

# MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

**Thursday, October 26, 2023  
9:00 A.M.  
Room 104A  
515 East Amite Street  
Jackson, Mississippi 39201**

## **AGENDA**

- 1. Call to Order - Chair**
- 2. Approval of the August 24, 2023, Commission Meeting Minutes**
- 3. Designation of Hearing Officer**

Miss. Code Ann. § 49-17-33 allows a hearing officer designated by the Commission to conduct an evidentiary hearing in the name of the Commission and provide the record of the hearing, findings of fact and a recommendation for the Commission's review and consideration. MDEQ staff proposes and recommends the approval and designation of Special Assistant Attorney General Kim Turner (SAAG) to replace SAAG Kristen Love as the hearing officer in the pending case of MCEQ v. Ted Doukas, W Lisa Court Corp., et al. to handle pre-hearing and hearing matters on behalf of the Commission pursuant to Miss. Code Ann. § 49-17-33. Ms. Love was previously designated as the hearing officer by the Commission in this matter on April 27, 2023. MDEQ staff also recommends that the Commission designate Kim Turner to serve as a hearing officer in other future Commission evidentiary hearings pursuant to Miss. Code Ann. § 49-17-33.

- 4. Amendments to 11 Miss. Admin. Code Part 3, Chapter 2 - Mississippi Commission on Environmental Quality Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi**

MDEQ staff is recommending that the Commission adopt amendments to the Commission's Brownfield regulations, 11 Mississippi Administrative Code, Part 3, Chapter 2, to add Subchapter 3: Brownfield Revolving Loan Program for the Mississippi Brownfield Program. MDEQ staff recommends including new regulations and requirements to establish a Brownfield Revolving Loan Program to provide loans and/or subgrants to eligible applicants for the cleanup of brownfield sites. These amendments require an applicant to be a Commission approved Brownfield Party with an executed Brownfield Agreement prior to receiving a loan or subgrant. These amendments will align regulatory requirements of the Commission with requirements of the federal regulations and the terms and conditions of the EPA Revolving Loan Fund Award. Staff recommends that the Commission adopt the regulation amendments.

- 5. Briefing on the Impacts of the United States Supreme Court's *Sackett* Opinion**

Executive Director, Chris Wells, will brief the Commission on the status of MDEQ's efforts to address potential impacts of the United States Supreme Court's *Sackett* Opinion. This briefing will be for informational purposes only, requiring no action by the Commission.

- 6. Asbestos Certifications**

Staff has issued 313 asbestos certifications since the last report. This list will be available at the Commission meeting.

- 7. Lead Paint Certifications**

Staff has issued 110 lead paint certifications since the last report. This list will be available at the Commission meeting.

- 8. Underground Storage Tanks (UST) Certifications**

Staff has issued 9 certifications to those who install, alter, or remove underground storage tanks since the last report. This list will be available at the Commission meeting.

**9. Administrative Orders**

Staff has issued 11 agreed Orders since the last report, and they should be added to the minutes. The staff will highlight any orders that we think are especially noteworthy. See **Attachment 1** at the end of this agenda.

**10. Other Business**

**11. Confirmation of the November, 2023, Commission Meeting**

**12. Adjournment**

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	King Construction and Environmental Services LLC, King Pit and King Class 1 Rubbish Site Hancock Co., MS	Order No. 7270 23 Respondent agrees to pay MDEQ a penalty in the amount of \$83,000.00 and implement corrective actions listed in Section 2 of this Agreed Order and in the “Corrective Action Plan” dated April 2023.	Respondent was in violation of Solid Waste Management Permit No. SW0230020546 and the Mississippi Nonhazardous Solid Waste Management Regulations.
2	Liberty Fuels Company, L.L.C. Kemper Co., MS	Order No. 7271 23	This order sets the annual surface coal mining and reclamation permit fee for the Coal Mine in Kemper County, Permit No. MS-003, from July 1, 2023, to June 30, 2024.
3	Mississippi Lignite Mining Company Choctaw Co., MS	Order No. 7272 23	This order sets the annual surface coal mining and reclamation permit fee for the Coal Mine in Choctaw County, Permit No. MS-005, from July 1, 2023, to June 30, 2024.
4	Louis C. Sanders Bolivar Co., MS	Order No. 7273 23 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-40590, MS-GW-40873, MS-GW-40874; MS-GW-44279, MS-GW-46085, MS-GW-46822, MS-GW-48728 and MS-GW-50024
5	Adoption of the Water Pollution Control Revolving Loan Fund Program FY 2023 Intended Use Plan	Order No. 7274 23	This Order confirms the Adoption of the Water Pollution Control Revolving Loan Fund Program Final FY 2023 Intended Use Program, which will supersede and replace the previous, and now expired, Final FY 2022 Intended Use Plan, codified at 11 Miss. Admin. Code Part 6, Chapter 8.
6	Williams Equipment and Supply Company Norcross, GA	Order No. 7275 23 Respondent agrees to pay MDEQ a penalty in the amount of \$67,500.00. Additionally, Respondent agreed to cease the discharge permitted in NPDES Permit No. MS0060861.	Respondent violated Condition Nos. L-3 and T-16 of NPDES Permit No. MS0060861. An employee of the Respondent collected compliance monitoring samples from a groundwater well rather than the permitted outfall without authorization beginning sometime in 2018 and continuing until March 2022.

<b>7</b>	D.R. Horton, Inc. Harrison Co., MS	Order No. 7276 23 Respondent agrees to pay MDEQ a penalty in the amount of \$5,250.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Miss. Code Ann. § 49-17-29 92)(b) for failing to obtain coverage under the Large Construction Storm Water General NPDES Permit prior to commencement of construction activities.
<b>8</b>	Avon Engineered Fabrications, Inc. Pearl River Co., MS	Order No. 7277 23 Respondent agreed to comply with the terms and conditions of Title V Operating Permit No. 2180-00036 that was issued on September 21, 2016, until the Mississippi Environmental Quality Permit Board acts on the renewal application received on April 13, 2021.	Respondent was in violation of Miss. Code Ann. § 49-17-29(1)(b) for operating without a valid Title V Operating Permit.
<b>9</b>	Freedom's Image, LLC Rankin Co., MS	Order No. 7278 23 Respondent agrees to pay MDEQ a penalty in the amount of \$9,000.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Miss. Code Ann. § 49-17-29(2)(b) for failing to obtain coverage under the Large Construction Storm Water General NPDES Permit prior to commencement of construction activities.
<b>10</b>	Gold Coast Commodities, Inc. Rankin Co., MS	Order No. 7279 23 Respondent agrees to submit a closure plan to MDEQ to permanently close its wastewater lagoon.	Respondent was in violation of Commission Order 7074-20 for failing to hire a wastewater operator or in the alternative, to remove the wastewater from its lagoon and for failing to notify MDEQ of inoperable aerators.
<b>11</b>	Homewood Planting Company Coahoma Co., MS	Order No. 7280 23 Respondent agrees to comply with special terms and conditions of permit/certificate listed in Section 1-A & B of this Agreed Order.	Respondent failed to comply with special terms and conditions of Groundwater Withdrawal Permit/Certificate of Coverage MS-GW-04933.