

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
February 23, 2023

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, February 23, 2023, 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, Chat Phillips, Billy Van Devender and Jack Winstead.

Commissioner Jamie McRee was not present.

Others present were: Chris Wells, Executive Director, Melissa Fortenberry, 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. Phillips and seconded by Mr. Johnson, the minutes of the December 12, 2022, meeting were approved and adopted as the Official Minutes. Mr. Dane abstained from voting.

FY 2024 Title V Program Fee Recommendation

Ms. Melissa Fortenberry stated that a copy of the draft report containing the Title V Advisory Council's Title V program fee recommendation for upcoming FY 2024 had previously been forwarded to the Commission for review. On behalf of staff, Ms. Fortenberry requested Commission approval to hold a public hearing to receive comments regarding the proposed fee schedule and to proceed with public notice of the hearing. After the public participation process is completed, staff will bring the fee recommendation back before the Commission for final action. Following staff presentation and after deliberation, on motion made by Mr. Winstead and seconded by Mr. Van Devender, the Commission unanimously voted to approve holding a public hearing to receive comments regarding the proposed fee schedule and to proceed with public notice of the hearing.

Solid Waste Assistance Grants and Waste Tire Assistance 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>
City of Greenville	\$50,000.00
City of Greenwood	\$22,000.00
City of Natchez	\$25,000.00
City of Richland	\$30,557.92
Desoto County BOS	\$75,000.00
Golden Triangle Regional SWMA	\$56,400.00
Jackson County BOS	\$75,000.00
Jasper County BOS	\$20,482.82
Lamar County BOS	\$37,158.32
Lincoln County BOS	\$19,175.00
Marion County BOS	\$25,694.58
Pike County BOS	\$33,769.67
Stone County BOS	\$25,000.00
Three Rivers SWMA	\$75,000.00
Town of Monticello	\$25,000.00
Winston County BOS	\$21,939.22

On previous authority delegated to the MDEQ Executive Director, the Commission was provided a listing

by staff of the following waste tire assistance grants that have been awarded to local governments:

<u>County/Municipality</u>	<u>Grant Amount</u>
Golden Triangle Regional SWMA	\$90,000.00
Grenada County BOS	\$20,000.00
Jefferson County BOS	\$35,000.00
Marshall County BOS	\$30,000.00
Tate County BOS	\$50,000.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 193 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 5 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 85 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 7 Administrative Orders and 1 Amended Order have been issued since the Commission's meeting on December 12, 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 asked the Mississippi legislature for a \$7 million dollar increase in general funds to go toward employee salaries and to fill vacancies within the agency. There was some brief discussion between Mr. Wells and the Commission about MDEQ vacancies and the labor market. Mr. Wells also stated that both the Mississippi House of Representatives and the Mississippi State Senate drafted bills to add an additional \$40 million dollars to the Municipality County Water Infrastructure program to help fund wastewater, drinking water and storm water projects. These bills are making their way through the legislative process and have passed from both the House and Senate appropriations committees. Finally, Mr. Wells presented the Commission with some specimens of the Mississippi Opal and stated that MDEQ is spearheading an effort to have the Mississippi Opal designated as the state's official gemstone. MDEQ geologists were the first to discover the Mississippi Opal during the course of their work and bills have passed through both the House and Senate tourism committees.

Setting of Meeting

The Commission decided to meet next on March 23, 2023, beginning at 9:00 a.m.

Adjournment

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


CHAIRMAN

ATTEST:

EXECUTIVE DIRECTOR

EMERGENCY CLEAN-UP EXPENSES

To: E3
Amount: \$12,445.97 **Date of Response:** 11/11/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a turbine oil spill in Attala County.

To: E3
Amount: \$2,030.29 **Date of Response:** 03/16/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an abandoned POL (petroleum, oil & lubricant) spill in Harrison County.

To: E3
Amount: \$3,625.34 **Date of Response:** 10/19/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a POL (petroleum, oil & lubricant) spill in Harrison County.

To: E3
Amount: \$3,174.05 **Date of Response:** 11/09/2022
For: Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a POL (petroleum, oil & lubricant) spill in Hancock County.

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Iconic Buildings, LLC Harrison Co., MS	Order No. 7228 22 Respondent agrees to comply with the requirements/obligations listed under #6 (Payment Terms and Conditions) of this Agreed Order.	Iconic Buildings, LLC desires to submit and MDEQ accepts the site for participation in the Brownfields Voluntary Cleanup and Redevelopment Program.
2	In Sync Holdings, LLC New Orleans, LA Pascagoula Ice and Freezer Company, Inc. Jackson Co., MS	Order No. 7229 22	Respondent has an interest in a tract of land located in Pascagoula, MS. The site is contaminated with petroleum hydrocarbons in the soils and ammonia in groundwater at levels in excess of the Target Remediation Goals (TRG's); and therefore, remediation of the Brownfield Agreement Site is necessary.
3	Larry White Jasper Co., MS	Order No. 7230 22 Respondent is ordered to conduct cleanup of the waste tire dump locations identified in the Order, ensure proper transportation of collected tires to an authorized waste tire management facility, and conduct recordkeeping and reporting requirements all as outlined in Sections 12.A. through 12.D. of the Order; Respondent shall complete cleanup activities within 45 days of the Order and complete reporting requirements within 60 days of the Order.	Respondent has created or otherwise contributed to multiple unauthorized waste tire collection sites and unauthorized dumps in violation of Miss. Code Ann. §17-17-405(2) (Rev. 2012) and Miss. Code Ann. §17-17-17 (Rev. 2012), respectively and that the Respondent has transported waste tires in the state of Mississippi without a valid waste tire hauler certification in violation of Miss. Code Ann. §17-17-411 (Rev. 2012).
4	Adlam Films LLC Lee Co., MS	Order No. 7231 23 Respondent agrees to pay MDEQ a penalty in the amount of \$31,860.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Hazardous Waste Regulations listed under Section I of this Agreed Order.
5	Illinois Central Railroad Company Pike Co., MS	Order No. 7232 23	Respondent has an interest in a tract of land referred to as the Illinois Central Car Repair yard, Sub-AOC Trash Pile ("Site") located on Magnolia St., in McComb, MS. The Site is impacted by petroleum products and metals and is thus subject to the terms of a Restricted Use Agreed Order and an Environmental Covenant.

6	Illinois Central Railroad Company Pike Co., MS	Order No. 7233 23	Respondent has an interest in a tract of land referred to as the Illinois Central Car Repair yard, Sub-AOC Stripping Track and Sandblasting Pile ("Site") located on Magnolia St., in McComb, MS. The Site is impacted by petroleum products and metals and is thus subject to the terms of a Restricted Use Agreed Order and an Environmental Covenant.
7	City of Booneville Prentiss Co., MS	Order No. 7234 23	Respondent failed to submit an application for the renewal of its NPDES Permit to the Mississippi Environmental Quality Permit Board at least 180 days prior to the expiration date of the permit. The Agreed Order requires Respondent to comply with the terms and conditions of its permit that expired on November 30, 2022.

Amended Orders

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Arrington Lake Dam Madison Co., MS	Amended Order No. 7175-22	The amendment details the terms of the agreement between the Commission and dam owners to drain Arrington Lake Dam in Madison County until repairs can be completed or the dam is taken out of service.