississippi Solid Waste Management Authority for a Variance to State Siting Criteria for the Proposed Expansion Area at the Authority’s Municipal Solid Waste Landfill

On behalf of MDEQ staff, Mr. Trent Jones stated the Northeast Mississippi Solid Waste Management Authority (Authority) would be requesting a variance to one of the siting criteria for municipal solid waste landfills found in the Commission’s Mississippi Nonhazardous Solid Waste Management Regulations, for a proposed expansion to the permitted disposal area of the existing Northeast Mississippi Regional Landfill, owned by the Authority. Due to limited disposal capacity, the Authority made preliminary plans to expand the permitted disposal area of their existing landfill and submitted a permit application to MDEQ. Upon review of the regulatory siting criteria, MDEQ staff determined that the proposed location of the expansion area did not meet the natural geology siting criteria found in the regulations regarding the presence of naturally occurring clay buffer material directly beneath the entire disposal area. Mr. Jones provided the Commission with some brief historical information regarding the Authority’s permit history. The Mississippi Nonhazardous Solid Waste Management Regulations (11 Miss. Admin. Code Pt. 4 Ch. 1.), in part states that “New landfills shall be located where there are adequate naturally occurring geological materials present of low permeability to act as a buffer between the base of the landfill liner and the top of the uppermost aquifer. Such materials shall generally consist of clays, silty clays, clayey silts, or other soils which have an average hydraulic conductivity of 1×10^{-6} cm/sec or less. The thickness, or depth, of these materials shall extend to at least five feet immediately beneath the base of the landfill liner.” The Authority’s permit application proposes to supplement the areas of the expansion that would not meet the natural geology criteria by constructing a comparable clay buffer. Because the solid waste regulations do not provide for MDEQ staff or the Mississippi Environmental Quality Permit Board to grant a variance to the naturally occurring geology siting requirements, MDEQ staff believed the path forward for the Authority was to petition the Commission for a siting criteria variance. Mr. Jones further stated that the granting of a variance would not guarantee the issuance of a permit and that 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 Authority would still be required to go through the permitting process, which would include a public participation process. Greg Beard, Attorney and Chairman for the Authority, David Green with Waste Services of Northeast Mississippi (operator), and Jeff Breedlove with Promus Engineering all participated in the presentation of the variance request to the Commission, providing details of the proposed expansion plan and other relative information regarding their request. A couple of general questions were asked by the Commission and answered by the Authority and MDEQ. Following the presentations and after deliberation, Chairman Dane stated he was in favor of granting the Northeast Mississippi Solid Waste Management Authority’s request for a variance and called the Commission to a vote. All Commissioners voted to grant the Authority’s request for a variance, except for Jamie Martin who voted in opposition to this request. With the majority of the Commission voting in favor of granting Northeast Mississippi Solid Waste Management Authority’s request for a variance, the matter before the Commission passed.

Commission Approval of Brownfield Agreement - Delmar Plaza Holdings, LLC

On behalf of staff, Ms. Lynn Chambers recommended that the Commission approve the Brownfield Agreement between the Commission and Delmar Plaza Holdings, LLC regarding the remediation of the brownfield property located at 12057 Highway 49 North in Gulfport, Mississippi. The administrative record for this environmental response project is referred to as the Exclusive Cleaners site. The Exclusive Cleaners, which is located within the Delmar Plaza Shopping Center, released dry cleaning solvents which resulted in soil and groundwater contamination at this location. Delmar Plaza Holdings, LLC has agreed that the proposed remediation measures will be through the biological enhanced reductive dechlorination (ERD) and in-situ chemical reduction (ISCR) pathways, filing a land use restriction with the property deed, and entering

into a Brownfield Agreement. The Brownfield Agreement Site will be subject to an environmental covenant restricting the future site use, including all impacted media. The draft Brownfield Agreement completed the 30-day public comment period which ended on May 10, 2021, and no comments were received. MDEQ staff evaluated the proposed Brownfield Agreement and believes that, with the conditions and restrictions contained within the proposed Brownfield Agreement, the site will be in compliance with all applicable State and Federal laws and standards and will be protective of the public health and the environment once the Brownfield Agreement is completed. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Ms. Lathan, the Commission unanimously voted to approve the Brownfield Agreement between the Commission and Delmar Plaza Holdings, LLC regarding the remediation of brownfield property located at 12057 Highway 49 North in Gulfport, Mississippi.

Restrictive Use Agreed Order and Environmental Covenant for FC Meyer Packaging, LLC

(For Reporting Purposes Only)

Pursuant to the Commission's delegation regulations (11 Miss. Admin. Code Pt. 1, R.1.1.Y.), the Executive Director of MDEQ approved the Restrictive Use Agreed Order and Environmental Covenants between the Commission and FC Meyer Packaging, LLC regarding the remediation of property located at 101 Ascher Street, Quitman, Clarke County, Mississippi. FC Meyer Packaging, LLC operated the site as a cardboard packaging manufacturing facility. Environmental Site Assessments revealed the presence of Trichloroethene impacting groundwater at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. Staff of 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 public health and the environment. 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 84 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 60 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 11 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 and 3 Amended Orders have been issued since the Commission's meeting on April 22, 2021. A list of these orders is made a part of these minutes and is filed in the Official Minutes File.

Other Business

Executive Director Chris Wells stated that during the 2020 legislative session, legislators passed a bill creating the Mississippi High Hazard Dam Rehabilitation Grant Program. Staff has developed regulations for this program and is currently completing the public notice and hearing requirements. The regulations will be brought before the Commission for approval at the June Commission meeting.


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Setting of Meeting

Executive Director Chris Wells said he anticipated that the next meeting of the Commission would be held in-person. On motion made by Mr. Van Devender and seconded by Mr. Johnson, the Commission decided to meet next on Thursday, June 24, 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

Emergency Services Clean-Up

To: E3 Environmental
Amount: \$6,009.04 **Date of Response:** 03/16/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum product spill from a leaking AST in Marshall County.

To: E3 Environmental
Amount: \$1,494.07 **Date of Response:** 03/01/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a POL discharge from a semi wreck in Jackson County.

To: E3 Environmental
Amount: \$2,402.34 **Date of Response:** 03/20/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a POL discharge in Harrison County.

To: E3 Environmental
Amount: \$19,247.49 **Date of Response:** 03/16/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help put out a tire fire in George County.

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ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	FC Meyer Packaging, LLC Clarke Co., MS	Order No. 7108 21 Respondent agrees to the remediation requirements/obligations to be conducted in this Brownfield Agreement Order.	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.
2	Modification to the Panola County Solid Waste Management Plan	Order No. 7109 21	This order approves a modification to the Panola County Solid Waste Management Plan requested by the Panola County Board of Supervisors to recognize an expansion of the City of Batesville's Class II rubbish site. This expansion will allow the development of an additional 3.0 acres increasing the total allowable disposal acreage to 5.1 acres. The order also requires the County to provide an update to MDEQ of the portion of the plan that addresses the prevention and clean-up of illegal dumping by July 31, 2021.
3	Aegis Operating Co., Inc. Madison Co., MS	Order No. 7110 21 Respondent agrees to pay MDEQ \$500.00 monthly, with the first payment due on April 1, 2021 and the last payment due on September 1, 2025, with each payment due on the first of each month, until the full amount due has been paid in reimbursement for the cost of remedial and cleanup action.	On October 11, 2019, Respondent's oil/gas well spilled oil/saltwater into Cane Creek in Madison County, Mississippi. As a result of the accident there was a release of pollution into the environment. Respondent's payments shall constitute a full settlement of Respondent's liability for payment of remedial and cleanup actions.
4	REDA, LLC Lowndes Co., MS	Order No. 7111 21 Brownfield schedule order and respondent agrees to obtain all property access agreements for Brownfield Program activities.	REDA, LLC desires to submit and MDEQ accepts the Site for participation in the Mississippi Brownfield Program pending REDA, LLC's receipt of site access for assessment and remediation activities.
5	Gold Coast Commodities, Inc. Rankin Co., MS	Order No. 7112 21	This Order provides findings of fact and conclusion of law and memorializes the Commission's decision related to the Gold Coast Commodities, Inc. evidentiary hearing held on November 19, 2020.
6	Underground Storage Tank Annual Fee	Order No. 7113 21	This Order sets the annual underground storage tank (UST) regulatory fee from July 1, 2021, to June 30, 2022, in the amount of \$150.00 per UST available for use to cover the costs to administer the UST program.

7	Transmontaigne Operating Company, LP Lauderdale Co., MS	Order No. 7114 21	Respondent has interest in a tract of land located in Meridian, MS. The site is contaminated with dissolved phase benzene, MTBE, naphthalene, 1,2,4-trimethylbenzene, Total Petroleum Hydrocarbons – Gasoline Range Organic, and Total Petroleum Hydrocarbons-Diesel Range Organics at levels in excess of the Target Remediation Goals (TRG's), and, therefore, remediation of the Site is necessary.
8	Title V State Operating Fee	Order No. 7115 21	This order sets the federally mandated Title V operating permit fee in an amount sufficient to cover the reasonable costs of administering the Mississippi Title V operating permit program from September 1, 2021 to August 31, 2022.
9	Mississippi Lignite Company Choctaw Co., MS	Order No. 7116 21	This Order authorizes the Commission to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
10	Mississippi Lignite Company Choctaw Co., MS	Order No. 7117 21	This Order authorizes the Commission to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
11	Liberty Fuels L.L.C. Kemper Co., MS	Order No. 7118 21	This Order sets the annual surface coal mining and reclamation permit fee from July 1, 2020, to June 30, 2021.

Amended Orders

1	Desoto County Regional Utility Authority	Amended Agreed Order No. 6958 19	Respondent agrees to comply with the requirements listed in Section I, II, and III of this Second Amendment to this Agreed Order.
2	McCarthy Building Companies, Inc. Lauderdale Co., MS	Amended Agreed Order No. 7054 20	Respondent agrees to comply with the amended requirements listed in Section I of this Agreed Order Amendment.
3	Pine Belt Regional Authority Solid Waste Management Plan (Multiple Counties and Municipalities)	Amended Administrative Order No. 7096 20	This order amends the reporting deadlines for the Authority in Order No. 7096 20 regarding various regional solid waste planning actions, granting additional time until August 31, 2021.

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