

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
DECEMBER 12, 2022

The regular monthly meeting of the Commission on Environmental Quality for December, 2022, was held on Monday, December 12, 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, Billy Van Devender and Jack Winstead.

Commissioners John Dane, III, Jamie Martin and Chat Phillips were 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. Van Devender led the invocation, the following business was transacted:

Notice of Meeting

The Commission was informed that the legal Notice of Meeting concerning the time, date, and place of this meeting had been posted publicly as required by law. The Notice of Meeting read as follows: "Please take note that the regularly scheduled meeting of the Mississippi Commission on Environmental Quality for December, 2022, will take place on Monday, December 12, 2022, at 9:00 a.m. This meeting will be held in the Commission Hearing Room at the offices of the Mississippi Department of Environmental Quality at 515 East Amite Street, Jackson, Mississippi. As always, the public is invited to attend." This notice was posted on MDEQ's website and in the MDEQ offices in Jackson, MS on October 27, 2022.

Approval of Minutes

On motion made by Mr. Winstead and seconded by Mr. Johnson, the minutes of the October 27, 2022, meeting were approved and adopted as the Official Minutes.

Commission Approval of Brownfield Agreement

Mr. Thomas Wallace stated that the administrative record for this environmental response project is referred to as the Pascagoula Ice Plant located at the northeast corner of US Highway 90 and Pascagoula Street in Pascagoula, Mississippi. The site consists of 7.24 acres and has a long history of different commercial and industrial uses going back as far as 1909, including: a former oil house, a foundry, an auto repair shop, a filling station, and an ice manufacturer. Assessments revealed the extent of contamination in the groundwater and soil at levels in excess of the Target Remediation Goals for petroleum substances and ammonia (used for refrigerant in the ice manufacturing process). Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed remedial actions consist of excavating soils containing petroleum substances and an Environmental Covenant to prevent the use of groundwater due to ammonia in the groundwater. The proposed use of the Site after completion of all remediation will be a mixed-use development including a restaurant, possible apartment complex, a bank, and other commercial businesses. The staff of the MDEQ evaluated the Brownfield Agreement and believes that, with the conditions and restrictions contained within the Brownfield Agreement, the Site will be in compliance with applicable State and Federal laws and standards and will be protective of the public health and the environment. On behalf of staff, Mr. Wallace recommended that the Commission approve the Brownfield Agreement between the Commission and In Sync Holdings, LLC regarding the remediation of the Pascagoula Ice Plant brownfield site. Following staff presentation and after deliberation, on motion made by Mr. Van Devender and seconded by Mr. Winstead, the Commission unanimously voted to approve the Brownfield Agreement between the Commission and In Sync Holdings, LLC regarding the remediation of the Pascagoula Ice Plant brownfield site.

Commission Approval of Underground Storage Tank Fee for Fiscal Year 2024

Mr. Thomas Wallace stated that the Underground Storage Tank (UST) Advisory Council and the staff of the MDEQ met on September 8, 2022, to discuss the current status of the UST program and for the UST Advisory Council to provide a recommended tank fee to the Commission for the Fiscal Year 2024. Fiscal Year 2022

expenditures and accomplishments and the expected expenditures for Fiscal Year 2023 were provided in the UST report previously provided to the Commission on the UST program. Mr. Wallace also stated that a law which was passed during the 2022 legislative session, allows MDEQ to move up to \$1 million dollars from the State Trust Fund to the UST program to cover any operational shortfalls. Executive Director Chris Wells stated the bill was supported by the Petroleum Marketers Association and it provided MDEQ with much needed program flexibility. On behalf of staff, Mr. Wallace recommended that the Commission approve the Advisory Council's recommended \$150 tank fee for fiscal year 2024, which is the same as last year's fee. Following staff presentation and after deliberation, on motion made by Mr. Johnson and seconded by Mr. Van Devender, the Commission unanimously voted to approve the Advisory Council's recommended \$150 tank fee for fiscal year 2024.

Commission Approval of Environmental Response Action Contractor (ERAC)

Mr. Thomas Wallace stated that MDEQ staff reviewed an application from a consulting firm requesting to be listed as an Environmental Response Action Contractor (ERAC) and determined it to be complete and acceptable. On behalf of staff, Mr. Wallace recommended that the Commission approve the following firm as an ERAC:

Leaaf Environmental, LLC
2301 Whitney Ave
Gretna, LA 70056

Following staff presentation and after deliberation, on motion made by Mr. Van Devender and seconded by Mr. Johnson, the Commission unanimously voted to approve Leaaf Environmental, LLC, of Gretna, LA, as an ERAC.

Solid Waste Assistance 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>
Hinds County BOS	\$ 30,271.00
Jefferson County BOS	\$ 14,319.85
Noxubee County BOS	\$ 24,445.78
Winston County BOS	\$ 20,120.30
Yazoo County BOS	\$ 24,289.37

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>
Yazoo County BOS	\$ 55,080.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 77 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 55 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 13 Administrative Orders and 1 Amended Order have been issued since the Commission's meeting on October 27, 2022. A list of these orders is made a part of these minutes and is filed in the Official Minutes File.

Executive Director Chris Wells highlighted Administrative Order # 10 for the Commission and stated the pre-treatment facility involved was operating without a permit and discharging waste into the sewer system. The penalty was the result of a joint effort between the Mississippi Department of Environmental Quality and the EPA's Criminal Investigation Division and was the largest pre-treatment penalty ever received by MDEQ.

Other Business

Executive Director Chris Wells briefed the Commission on a couple of items MDEQ would like to bring before the legislature. Mr. Wells stated he would be asking the legislature for additional agency funding to cover raises that have been given to employees, which was necessary to compete with other state agencies and to retain good workers. Mr. Wells also stated that MDEQ would be proposing to have the Mississippi opal designated as the state's gemstone. The opal is the only gemstone found in Mississippi and Mississippi is one of just a couple of states that does not currently have a designated gemstone.

Approval to Enter into Executive Session

After a brief discussion lead by Executive Director Chris Wells, Mr. Winstead 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 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 Mr. Van Devender, voted unanimously to go into executive session to discuss the matter and Senior Attorney Donna Hodges announced the Commission's decision to the public that had left the Commission hearing room and gathered in the lobby. After discussion, Mr. Winstead moved to end executive session and return to open session and Mr. Van Devender seconded the motion. The Commission unanimously voted in favor of the motion. Ms. Hodges 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.

Setting of Meeting

The Commission decided to meet next on January 26, 2023, 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:	CTEH	Date of Response: 08/11/2022
Amount:	\$5,208.31	
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and take samples for a possible mold contamination.	
To:	CTEH	Date of Response: 09/08/2022
Amount:	2,562.73	
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and take samples for a possible mold contamination.	
To:	E3 Environmental	Date of Response: 03/10/2022
Amount:	\$1,993.44	
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a spill of POL (petroleum, oil & lubricant) in Harrison County.	
To:	E3 Environmental	Date of Response: 10/19/2022
Amount:	\$3,625.34	
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a spill of POL (petroleum, oil & lubricant) in Harrison County.	
To:	E3 Environmental	Date of Response: 06/22/22
Amount:	\$3,228.56	
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a spill of POL (petroleum, Oil & lubricant) in Jackson County.	
To:	E3 Environmental	Date of Response: 09/02/2022
Amount:	\$76,394.42	
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and help with an anhydrous ammonia spill in Madison County.	

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Tate County Board of Supervisors Tate Co., MS	Order No. 7215 22	This order approves a modification of the Tate County Solid Waste Management Plan for the inclusion of a proposed waste tire processing facility and Class 1 Rubbish Site at the request of Strayhorn Tire Recyclers.
2	JWM Development, LLC Lafayette Co., MS	Order No. 7216 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 Mississippi's Large Construction Storm Water General Permit No. MSR108539.
3	Moss Point Properties, LLC Jackson Co., MS	Order No. 7217 22 Respondent agrees to comply with the requirements/obligations listed under #3 of this Agreed Order.	Moss Point Properties, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Sites Voluntary Evaluation Program.
4	Lottie Carpenter Warren Co., MS	Order No. 7218 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 114 Choctaw Circle, Vicksburg, MS through the MDEQ waste tire abatement program.
5	Hazlehurst POTW, Lagoon Copiah Co., MS	Order No. 7219 22 Respondent agrees to pay MDEQ a penalty in the amount of \$2,062.50 within forty-five (45) days of this Agreed Order. A penalty of \$2,062.50 will be held in abeyance, pending Respondent's compliance with the requirements of the Agreed Order. Respondent also agrees to perform upgrades at the facility by September 30, 2023, to achieve compliance with its NPDES Permit.	Respondent was in violation of NPDES Permit Number MS0023884. Violations are listed under Section #1 of this Agreed Order.
6	Hazlehurst POTW, Activated Sludge Copiah Co., MS	Order No. 7220 22 Respondent agrees to pay MDEQ a penalty in the amount of \$11,250.00 within forty-five (45) days of this Agreed Order. A penalty of \$11,250.00 will be held in abeyance, pending Respondent's compliance with the requirements of the Agreed Order. Respondent also agrees to perform upgrades at the facility by September 30, 2023, to achieve compliance with its NPDES Permit.	Respondent was in violation of NPDES Permit Number MS0023922. Violations are listed under Section #1 of this Agreed Order.

7	Blue Mountain Production Company Tippah Co., MS	Order No. 7221 22 Respondent agrees to pay MDEQ a penalty in the amount of \$19,125.00 within forty-five (45) days of this Agreed Order.	Respondent exceeded the Particulate Matter limitation at Emission Point AA-005, in violation of Title V Operating Permit No. 2620-00003.
8	In Sync Holdings, LLC New Orleans, LA	Order No. 7222 22	Respondent has an interest in a tract of land referred to as the Pascagoula Ice Plant ("Site") located at the northeast corner of US Highway 90 and Pascagoula Street in Pascagoula, MS.
9	Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY2022 Intended Use Plan	Order No. 7223 22	This order confirms the Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY 2022 Intended Use Program, which will supersede and replace the previous, and now expired, Final FY 2021 Intended Use Plan, codified at 11 Miss. Admin. Code Part 6, Chapter 8.
10	View, Inc. DeSoto Co., MS	Order No. 7224 22 Respondent agrees to pay MDEQ a penalty in the amount of \$1,500,000.00. Respondent shall pay this penalty to MDEQ in three (3) equal monthly installments of \$500,000.00 on the 28 th day of each month, beginning the month after this Agreed Order is executed by the MDEQ Executive Director or his designee. Respondent also agrees to comply with all terms and conditions listed under Section #2 of this Agreed Order.	Violations are listed in Section #1 of this Agreed Order.
11	Modification to the Three Rivers Regional Solid Waste Management Plan Monroe County, MS	Order No. 7225 22	This order approves a modification of the Three Rivers Regional Solid Waste Management Plan for the inclusion of a proposed solid waste processing facility for chipping waste railroad ties at the request of Akers Railroad Holdings, LLC.
12	BFI Waste Systems of Mississippi, LLC Madison Co., MS	Order No. 7226 22 Respondent agrees to pay MDEQ a penalty in the amount of \$99,000.00 within forty-five (45) days of this Agreed Order and fully implement the Gas Collection and Control System Compliance Plan dated September 27, 2022, upon execution of the Agreed Order.	Violations are listed in Section 1 of this Agreed Order.

13	Parish Petroleum, LLC Copiah Co., MS	Order No. 7227 22 Respondent agrees to pay MDEQ a penalty in the amount of \$2,500.00 within six (6) months of this Agreed Order.	Respondent employs a MDEQ licensed Underground Storage Tank (UST) Certified Contractor conducting business in the state of Mississippi. Respondent's licensee, Richard Jackson, failed to use reasonable care or judgement in performance duties.
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Amended Orders

1	Transcontinental Gas Pipe Line Company, LLC Covington Co., MS	Sixth Amendment to Agreed Order No. 6033 11 Respondent agrees to accept the restrictions and obligations put forth in the Agreed Order	Respondent desires the ability to work through MDEQ Project Manager to make minor changes to ongoing monitoring plan without an Amendment to the Agreed Order each time.
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