

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
JUNE 24, 2021

The regular monthly meeting of the Commission on Environmental Quality was held in-person on Thursday, June 24, 2021, in 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 were: John Dane III, Patrick Johnson, Jamie Martin, Chat Phillips, and Jack Winstead.

Commissioners Brenda Lathan and Billy Van Devender were not present.

Others present were: Chris Wells, Executive Director; Mike Freiman, Kim Caviness, Willie McKercher, Lynn Chambers, Ted Lampton, Chris Sanders, 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, June 24, 2021, will take place in-person. In accordance with the most recent CDC COVID-19 guidelines, unvaccinated people are required to wear masks and observe social distancing requirements. There will be limited seating available at the meeting to comply with this requirement. Visitors may attend the meeting in-person if there is available seating, or they may participate telephonically using call-in number 888-822-7517 and access code 1649618#. Callers will be kept on mute so the Commission can conduct its proceedings without interruption. Vaccinated people will not be required to wear masks or observe social distancing requirements.

The items to be brought before the Commission for action will be the following:

- Approval of the May 27, 2021, Zoom Commission Meeting Minutes
- Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Adoption of FY-2021 Intended Use Plan
- Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Resolution of Necessity to Issue Bonds
- Proposed Amendments to Regulations for Water Quality Criteria for Intrastate, Interstate, and Coastal Waters (11 Miss. Admin. Code Pt. 6, Ch. 2)
- Commission Approval of Proposed Regulation 11 Miss. Admin. Code Pt. 7, Ch. 4, entitled Mississippi Commission on Environmental Quality Dam Safety Grant Program Regulations
- Commission Approval of Brownfield Agreement – Reda, LLC – Columbus, MS
- Asbestos Certifications (*reporting purposes only*)
- Lead Paint Certifications (*reporting purposes only*)
- Emergency Clean-Up Expenses (*reporting purposes only*)
- Administrative Orders (*reporting purposes only*)
- Other Business
- Confirmation of the July 22, 2021 Commission Meeting

This meeting will be held in-person on Thursday, June 24th at 9:00 a.m. in Room 104A, at the offices of the Mississippi Department of Environmental Quality at 515 East Amite Street, Jackson, Mississippi."

This notice was posted on MDEQ's website and in the MDEQ offices in Jackson, MS on June 17, 2021.

Approval of Minutes

On motion made by Mr. Phillips and seconded by Mr. Johnson, the minutes of the May 27, 2021, Zoom Commission meeting were approved and adopted as the Official Minutes.

Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Adoption of FY-2021 Intended Use Plan

Mr. Mike Freiman stated the proposed FY-2021 Intended Use Plan was previously forwarded to the Commission for review. This document identifies the loan funds available to our communities for the construction of wastewater infrastructure, the communities to receive these loan funds, the loan interest rate, program deadlines, and other related information. Ultimately the information is submitted to EPA as part of the Capitalization Grant Application. Public comments on the draft Intended Use Plan were solicited through a public comment period and a public hearing and no comments were received. On behalf of staff, Mr. Freiman recommended the Commission adopt the proposed FY-2021 Intended Use Plan and approval of a corresponding Commission Order. Following staff presentation and after deliberation, on motion made by Mr. Winstead and seconded by Ms. Martin, the Commission unanimously voted to adopt the FY-2021 Water Pollution Control Revolving Loan Fund Intended Use Plan and issue a corresponding Commission Order.

Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Resolution of Necessity to Issue Bonds

Mr. Mike Freiman stated that during the 2021 State legislative session, Senate Bill 2971 was passed and subsequently signed by the Governor. This bill provided for the issuance of \$2,870,000 in bonds to provide state matching funds required to obtain \$14,350,000 in available federal assistance to the Water Pollution Control State Revolving Fund Loan Program. The funds are loaned at low interest rates to facilitate the construction or improvement of Wastewater Treatment facilities in the state. In order to initiate this process, the Commission must adopt a Resolution of Necessity for issuance of these bonds. The Commission was previously provided with a copy of the Resolution for consideration. On behalf of staff, Mr. Freiman recommended that the Commission adopt the Resolution of Necessity to Issue the Bonds. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Mr. Winstead, the Commission unanimously voted to adopt the Resolution of Necessity for issuance of the bonds necessary to provide state matching funds required to obtain available federal assistance for the Water Pollution Control State Revolving Fund Loan Program.

Proposed Amendments to Regulations for Water Quality Criteria for Intrastate, Interstate, and Coastal Waters (11 Miss. Admin. Code Pt. 6, Ch. 2)

Ms. Kim Caviness stated that MDEQ is required by the Clean Water Act to routinely review and update the State's Water Quality Standards in a process known as the triennial review. Revisions to the State's Water Quality Standards were made as part of the current triennial review process and includes: addition of three new waterbody classifications, addition of information pertaining to revising waterbody classifications, updates to aquatic life criteria (including ammonia toxicity criteria for freshwater streams released by EPA in 2013), site-specific selenium criteria, and the addition of the Recreation Classification to a portion of Bogue Homa within the Pearl River Basin. The last modifications to Mississippi's Water Quality Standards were adopted by the Commission on February 25, 2016, and were approved by EPA on January 18, 2017. A 45-day public comment period for the draft modifications was held from Thursday, February 11 until Monday, March 29, 2021. A public hearing regarding the modifications to these regulations was held on Tuesday, March 30, 2021. A request was submitted on March 29, 2021, requesting a 10-day extension to the public comment period regarding the draft amendments. The extension request was approved by the Mississippi Department of Environmental Quality (MDEQ) and written comments regarding the draft modifications were accepted until Friday, April 9, 2021, at 5:00 p.m. Comments were received from six entities including: the Mississippi Forestry Association, the Mississippi Manufacturers Association, the Mississippi River Collaborative, Weyerhaeuser NR Company, Tulane Environmental Law Clinic, and Healthy Gulf regarding the draft modifications. MDEQ staff reviewed, evaluated, and responded in writing to all comments received. In additions, minor edits were made to the draft modifications based on comments received. The redline version of the proposed amendments was previously provided to the Commission for review along with all comments received and the responsiveness summaries. Mr. Phillips had general questions about ammonia criteria and water body classifications which were answered by Ms. Caviness. Executive Director Chris Wells stated that the proposed changes allow MDEQ to more appropriately address individual streams from a water quality standpoint. On behalf of staff, Ms. Caviness recommended the

Commission adopt the proposed amendments to the State's Water Quality Standards. Following staff presentation and after deliberation, on motion made by Mr. Winstead and seconded by Mr. Johnson, the Commission unanimously voted to adopt the proposed amendments to the State's Water Quality Standards.

Commission Approval of Proposed Regulation 11 Miss. Admin. Code Pt. 7, Ch. 4, entitled Mississippi Commission on Environmental Quality Dam Safety Grant Program Regulations

Mr. Willie McKercher provided a presentation to the Commission on MDEQ's Dam Safety Program, which included background of the program, responsibilities of MDEQ, and funding opportunities under the program. After the presentation, Mr. McKercher stated the proposed regulations brought before the Commission today would implement a dam safety rehabilitation grant program to be administered by the Mississippi Department of Environmental Quality ("MDEQ"), under which high hazard dam owners may apply for a grant to assist them with repair, upgrade and rehabilitation work on eligible high hazard dams in the state to improve the safety of such dams to protect downstream lives and property. Pursuant to enabling legislation, any grant recipient must provide matching funds of at least 35 percent of the project cost. Copies of the proposed regulations were previously sent to the Commission for review. The funding for the grants was originally provided by Section 19 of H.B. 1730, which passed and became law in the Mississippi Legislature Regular Session of 2020. Additional funding was provided by the Legislature in 2021. A public hearing on the proposed regulations was held on June 15, 2021, and a public comment period was allowed as well. No comments were received. Mr. McKercher answered a question asked by Mr. Phillips regarding program outreach to high hazard dam owners. There was also some general discussion among the Commission and Executive Director Chris Wells about high hazard dams. On behalf of staff, Mr. McKercher recommended approval and adoption of the proposed regulations. Following staff presentation and after deliberation, on motion made by Ms. Martin and seconded by Mr. Phillips, the Commission unanimously voted to adopt the proposed regulations implementing the Mississippi Commission on Environmental Quality Dam Safety Grant Program.

Commission Approval of Brownfield Agreement – Reda, LLC – Columbus, MS

On behalf of staff, Ms. Lynn Chambers recommended that the Commission approve the Brownfield Agreement between the Commission and REDA, LLC regarding the remediation of the brownfield property located at 234 Alabama Street, Columbus, Mississippi. The administrative record for this environmental response project is referred to as the Supersonic Car Wash site. Supersonic Car Wash, which is located adjacent to a drycleaner, discovered chlorinated solvents beneath their property. Staff of the MDEQ believes the Supersonic Car Wash site may have been impacted by the adjacent drycleaners as historical records do not reveal use of chlorinated solvents on the property. REDA, LLC agreed that the proposed remediation measures will be through 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 45-day public notice period on June 23, 2021, and no comments were received. Staff of the MDEQ 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. Johnson and seconded by Mr. Winstead, the Commission unanimously voted to approve the Brownfield Agreement between the Commission and REDA, LLC regarding the remediation of the brownfield property located at 234 Alabama Street, Columbus, Mississippi.

Solid Waste Assistance Grants, Waste Tire Grants, and Solid Waste Planning Grants

Commissioner Jamie Martin asked that MDEQ staff look at the waste reduction plans of the counties and municipalities receiving grant money awarded by MDEQ's Solid Waste Division. Ms. Martin voiced concerns that these counties and municipalities are not awarded grant money unless they were following their waste reduction plans. Executive Director Chris Wells asked Office of Pollution Control Director, Mr. Chris Sanders, to prepare a report with the parameters of MDEQ's solid waste grant programs. Mr. Wells felt this could also be an opportunity for outreach to these counties and municipalities about solid waste services available. Mr. Sanders said he would get with the MDEQ waste division chief and recycling coordinator and have the information at a future Commission meeting.

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>
Prentiss County BOS	\$14,426.00
Lawrence County BOS	\$12,562.00
Lamar County BOS	\$24,601.00
Leake County BOS	\$16,227.00
Madison County BOS	\$21,068.00
Wilkinson County BOS	\$14,662.00
Grenada County BOS	\$11,385.00
Lincoln County BOS	\$20,283.00
Franklin County BOS	\$11,777.00
Simpson County BOS	\$17,535.00
Lowndes County BOS	\$20,938.00
Lee County BOS	\$21,068.00
Winston County BOS	\$14,525.00
Tate County BOS	\$18,974.00
Noxubee County BOS	\$16,945.00
Clarke County BOS	\$14,395.00
Marion County BOS	\$17,012.00
Newton County BOS	\$15,572.00
Oktibbeha County BOS	\$16,488.00
Rankin County BOS	\$35,594.00
Pearl River County BOS	\$25,125.00
Benton County BOS	\$10,731.00
Stone County BOS	\$12,824.00
Warren County BOS	\$60,799.00
Marshall County BOS	\$19,367.00
Perry County BOS	\$12,693.00
Leake County BOS	\$25,000.00
Lauderdale County BOS	\$23,817.00
Yalobusha County BOS	\$11,777.00
Carroll County BOS	\$13,217.00
Leflore County BOS	\$14,787.00
Itawamba County BOS	\$16,619.00
Tishomingo County BOS	\$14,264.00
Grenada County BOS	\$3,300.00

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>
Jasper County BOS	\$25,000.00
Forrest County BOS	\$30,000.00
Grenada County BOS	\$20,000.00
Madison County BOS	\$50,000.00
Wayne County BOS	\$25,000.00
Pine Belt Regional Authority	\$162,621.00
Newton County BOS	\$30,000.00
Franklin County BOS	\$10,000.00
Adams County BOS	\$25,000.00
City of Meridian	\$22,000.00
Rankin County BOS	\$100,000.00

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:

<u>County/Municipality</u>	<u>Grant Amount</u>
City of Ridgeland	\$54,375.00
Lauderdale County BOS	\$6,000.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 139 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 42 lead paint 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.

Administrative Orders

On previous authority delegated to the MDEQ Executive Director, the staff reported that 10 Administrative Orders have been issued since the Commission's meeting on May 27, 2021. 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

The Commission decided to meet next on Thursday, July 22, 2021, beginning at 9:00 a.m.

Adjournment

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



CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

Emergency Services Clean-Up

To: E3
Amount: \$2,574.76 **Date of Response:** 03/03/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up abandoned drums in Harrison County.

To: E3
Amount: \$1,949.76 **Date of Response:** 03/11/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up POL discharged due to an 18-wheeler incident in Pearl River County.

To: E3
Amount: \$4,465.22 **Date of Response:** 05/06/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and help clean up a diesel spill from a truck wreck in Covington County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Sims Bark Company, Inc. Desoto Co., MS	Order No. 7119 21 Respondent agrees to pay MDEQ a penalty in the amount of \$11,100.00 within forty-five (45) days of this Agreed Order.	<i>Violations are listed in Section I of this Agreed Order.</i>
2	Smith Brothers Forest Products, Inc. Wayne Co., MS	Order No. 7120 21 Respondent agrees to pay MDEQ a penalty in the amount of \$7,290.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Industrial Storm Water Permit Coverage MSR 000570.
3	City of Clarksdale Coahoma Co., MS	Order No. 7121 21 Respondent agrees to pay MDEQ a penalty in the amount of \$31,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of the conditions of Statewide Solid Waste Management General Permit No. SWGP-R1 (Certificate of Coverage #R1-005).
4	Tishomingo County Airport, Belmont Tishomingo Co., MS	Order No. 7122 21 Respondent agrees to pay MDEQ a penalty in the amount of \$1,750.00 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.
5	King Construction and Environmental Services, LLC. Hancock Co., MS	Order No. 7123 21 Respondent agrees to pay MDEQ a penalty in the amount of \$2,500.00 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.
6	Delmar Plaza Holdings, LLC Mobile, AL	Order No. 7124 21	Respondent has an interest in a tract of land located in Gulfport, MS. The site is contaminated with chlorinated solvents in the groundwater and soils at levels in excess of the Target Remediation Goals (TRGs); and therefore, remediation of the Brownfield Agreement Site is necessary.
7	City of Vicksburg Warren Co., MS	Order No. 7125 21 Respondent agrees to pay MDEQ a penalty in the amount of \$2,500.00 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.
8	City of Richland Rankin Co., MS	Order No. 7126 21 Respondent agrees to pay MDEQ a penalty in the amount of \$65,490.00. Respondent shall pay \$1,500.00 of this penalty within forty-five (45) days of this Agreed Order. \$63,990.00 of the \$65,490.00 shall be held in abeyance by Complainant pending Respondent's compliance with Section 3. Respondent shall also submit documentation to MDEQ demonstrating the SWMP has been fully implemented.	Respondent was in violation of Mississippi's Small Municipal Separate Storm Sewer System (MS4) Storm Water General NPDES Permit (Coverage No. MSRM04029).
9	Wells Cleaners of Columbus, Inc. Lowndes Co., MS	Order No. 7127 21 Groundwater sampling indicates chlorinated solvents contamination is likely emanating from the Wells Cleaners property.	Respondent must provide the work plan and conduct an ESA to attempt to define the extent of contamination emanating from the Wells Cleaners property and conduct any necessary remediation to protect human health and the environment.

10	Best Equipment Technologies, Inc. Pearl River Co., MS	Order No. 7128 21 Respondent agrees to pay MDEQ a penalty in the amount of \$28,650.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Baseline Storm Water General Permit No. MSR000495.
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