

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
JULY 28, 2022

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, July 28, 2022, in-person in the Commission Hearing Room at the offices of the Mississippi Department of Environmental Quality, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m.

Commissioners present were: John Dane, III, Patrick Johnson, Jr., Brenda Lathan, Jamie Martin, Chat Phillips, and Jack Winstead.

Commissioner Billy Van Devender was not present.

Others present were: Chris Wells, Executive Director; Thomas Wallace, 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 Lathan and after Mr. Winstead led the invocation, the following business was transacted:

Approval of Minutes

On motion made by Mr. Mr. Phillips and seconded by Mr. Johnson, the minutes of the May 26, 2022, meeting were approved and adopted as the Official Minutes.

Commission Approval of Brownfield Agreement Completion

Mr. Thomas Wallace stated that on August 27, 2020, the Commission reached a Brownfield Agreement (#7064-20) with Castle Starkville, LLC, for remediation of the former Garan Manufacturing property located at 601 Highway 12 Starkville, Oktibbeha County, MS. On June 30, 2021, the Commission approved Agreed Order #7133-21, amending Brownfield Agreement #7064-20, and effectively transferred responsibility of the Brownfield Agreement to Triangle Crossings, LLC. Corrective Actions at the site included abatement of asbestos containing materials and executing an Environmental Covenant due to contamination from an adjacent property. The reuse of the property is a retail center. In accordance with 11 Miss. Admin. Code Pt. 3, R.2.1.7.B: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, Triangle Crossings, LLC, requested the Commission make a determination as to the completion of the Brownfield Agreement and to issue a "no further action" letter by the Executive Director. Staff evaluated the corrective action report, conducted the required inspection of the site, and received confirmation that the Environmental Covenant had been filed of record. Staff recommended that the Commission issue an Order in accordance with the Brownfield Regulations concluding that Triangle Crossings, LLC, completed Brownfield Agreement #7064-20. The Environmental Covenant shall remain in effect until the site achieves unrestricted remediation goals and a subsequent determination is proposed and approved by the Commission. Following staff presentation and after deliberation, on motion made by Mr. Dane and seconded by Ms. Martin, the Commission unanimously voted to issue an Order in accordance with the Brownfield Regulations concluding that Triangle Crossings, LLC, completed Brownfield Agreement #7064-20, and that a "no further action" letter be issued by the Executive Director.

Commission Approval of Brownfield Agreement Termination

Mr. Thomas Wallace stated that on February 28, 2014, the Commission reached a Brownfield Agreement (#6394 14) with Cooley Center, LLC, and Mississippi State University for the remediation of the former Cooley Building, The Mill at Mississippi State University in Starkville, Oktibbeha County, MS. Corrective Actions at the site included abatement of asbestos containing materials and lead based paint and removal of an Underground Storage Tank. An Environmental Covenant was not required at this site. The reuse of the property is a conference center, technology hub, and a hotel. In accordance with 11 Miss. Admin. Code Pt. 3, R.2.1.7.B: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, the Cooley Center, LLC sent a petition to the Commission to make a determination as to the completion and termination of the Brownfield Agreement and to issue a "no further action" letter by the Executive Director. Staff reviewed the corrective action report and conducted the required inspection of the Brownfield Agreement Site. Staff recommended that the Commission issue an order in accordance with the Brownfield Regulations concluding that Cooley Center, LLC, and Mississippi State University completed Brownfield Agreement #6394-14. Following staff presentation and after deliberation, on motion made by Ms. Martin and seconded by Mr. Dane, the Commission unanimously voted to issue an Order in accordance with the Brownfield Regulations concluding that Cooley Center, LLC, and Mississippi State University completed Brownfield Agreement #6394-14, and that a "no further action" letter be issued by the Executive Director.

Executive Director, Chris Wells, congratulated Thomas Wallace on being named Chief of the Groundwater Assessment and Remediation Division at MDEQ.

Election of Officers for Fiscal Year 2023 (July 2022 – June 2023)

On a motion made by Mr. Winstead and seconded by Mr. Dane, the Commission voted to re-elect Brenda Lathan to serve as Chairman and Patrick Johnson to serve as Vice-Chairman of the Commission for Fiscal Year 2023. No other nominations were made.

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 297 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 91 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 11 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 41 wastewater operator certificates 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 13 Administrative Orders and 2 Amended Orders have been issued since the Commission's meeting on May 26, 2022. 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, informed the Commission that MDEQ's website went live on July 1, 2022, with information on the Mississippi Municipality & County Water Infrastructure Grant Program. Information included the approved regulations, scoring criteria and ranking system, and a list of questions which will later become the grant application. It is anticipated that the on-line portal will open this fall for application submissions. Later this morning, MDEQ will host the first in a series of webinars for interested parties to gather information about the grant program, and an informational meeting is scheduled for August.

Setting of Meeting

The Commission decided to meet next on August 25, 2022, 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 CLEAN-UP EXPENSES

To: E3
Amount: \$4,158.80 Date of Response: 02/12/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Harrison County.

To: E3
Amount: \$385.00 Date of Response: 12/27/2021
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an unknown chemical spill found in a ditch in Greene County. This is for disposal costs only.

To: E3
Amount: \$7,367.83 Date of Response: 04/02/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a gasoline spill in Covington County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	MTD Products Company Lee Co., MS	Order No. 7190 22 Respondent agrees to pay MDEQ a penalty in the amount of \$8,800.00 within forty-five (45) days of this Agreed Order.	Violations are listed under Section #1 of this Agreed Order.
2	Sequa Corporation dba Precoat Metals Hinds Co., MS	Order No. 7191 22 Respondent agrees to pay MDEQ a penalty in the amount of \$48,375.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Air-Synthetic Minor Operating Permit No. 1080-00080.
3	Hodges Redevelopment GWD, LLC Re: Former Three Rivers Inn Leflore Co., MS	Order No. 7192 22	Respondent has an interest in a tract of land located in Greenwood, MS. The site is contaminated with asbestos containing materials (ACM) in excess of the Environmental Protection Agency threshold of 1% ACM, and therefore, remediation of the Brownfield Agreement Site is necessary.
4	Mr. David King Hinds Co., MS	Order No. 7193 22 Respondent agrees to comply with the requirements/obligations listed under Section #2 of this Agreed Consent Order.	This Agreed Consent Order approves the initiation of the clean-up of an unauthorized waste tire stockpile on property located at 2170 Parsons Road in Raymond, MS through the MDEQ waste tire abatement program.
5	Pineville Properties LLC Harrison Co., MS	Order No. 7194 22 Respondent agrees to pay MDEQ a penalty in the amount of \$4,200.00 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	Modification to the Simpson County Solid Waste Management Plan	Order No. 7195 22	This order approves a modification to the Simpson County Solid Waste Management Plan as requested by the Simpson County Board of Supervisors to include in the plan three new land application sites operated by Maintenance Systems, Inc. for the application of municipal biosolids.
7	Matter of the Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 3, Chapter 1, Entitled "Hazardous Waste Management Regulations"	Order No. 7196 22	This order confirms the adoption of the proposed amendments for MDEQ's "Hazardous Waste Management Regulations."
8	Title V State Operating Fee	Order No. 7197 22	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, 2022, to August 31, 2023.

9	Underground Storage Tank Annual Fee	Order No. 7198 22	This Order sets the annual underground storage tank (UST) regulatory fee from July 1, 2022, to June 30, 2023, in the amount of \$150.00 per UST available for use to cover the costs to administer the UST program.
10	Chemours Company FC LLC Harrison Co., MS	Order No. 7199 22 Respondent agrees to pay MDEQ a penalty in the amount of \$33,750.00 within forty-five (45) days of this Agreed Order.	Violations are listed under Section #1 of this Agreed Order. Respondent exceeded the Particulate Matter limitations from Emission Point AC-101 during a stack test on October 28, 2021.”
11	Western Gardens Apartment Complex, Meridian Housing Authority Lauderdale Co., MS	Order No. 7200 22 Respondent agrees to pay MDEQ a penalty in the amount of \$20,000.00 within forty-five (45) days of this Agreed Order.	Respondent engaged in unauthorized asbestos and lead-based paint abatement activity. Instances of non-compliance with requirements of asbestos and lead regulations are listed in Section I of this Agreed Order.
12	Producers Rice Mill, Inc. Washington Co., MS	Order No. 7201 22 Respondent agrees to comply with the conditions set for in Synthetic Minor Operating Permit No. 2800-00114 that was issued on August 2, 2017, and was modified on September 26, 2019, until such time as MDEQ’s Environmental Permits Division acts on the renewal application dated March 14, 2022.	Respondent failed to make application not less than one-hundred eighty (180) days prior to the expiration date of the permit for the renewal of the permit, in violation of Section 1.C.1 of its Synthetic Minor Operating Permit No. 2800-00114.”
13	Dr. Horton, Inc. Harrison Co., MS	Order No. 7202 22 Respondent agrees to pay MDEQ a penalty in the amount of \$18,750.00 within forty-five (45) days of this Agreed Order.	Violations are listed under Section #1 of this Agreed Order.

Amended Orders

1	Coastal Green Space, LLC North Richland Hills, TX	Amended Agreed Order No. 5125-06	Coastal Green Space, LLC is transferring their responsibilities under Agreed Order #5125-06 to the new property owner, Sun Rae Acres.
2	Town of Como Panola Co., MS	4 th Amended Agreed Order No. 6412 14	Respondent agrees to comply with the amended requirements listed in Section #1 of this Agreed Order Amendment.