

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
DECEMBER 13, 2023

The regular monthly meeting of the Commission on Environmental Quality was held on Wednesday, December 13, 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., Chat Phillips, Jamie Planck Martin McRee, Billy Van Devender, and Jack Winstead.

Commissioner Brenda Lathan was not present.

Others present were: Chris Wells, Executive Director, Jaricus Whitlock, Donna Hodges, 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 Johnson and 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, 2023, will take place on Wednesday, December 13, 2023, 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 26, 2023.

Approval of Minutes

On motion made by Mr. Winstead and seconded by Mr. Van Devender, the minutes of the October 26, 2023, meeting were approved and adopted as the Official Minutes.

After approval of the minutes, Executive Director Chris Wells, took a few moments to pay tribute to Krystal Rudolph, Chief of MDEQ's Environmental Permits Division, who recently passed away.

FY 2025 Title V Fee Recommendation - Approval to Proceed to Public Notice of Hearing

Mr. Jaricus Whitlock stated that a copy of the report containing the Title V Advisory Council's Title V fee recommendation for the upcoming fee year was previously forwarded to the Commission. It is both the Title V Advisory Council's recommendation and the staff's recommendation to set the fee schedule for the upcoming year at \$32 per ton of regulated air pollutants, which is a reduction from the previously established rate of \$37 per ton. In response to questions by several Commissioners on the reduced recommended fee, Executive Director Chris Wells stated that Title V fees are structured to fund the Title V program and to pay staff that do Title V work. Title V fees can only go toward funding the Title V program and not to fund other programs within the agency. Due to staffing shortages, the program has not been expending as many funds as was anticipated last year when the FY 2024 fee was set.

On behalf of MDEQ staff, Mr. Whitlock requested approval to hold a public hearing to receive comments regarding the proposed fee and to proceed with public notice of the hearing. After the public hearing has been held, the public comment period has ended, and comments have been reviewed, staff will bring the fee recommendation back before the Commission for final action. Following staff presentation and deliberation, on motion made by Ms. McRee and seconded by Mr. Phillips, the Commission unanimously voted to proceed with a public hearing to receive comments regarding the proposed FY 2025 Title V fee and to proceed with public notice of the hearing.

Designation of Hearing Officer

Ms. Donna Hodges stated that Miss. Code Ann. § 49-17-33 allows a hearing officer designated by the Commission to conduct an evidentiary hearing. On behalf of MDEQ staff, Ms. Hodges proposed and recommended the approval and designation of Ellen O'Neal, a former Special Assistant Attorney General

provided by the Office of the Attorney General, as the hearing officer in the pending case of *MCEQ v. The City of Jackson* to handle pre-hearing evidentiary matters on behalf of the Commission and to assist the Commission during the evidentiary hearing itself with rulings on evidentiary matters pursuant to Miss. Code Ann. § 49-17-33. Ms. Hodges stated that Ms. O’Neal is a long-time state employee with over thirty years of experience. Following staff presentation and deliberation, on motion made by Ms. McRee and seconded by Mr. Winstead, the Commission unanimously voted to approve and designate Ellen O’Neal as the hearing officer in the pending case of *MCEQ v. The City of Jackson*.

Mr. Wells also informed the Commission that an evidentiary hearing in the case of *MCEQ v. The City of Jackson* is currently scheduled to be heard by the Commission during the January 25th Commission meeting. In response to a question by Mr. Van Devender, Executive Director Chris Wells stated that the hearing involves an enforcement action related to a garbage collection issue which arose last spring.

Commission Approval of Brownfield Agreement Termination

Mr. Thomas Wallace stated that the Commission previously approved Brownfield Agreement 7250 23 in May 2023, between the Commission and Iconic Buildings, LLC for the remediation of the former Triplett Day Drug Building in Gulfport, Mississippi. The original brownfield agreement required the remediation of asbestos containing materials. The completed remedial activities met the requirements of the MDEQ-approved Corrective Action Plan dated January 5, 2023. Iconic Buildings, LLC requested the Commission make a determination as to the completion of the Brownfield Agreement. Staff of MDEQ evaluated the Brownfield Agreement completion and believes that the Site is in compliance with applicable State and Federal laws and standards and will be protective of the public health and the environment. Therefore, on behalf of MDEQ staff, Mr. Wallace recommended the Commission determine the Brownfield Agreement has been completed. Following staff presentation and deliberation, on motion made by Mr. Dane and seconded by Mr. Van Devender, the Commission unanimously voted that Brownfield Agreement 7250 23 between the Commission and Iconic Buildings, LLC for the remediation of the former Triplett Day Drug Building in Gulfport, Mississippi, be deemed complete.

Solid Waste Tire Assistance Grants

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>
Adams County BOS	\$25,000.00
Kemper County BOS	\$25,000.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 111 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 77 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 74 wastewater operator certificates had been issued since the last report.

Administrative Orders

On previous authority delegated to the MDEQ Executive Director, the staff reported that 12 Administrative Orders have been issued since the Commission's meeting on October 26, 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 reminded the Commission that the new legislative session begins in January and that any proposed legislation that affects the agency will be addressed as necessary. MDEQ will request an increase in appropriations and will also be assigned new Chairmen in the Senate and House environmental and conservation committees.

Setting of Meeting

The Commission decided to meet next on Thursday, January 25, 2024, 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

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Arbor Sites, LLC Harrison Co., MS	Order No. 7281 23 Voluntary Evaluation Program Agreed Order	This order accepts Arbor Sites, LLC as a Voluntary Evaluation Program applicant, provides a schedule for MDEQ review, and payment requirements for oversight of Arbor Sites, LLC's uncontrolled site in Gulfport, MS (Great Southern Golf Course)
2	SQM North America Corporation Hinds Co., MS	Order No. 7282 23 Respondent agrees to pay MDEQ a penalty in the amount of \$7,500.00 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 Industrial Storm Water General Permit for Industrial Activities.
3	Mr. Bill Borges Hinds Co., MS	Order No. 7283 23	This order is an Access agreement between property owner and MDEQ to allow contractors to clean-up waste tire dump as part of Waste Division's abatement program.
4	Melissa Clinton Linkinhoker and Nannie Sue Presley Clinton Hinds Co., MS	Order No. 7284 23	This order is an Access agreement between property owner and MDEQ to allow contractors to clean-up waste tire dump as part of Waste Division's abatement program
5	Matter of the Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 3, Chapter 2, Entitled "Mississippi Commission on Environmental Quality, Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi"	Order No. 7285 23	This order memorializes the Commission's adoption of amendments providing for a Brownfield Revolving Loan Fund 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.
6	Raytheon Company Scott Co., MS	Order No. 7286 23 Voluntary Evaluation Program Agreed Order	This Order accepts Raytheon Company as a Voluntary Evaluation Program applicant, provides a schedule for MDEQ review, and payment requirements for oversight of Raytheon Company's uncontrolled site in Forest, MS (Forest-CMC)
7	M & M Processing, LLC Harrison Co., MS	Order No. 7287 23 Respondent agrees to pay MDEQ a penalty in the amount of \$14,500.00 within forty-five (45) days of this Agreed Order. Additionally, respondent ceased processing operations at the facility in August 2023.	Respondent violated the effluent limitations in Pretreatment Permit No. MSP092445 from July 2021 to July 2023. Respondent also violated <i>Condition Nos. S-1 and T-2</i> of the Pretreatment Permit for failing to timely submit Discharge Monitoring Reports.

8	The Chemours Company FC LLC Harrison Co., MS	Order No. 7288 23 Respondent agrees to pay MDEQ a penalty in the amount of \$45,000.00 within forty-five (45) days of this Agreed Order.	Respondent violated Permit to Construct No. 1020-00115 issued on March 21, 2011, and modified on September 26, 2012, for the Export Capacity Project. Respondent exceeded the PM/PM ₁₀ (filterable + condensable) limit of 1.30 pounds per hour (lbs./hr.) (3-hour average) during a stack test of Emission Point AB-301 on April 20, 2023.
9	Modification of Three Rivers Solid Waste Authority Solid Waste Management Plan	Order No. 7289 23	This order approves two modifications to the Three Rivers Solid Waste Authority Solid Waste Management Plan. The first modification recognizes a proposed expansion of the City of Tupelo Wondura Class II Rubbish Site. The expansion, if permitted by MDEQ, would allow the development of up to an additional 27.1 acres for a total class II rubbish disposal area of up to 37.1 acres. The second modification approves the addition of a proposed waste tire processing facility to be owned and operated by Prairie Recycling Corporation.
10	The Pinelands, LLC Rankin Co., MS	Order No. 7290 23 Respondent agrees to pay MDEQ a penalty in the amount of \$21,000.00 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.
11	Illinois Central Railroad Company	Order No. 7291 23	An agreed order with Illinois Central Railroad Company (IC) which requires the remaining actions necessary to address property in Minter City, Leflore County, which was contaminated with spilled dicyclopentadiene related to an IC train derailment.
12	City of Clarksdale Coahoma Co., MS	Order No. 7292 23 Respondent agrees to pay MDEQ a penalty in the amount of \$34,250.00 within forty-five (45) days of this Agreed Order and implement corrective actions listed in Section 2 of this Agreed Order. An additional \$34,250.00 in penalties are held in abeyance pending compliance with the corrective actions of Section 2."	Respondent was in violation of Solid Waste Management General Permit No. SWGP-R1 and the Mississippi Nonhazardous Solid Waste Management Regulations.