

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
OCTOBER 27, 2022

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, October 27, 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: Patrick Johnson, Jr., Brenda Lathan, Jamie Martin, Billy Van Devender and Jack Winstead.

Commissioners John Dane, III and Chat Phillips were not present.

Others present were: Chris Wells, Executive Director, Mike Freiman, 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. Johnson and seconded by Mr. Van Devender, the minutes of the July 28, 2022, meeting were approved and adopted as the Official Minutes.

Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Adoption of FY-2022 Intended Use Plan

Mr. Mike Freiman, Director of MDEQ's Surface Water Division, stated the proposed FY-2022 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 collection and treatment facilities, 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. EPA Region 4 had a few comments during their review of the Intended Use Plan which resulted in minor text changes or added detail. On behalf of staff, Mr. Freiman recommended the Commission adopt the proposed FY-2022 Intended Use Plan and approve 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-2022 Water Pollution Control Revolving Loan Fund Intended Use Plan and issue a corresponding Commission Order.

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>
Adams County BOS	\$ 18,307.66
Alcorn County BOS	\$ 50,000.00
Benton County BOS	\$ 14,863.64
Bolivar County BOS	\$ 50,000.00
Chickasaw County BOS	\$ 17,401.34
City of Canton	\$ 15,100.00
City of Charleston	\$ 10,000.00
City of Hattiesburg	\$ 75,000.00
City of Meridian	\$ 50,000.00
City of Moss Point	\$ 22,732.00
City Of Natchez	\$ 25,000.00
City of Richland	\$ 29,764.00
City of Starkville	\$ 24,979.00
Claiborne County BOS	\$ 14,682.38
Clarke County BOS	\$ 19,939.00
DeSoto County BOS	\$ 52,607.00
Desoto County BOS	\$ 75,000.00
Franklin County BOS	\$ 16,314.00
Golden Triangle Regional SWMA	\$ 54,000.00
Grenada County BOS	\$ 15,770.00
Grenada County BOS	\$ 1,400.00
Hancock County BOS	\$ 60,000.00

Harrison County BOS	\$ 75,000.00
Harrison County BOS	\$ 34,440.15
Hinds County BOS	\$ 75,000.00
Itawamba County BOS	\$ 29,523.90
Jackson County BOS	\$ 75,000.00
Jackson County BOS	\$ 32,322.00
Jackson County BOS	\$ 44,772.19
Jackson County BOS	\$ 32,322.00
Jefferson Davis County BOS	\$ 19,213.98
Jones County BOS	\$ 38,065.42
Kemper County BOS	\$ 18,670.18
Lafayette County BOS	\$ 27,008.33
Lamar County BOS	\$ 34,078.00
Lauderdale County BOS	\$ 32,990.00
Lawrence County BOS	\$ 17,401.34
Leake County BOS	\$ 25,000.00
Leake County BOS	\$ 22,476.73
Lincoln County BOS	\$ 28,096.00
Lowndes County BOS	\$ 29,002.23
Madison County BOS	\$ 104,183.49
Marion County BOS	\$ 23,564.31
Marshall County BOS	\$ 26,827.06
Newton County BOS	\$ 21,570.41
Newton County BOS	\$ 10,000.00
Oktibbeha County BOS	\$ 22,839.25
Panola County BOS	\$ 45,240.48
Pike County BOS	\$ 31,194.90
Pearl River County BOS	\$ 34,802.67
Perry County BOS	\$ 17,582.60
Prentiss County BOS	\$ 19,757.77
Quitman County BOS	\$ 14,682.38
Rankin County BOS	\$ 49,303.79
Rankin County BOS	\$ 75,000.00
Scott County BOS	\$ 72,658.00
Sharkey County BOS	\$ 11,963.42
Simpson County BOS	\$ 24,289.37
Smith County BOS	\$ 24,975.00
Tallahatchie County BOS	\$ 18,307.66
Tate County BOS	\$ 26,282.78
Three Rivers SWMA	\$ 75,000.00
Tippah County BOS	\$ 20,301.56
Tishomingo County BOS	\$ 19,758.00
Town of Monticello	\$ 24,000.00
Walthall County BOS	\$ 20,845.35
Warren County BOS	\$ 70,000.00
Washington County BOS	\$ 5,274.00
Washington County BOS	\$ 5,274.00
Wayne County BOS	\$ 59,222.00
Wilkinson County BOS	\$ 15,044.91
Wilkinson County BOS	\$ 15,000.00

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>
Alcorn County BOS	\$ 44,400.00
Carroll County BOS	\$ 30,000.00
City of Yazoo City	\$ 20,600.00
Claiborne County BOS	\$ 20,000.00
Desoto County BOS	\$ 103,350.00
Hancock County BOS	\$ 50,000.00
Harrison County Utility Authority	\$ 51,500.00
Hinds County BOS	\$ 80,000.00
Jackson County BOS	\$ 88,000.00
Jefferson Davis County BOS	\$ 25,000.00
Kemper County BOS	\$ 25,000.00
Lamar County BOS	\$ 30,000.00

Leflore County BOS	\$ 50,000.00
Lincoln County BOS	\$ 50,000.00
Marion County BOS	\$ 36,000.00
Marshall County BOS	\$ 30,000.00
Neshoba County BOS	\$ 25,000.00
Northeast MS SWMA	\$ 100,000.00
Panola County BOS	\$ 15,000.00
Pike County BOS	\$ 97,000.00
Pine Belt Reg SWMA	\$ 207,870.00
Quitman County BOS	\$ 16,000.00
Smith County BOS	\$ 25,000.00
South Central SWMA	\$ 25,000.00
Stone County BOS	\$ 45,000.00
Tallahatchie County BOS	\$ 20,807.00
Three Rivers SW Mgt Authority	\$ 90,000.00
Tunica County BOS	\$ 28,000.00
Walthall County BOS	\$ 40,000.00
Warren County BOS	\$ 54,000.00
Washington County BOS	\$ 100,000.00
Yalobusha County BOS	\$ 70,653.47
Yazoo County BOS	\$ 75,000.00

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>
Hancock County SWA	\$ 32,760.00

On previous authority delegated to the MDEQ Executive Director, the Commission was provided a listing by staff of the following waste tire incentive recycling and research grants that have been awarded to local governments:

<u>County/Municipality</u>	<u>Grant Amount</u>
MS Tire Recycling, LLC	\$1,382,019.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 313 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 134 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 54 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 11 Administrative Orders and 1 Amended Order have been issued since the Commission's meeting on July 28, 2022. 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. Van Devender and seconded by Mr. Johnson, the Commission unanimously voted to meet next on Monday, December 12, 2022, beginning at 9:00 a.m., in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi.

Approval to Enter into Executive Session

After a brief discussion lead by Executive Director Wells, Mr. Johnson moved to close the meeting to discuss whether to go into executive session to discuss pending and potential litigation regarding a claim under Title VI of the Civil Rights Act of 1964 pertaining to the City of Jackson. Mr. Van Devender and Ms. Martin seconded the motion. The Commission voted unanimously to close the meeting. General Counsel Roy Furrh requested the public clear the Commission hearing room other than the Commission members, the Executive Director and MDEQ attorneys. The Commission, on motion by Mr. Winstead and second by Ms. Martin, voted unanimously to go into executive session to discuss the matter and Roy Furrh announced the Commission's decision to the public that had left the Commission hearing room and gathered in the lobby. Mr. Van Devender had to leave the meeting before adjournment. After discussion, Ms. Martin moved to end executive session and return to open session and Mr. Johnson seconded the motion. The Commission unanimously voted in favor of the motion. General Counsel Furrh invited the public to return to the Commission hearing room as the Commission returned to open session. Mr. Wells announced the Commission took no action during executive session.

Adjournment

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


CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR

EMERGENCY CLEAN-UP EXPENSES

To: E3

Amount: \$2,223.75

Date of Response: 02/28/2022

For: Costs associated with providing supervision, labor, equipment, and materials to respond to and perform air monitoring services for an unknown gas odor in Hinds 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.

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.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Tronox LLC Monroe Co., MS	Order No. 7203 22 Respondent agrees to pay MDEQ a penalty in the amount of \$65,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Title V Permit No. 1840-00035.
2	Macland Disposal Center, Inc. Jackson Co., MS	Order No. 7204 22 Respondent agrees to pay MDEQ a penalty in the amount of \$14,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of the following regarding Solid Waste Management Permit No. SW03001B0409: Failure to cover all exposed wastes with at least six (6) inches of earthen material at the end of each operating day; Failure to comply with Condition E.33 of the Permit which states "Surface water contaminated by contact with solid wastes and surface leachate flowing from filled areas of the landfill shall be collected and managed as leachate. Surface leachate and contaminated surface water shall not be allowed to flow offsite of the landfill property."
3	Garan Industries BFA Site Castle Starkville, LLC Triangle Crossings, LLC Oktibbeha Co., MS	Order No. 7206 22 Completion Order for BFA #7064-20	Triangle Crossings, LLC has completed the Brownfield Agreement and was approved of No Further Action by the Commission and Executive Director.
4	Cooley Center, LLC Mississippi State University Oktibbeha Co., MS	Order No. 7207 22 Completion Order for BFA #6394-14	Cooley Center, LLC and Mississippi State University completed the Brownfield Agreement and was approved of No Further Action by the Commission and the Executive Director.
5	City of Louisville Winston Co., MS	Order No. 7208 22 Respondent agrees to pay MDEQ a penalty in the amount of \$17,662.50. Respondent shall pay this penalty to MDEQ in two installments. The first installment of \$8,831.25 shall be due within forty-five (45) days and the second installment of \$8,831.25 shall be due within ninety (90) days.	Respondent was in violation of the following regarding Solid Waste Management Permit No. SW08001B0397: Failure to cover all exposed wastes with at least six (6) inches of earthen material at the end of each operating day; Failure to promptly correct leachate outbreaks; Failure to collect and dispose as leachate all surface water contaminated by contact with solid waste and surface leachate flowing from filled areas of the landfill.

6	Anthony Culbertson Rankin Co., MS	Order No. 7209 22 Respondent has created an unauthorized waste tire collection site and unauthorized dump in the vicinity of Choctaw Circle, Vicksburg, Mississippi in violation of Miss. Code Ann. §17-17-405(2) (Rev. 2012) and Miss. Code Ann. §17-17-17 (Rev. 2012).	<p>If Respondent is successful in obtaining lawful access to the property, the Respondent shall immediately begin the removal of waste tires from the property. All waste tires shall be removed from the property within 30 days after the issuance of this Order. All waste tires shall be transported to an authorized waste tire collection or processing facility in the State of Mississippi or an approved location outside the State of Mississippi, unless otherwise approved by MDEQ.</p> <p>If Respondent is successful in obtaining lawful access to the property, the Respondent shall reduce and control mosquitoes, rodents, and other vectors on site beginning immediately and continuing until the end of all cleanup operations. This shall include the elimination of standing water, the application of suitable pesticides, and/or trapping of vectors as needed.</p>
7	FDF Management Company Quitman Co., MS	Order No. 7210 22 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-04652, MS-GW-04653, MS-GW-04654, MS-GW-04655, MS-GW-04656 and MS-GW-04657
8	MG 88 Memphis Distribution, LLC Desoto Co., MS	Order No. 7211 22 Respondent agrees to comply with the payment terms and conditions outlined in the Agreed Order	On August 26, 2022, Agreed Order 7211 22 was executed between the Commission and MG88 Memphis Distribution, LLC concerning Memphis Distribution Property located near 8690 Tulane Road, Southaven, in DeSoto County. The Order established the terms and conditions for the respondent entering into the Uncontrolled Site Voluntary Evaluation Program. This site is contaminated with diesel range organics.
9	Great River Utility Operating Company, LLC Rankin Co., MS	Order No. 7212 22 Respondent agrees to comply with special terms and conditions listed in Section 3 (A-F) of this Agreed Order.	Respondent is in the process of acquiring Reservoir East Subdivision, a wastewater treatment system subject to NPDES Permit No. MS0035327 and subsequently connecting it to a regional system.
10	Modification to the Pearl River County Solid Waste Management Plan	Order No. 7213 22	This order approves a modification of the Pearl River County Regional Solid Waste Management Plan for the inclusion of a proposed solid waste processing facility for medical waste and regulated APHIS wastes at the request of Americlean, LLC.

11	Indian Creek Landtrust LLC Rankin Co., MS	Order No. 7214 22 Respondent agrees to adhere to restrictions and obligations put forth in this Agreed Order concerning property associated with Exide Oxide Plant.	On September 07, 2022, Agreed Order 7214 22 was executed between the Commission and Indian Creek Landtrust LLC concerning a parcel associated with Exide Oxide Plant located near 305 Briarhill Road, Florence, in Rankin County. The Order set forth the requirements and obligations the respondent will have due to the lead and cadmium contamination at the site.
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Amended Orders

1	GRT Ripley Operations, LLC Tippah Co., MS	Amended Agreed Order No. 5326 07 Respondent agrees to accept the restrictions and obligations put forth in the Agreed Order	On July 26, 2022, Agreed Order No 5326 07 was amended to reflect GRT Ripley Operations LLC as the respondent concerning the Former Biltrite Site located in Tippah Co. This site is contaminated with diesel range organics.
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