

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY  
OFFICIAL MINUTES  
JULY 27, 2023

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, July 27, 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: Patrick Johnson, Jr., Brenda Lathan, Chat Phillips, and Jack Winstead.

Commissioners John Dane, III, Jamie Planck Martin McRee and Billy Van Devender were not present.

Others present were: Chris Wells, Executive Director, James Matheny, 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. Winstead and seconded by Mr. Johnson, the minutes of the April 27, 2023, meeting were approved and adopted as the Official Minutes.

Establishment of the Lignite Mining Fee for Liberty Fuels Company, LLC for the Liberty Mine in Kemper County for State Fiscal Year 2024;

Establishment of the Lignite Fee for the Mississippi Lignite Mining Company for the Red Hills Mine in Choctaw County for State Fiscal Year 2024

On behalf of staff, Mr. James Matheny recommended that the Liberty Fuels Company, LLC Lignite Mining Fee for the 2024 state fiscal year be set at \$80,000, which is a \$20,000 reduction from state fiscal year 2023. The site is no longer mined and is being reclaimed. In FY22 and FY23, the MS Lignite Mining Company had 2 permits in Choctaw Co. The fees were set at \$75,000 and \$100,000. During FY23 a new permit was issued that essentially combined the two existing permits. Staff recommended that the Mississippi Lignite Mining Company Lignite Mining Fee for the 2024 state fiscal year be set at \$175,000, which is a combination of the previous fees. Concurrent reclamation continues on this permit. These amounts will cover approximately 50% of the anticipated costs of administering the federally-approved coal mining program in Mississippi; the remaining approximately 50% of the cost will be covered by a federal Office of Surface Mining Reclamation and Enforcement grant. Following staff presentation and deliberation, on motion made by Mr. Phillips and seconded by Mr. Winstead, the Commission unanimously voted to set the Liberty Fuels Company, LLC Lignite Mining Fee for the 2024 state fiscal year at \$80,000, which is a \$20,000 reduction from state fiscal year 2023, and set the Mississippi Lignite Mining Company Lignite Mining Fee for the 2024 state fiscal year at \$175,000, which is a combination of the fees from FY22 and FY23. The Commission also authorized Orders setting these fees be executed by the Executive Director.

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) for performing work reimbursable through the Mississippi Groundwater Protection Trust Fund and determined it to be complete and acceptable. Therefore, on behalf of staff, Mr. Wallace recommended that the Commission approve the following firm as an ERAC:

CDG, Inc.  
P.O. Box 278  
Andalusia, AL 36420

Following staff presentation and deliberation, on motion made by Mr. Johnson and seconded by Mr. Phillips, the Commission unanimously voted to approve CDG, Inc., from Andalusia, AL, as an Environmental Response Action Contractor (ERAC).

Commission Approval of Brownfield Consulting Firm

Mr. Thomas Wallace stated that MDEQ staff reviewed an application from a consulting firm requesting to be listed as a Brownfield Consulting Firm and determined it to be complete and acceptable. Therefore, on behalf

of staff, Mr. Wallace recommended that the Commission approve the following firm as Brownfield Consulting Firm:

Haley & Aldrich, Inc  
400 Augusta Street, Suite 100  
Greenville SC 29601

Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Phillips, the Commission unanimously voted to approve Haley & Aldrich, Inc., from Greenville, SC, as a Brownfield Consulting Firm.

Commission Preview of New Brownfield Revolving Loan Fund Program and Regulations for Public Comment

Mr. Thomas Wallace provided the Commission with a summary of the new Brownfield Revolving Loan Fund Program and the Regulations intended for public comment. The Brownfield Revolving Loan Fund Program provides loans and subgrants to eligible entities to carry out cleanup activities at brownfield sites contaminated with hazardous substances. The purpose of the new regulations is to establish the Mississippi Brownfield Revolving Loan Fund program and to require that a Brownfield Revolving Loan Fund site must have a Commission approved Brownfield Agreement. Staff will move forward with a public comment process and will come back before the Commission in the future for final approval of the regulations. In response to a question on coordination by Mr. Phillips, Mr. Wallace confirmed MDA is aware we administer this program. This briefing was for informational purposes only, requiring no action by the Commission.

Election of Officers for Fiscal Year 2024 (July 2023 – June 2024)

On a motion made by Mr. Phillips and seconded by Mr. Winstead, the Commission voted to elect Patrick Johnson, Jr., to serve as Chairman and Jamie Planck Martin McRee to serve as Vice-Chairman of the Commission for Fiscal Year 2024. No other nominations were made.

Solid Waste Assistance Grants and Waste Tire Assistance Grants

On previous authority delegated to the MDFQ 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>
Amite County BOS	\$27,647.23
Bolivar County BOS	\$50,000.00
Calhoun County BOS	\$18,579.16
Carroll County BOS	\$19,962.71
Chickasaw County BOS	\$40,843.46
Choctaw County BOS	\$32,788.56
City of Clinton	\$25,000.00
City of McComb	\$50,000.00
Coahoma County BOS	\$67,788.56
Covington County BOS	\$20,000.00
Covington County BOS	\$12,000.00
Desoto County BOS	\$56,031.79
Franklin County BOS	\$17,788.56
Hancock County BOS	\$28,461.69
Harrison County BOS	\$75,000.00
Hinds County BOS	\$54,189.66
Holmes County BOS	\$22,136.87
Humphreys County BOS	\$16,602.62
Itawamba County BOS	\$24,942.93
Jones County BOS	\$41,506.63
Lafayette County BOS	\$29,449.95
Leake County BOS	\$24,508.68
Lee County BOS	\$31,821.75
Madison County BOS	\$75,000.00
Marshall County BOS	\$29,252.29
Montgomery County BOS	\$15,219.10
Neshoba County BOS	\$27,671.09
Newton County BOS	\$23,520.43
Noxubee County BOS	\$17,788.56
Oktibbeha County BOS	\$24,903.98
Panola County BOS	\$44,012.24
Pearl River County BOS	\$37,948.92

Pike County BOS	\$50,000.00
Prentiss County BOS	\$21,543.92
Quitman County BOS	\$16,009.70
Rankin County BOS	\$53,760.97
Scott County BOS	\$74,706.43
Sharkey County BOS	\$13,044.94
Simpson County BOS	\$26,485.19
Smith County BOS	\$21,741.57
Stone County BOS	\$19,369.76
Sunflower County BOS	\$22,729.82
Tishomingo County BOS	\$8,860.00
Tunica County BOS	\$18,974.46
Union County BOS	\$22,927.47
Walthall County BOS	\$22,729.82
Warren County BOS	\$25,496.93
Washington County BOS	\$5,274.00
Wayne County BOS	\$25,101.63
Yalobusha County BOS	\$17,788.56
Yazoo County BOS	\$21,605.06

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>
Harrison County Utility Authority	\$51,500.00
Issaquena County BOS	\$20,000.00
Pine Belt SWMA	\$228,494.00
Wilkinson County BOS	\$20,000.00

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>
Marion County BOS	\$31,875.00

#### Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 450 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 149 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 32 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 32 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 18 Administrative Orders and 1 Amended Order have been issued since the Commission's meeting on April 27, 2023. 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 stated that a few questions have been raised as to what, if any, regulatory role MDEQ has regarding the installation of windmills in the Mississippi Delta. Mr. Wells further stated that MDEQ is not aware of any regulated air pollutants emitted from windmills or solar farms, but MDEQ does have a role in the permitting required for their construction. MDEQ will address any regulatory issues as they arise.

Setting of Meeting

The Commission decided to meet next on August 24, 2023, beginning at 9:00 a.m.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned.

  
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CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
EXECUTIVE DIRECTOR

**EMERGENCY CLEAN-UP EXPENSES**

**To:** CTEH  
**Amount:** \$8,492.15 **Date of Response:** 02/25/2023  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a Hydrofluoric spill in Desoto County.

**To:** E3  
**Amount:** \$4,151.45 **Date of Response:** 11/07/2022  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel fuel spill in Forrest County.

**To:** E3  
**Amount:** \$1,817.00 **Date of Response:** 07/27/2022  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a POL discharge in Harrison County.

ADMINISTRATIVE ORDERS

	<b>Respondent</b>	<b>Order No.</b>	<b>Summary</b>
1	Oxbow Greenwood, LLC Leflore Co., MS	Order No. 7245 23	This Agreed Order provides air emission equipment operational requirements on Oxbow Greenwood, LLC, the purchaser of the facility previously owned by Express Grain Terminals, LLC.
2	Wallace Lumber Company Pike Co., MS	Order No. 7246 23 Respondent agrees to pay MDEQ a penalty in the amount of \$17,500.00 within forty-five (45) days of this Agreed Order.	Respondent violated Miss. Code Ann. 49-17-29(2)(b) for failing to obtain coverage under the Wet Deck Log Spray General Permit.
3	Cobie Collins Yazoo Co., MS	Order No. 7247 23 Respondent agrees to pay MDEQ a penalty in the amount of \$2,500.00 within forty-five (45) days of this Agreed Order.	Respondent engaged in asbestos removal activity during the demolition of a building they own in Yazoo City, Mississippi. Instances of non-compliance with requirements of asbestos regulations are listed in Section I of this Agreed Order.
4	Marion County Timber, Inc. Marion Co., MS	Order No. 7248 23 Respondent agrees to pay MDEQ a penalty in the amount of \$11,250.00 within forty-five (45) days of this Agreed Order.	Respondent violated Miss. Code Ann. 49-17-29(2)(b) for discharging stormwater prior to obtaining coverage under Mississippi's Industrial Storm Water General NPDES Permit.
5	Hodges Redevelopment GWD, LLC Leflore Co., MS	Order No. 7249 23	Respondent petitioned the Commission to make a determination as to the completion of Brownfield Agreement 7192-22 in accordance with Miss. Admin. Code Pt. 3, Rules 2.1.7.B and 2.1.8. Respondent has completed remediation at Three Rivers Inn, Agreed Order number 7249-23 grants the acknowledgement of completion of the Brownfield Agreement.
6	Iconic Buildings, LLC Harrison Co., MS	Order No. 7250 23	Respondent requests acceptance into the Brownfield program in accordance with Miss Code Ann 49-35-1. The Agreed Order 7250-23 accepts ICONIC BUILDINGS LLC into the Brownfield Program for the remediation of asbestos containing material at the Triplett-Day Drug Building (Former).
7	State Title V Program Fee	Order No. 7251 23	This order sets the federally mandated Title V program fee in an amount sufficient to cover the reasonable costs of administering the Mississippi Title V operating permit program from September 1, 2023 to August 31, 2024.

8	Town of Wesson Copiah Co., MS	Order No. 7252 23 Respondent agrees to pay MDEQ a penalty in the amount of \$3,750.00 within forty-five (45) days of this Agreed Order and further agrees to make repairs to its air diffusion system by June 30, 2023, which should improve treatment efficiency and return the facility to compliance with its permitted effluent limitations.	Respondent exceeded the effluent BOD and Total Ammonia Nitrogen limitations in its NPDES Permit No. MS0023779 during 2021 and 2022.
9	Taylor Machine Works, Inc., Winston Co., MS	Order No. 7253 23 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00.00 within forty-five (45) days of this Agreed Order.	Respondent violated 11 Miss. Admin. Code Pt 2, R. 2.1.D(1) by operating without a Synthetic Minor Operating Permit.
10	Masonite Corporation Jones Co., MS	Order No. 7254 23 Respondent agrees to pay MDEQ a penalty in the amount of \$17,500.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Condition 3.B.10 of Title V Operating Permit No. 1360-00028 for exceeding the PM/PM10 (filterable only) limit of 5.8 pounds per hour (lbs/hr) during a stack test of Emission Point AJ-103 on April 14, 2022.
11	Southern Pump & Tank Co., LLC (DBA SPATCO ENERGY SOLUTIONS) Lauderdale Co., MS	Order No. 7255 23 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within sixty (60) days of this Agreed Order.	Respondent employs MDEQ licensed Underground Storage Tank (UST) Certified Contractors conducting business in the state of Mississippi. Respondent's employee, Micheal Shipp, failed to use reasonable care or judgement in performance of monthly monitoring activities.
12	Watkins Construction & Roofing Madison Co., MS	Order No. 7256 23 Respondent agrees to pay MDEQ a penalty in the amount of \$5,500.00 within forty-five (45) days of this Agreed Order	Respondent engaged in non-certified asbestos removal activity during a roof replacement at a church in Forest, Mississippi. Instances of non-compliance with requirements of asbestos regulations are listed in Section I of this Agreed Order.
13	Southern Pump & Tank Co., LLC (DBA SPATCO ENERGY SOLUTIONS) Pontotoc Co., MS	Order No. 7257 23 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 within sixty (60) days of this Agreed Order.	Respondent employs MDEQ licensed Underground Storage Tank (UST) Certified Contractors conducting business in the state of Mississippi. Respondent did not ensure that a certified individual exercise supervisory control and be physically present at the work site during all critical junctures.

14	Kentucky-Tennessee Clay Company Quitman Co., MS	Order No. 7258 23 Respondent agrees to pay MDEQ a penalty in the amount of \$78,750.00 within forty-five (45) days of this Agreed Order.	Respondent was in violation of Condition 3.B.12 of Title V Operating Permit No. 2360-00035 for exceeding the total filterable PM limit of 8.0 pounds per hour (lbs/hr) during a stack test of Emission Point AA-005 on May 18, 2020. Respondent was in violation of Condition 5.C.1 of Title V Operating Permit No. 2360-00035 for failing to timely submit the results of the May 18, 2020, and December 18, 2020 stack test. Respondent was in violation of Condition 3.B.10 of Title V Operating Permit No. 2360-00035 for exceeding the total filterable PM limit of 4.0 pounds per hour (lbs/hr) during a stack test of Emission Point AA-004 on June 1, 2022. Respondent agreed to pay MDEQ a penalty in the amount of \$78,750.00
15	Farmers Grain Terminal, Inc. Leflore Co., MS	Order No. 7259 23 Respondent agrees to pay MDEQ a penalty in the amount of \$73,125.00, submit a Dust Management Plan to MDEQ, and comply with the terms and conditions of its previously expired Synthetic Minor Operating Permit until the Permit Board acts on the renewal application received on April 26, 2022.	Respondent was in violation of Condition 5.4 of Synthetic Minor Operating Permit No. 1560-00007 for failing to conduct monthly visible emissions observations for Emission Points AA-001, AA-002, AA-005, AA-006, and AA-007. Respondent was in violation of Condition 5.5 of Synthetic Minor Operating Permit No. 1560-00007 for failing to log daily pressure drop readings for Emission Points AB-001 through AB-006. Respondent was in violation of Condition 1.C.1 of Synthetic Minor Operating Permit No. 1560-00007 for failing to submit a timely application for the renewal of the permit. Respondent was required to submit a renewal application to the Mississippi Environmental Quality Permit Board by no later than April 3, 2022. Respondent has operated without a required permit since Synthetic Minor Operating Permit No. 1560-00007 expired on September 30, 2022.
16	Circle K Stores, Inc. Jackson Co., MS	Order No. 7260 23 Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within thirty (30) days of this Agreed Order.	Respondent owns/operates several UST's in Mississippi. Facilities are listed in Section 1 and violations are listed in Section 2 of this Agreed Order.
17	Circle K Stores, Inc. Multiple Counties, MS	Order No. 7261 23 Respondent agrees to pay MDEQ a	Respondent owns/operates several UST's in Mississippi. Facilities



		penalty in the amount of \$22,500.00 within thirty (30) days of this Agreed Order.	are listed in Section 1 and violations are listed in Section 2 of this Agreed Order
18	Murphy Oil USA, Inc. Multiple Co., MS	Respondent agrees to pay MDEQ a penalty in the amount of \$8,500.00 within forty-five (45) days of this Agreed Order.	Respondent owns/operates several UST's in Mississippi. Facilities are listed in Section 1 and violations are listed in Section 2 of this Agreed Order.

**Amended Orders**

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	City of Meridian Lauderdale Co., MS	Amended Order No. 7144 21	The amendment extends the deadlines for submittal actions contained in the original Agreed order. It also extends the Total Recoverable Copper interim limitations.