

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY 2531  
OFFICIAL MINUTES  
SEPTEMBER 26, 2024

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, September 26, 2024, 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, Kent Parrish, Jr., Chat Phillips, Billy VanDevender and Jack Winstead.

Others present were: Chris Wells, Executive Director, Brent Jones, Chris Sanders, Donna Hodges, Roy Furrh, staff of MDEQ; and other staff members and visitors whose names appear elsewhere in these minutes.

After the meeting was called to order by Chair Patrick Johnson, the following business was transacted:

Welcome of New Commissioner

Chair Patrick Johnson and Executive Director Chris Wells welcomed Mr. Kent Parrish, Jr. to the Commission on Environmental Quality.

Approval of Minutes

On motion made by Mr. Winstead and seconded by Ms. Lathan, the minutes of the June 27, 2024, meeting were approved and adopted by the Commission as the Official Minutes.

Water Pollution Control Revolving Loan Fund (WPCRLF) Program, Adoption of FY-2024 Intended Use Plan

On behalf of MDEQ staff, Mr. Brent Jones recommended the Commission adopt the draft FY-2024 Intended Use Plan, which was previously sent to them for review. This document identifies the loan funds available to our communities for the construction of wastewater infrastructure, the communities to receive these loan funds, the loan interest rate, program deadlines, and other related information. Public comments on the draft Intended Use Plan were solicited through a public comment period and public hearing. No comments were received from the public. Comments were received from EPA Region 4 which resulted in minor text changes. Following staff presentation and deliberation, on motion made by Mr. Dane and seconded by Mr. Phillips, the Commission unanimously voted to adopt the Water Pollution Control Revolving Loan Fund (WPCRLF) Program FY-2024 Intended Use Plan and issue a corresponding Order to be executed by the Executive Director.

Briefing to the Commission on New Statutory Language and requested approvals - Senate Bill 2649

Mr. Chris Sanders provided a briefing to the Commission on the new statutory language of Mississippi Senate Bill 2649 (2024 Regular Session), amending Section 49-2-13 of the Mississippi Code, which Governor Tate Reeves signed into law effective July 1, 2024. Under the new law, a pathway was created for permitting applicants, seeking permits from the Mississippi Department of Environmental Quality Permit Board, to voluntarily request that MDEQ seek additional assistance to process their applications and/or certifications. This additional assistance to MDEQ would be voluntarily paid for by the permitting applicant. Senate Bill 2649 further authorizes the Executive Director to enter into contracts with applicants seeking this additional assistance but may do so only with approval by the Commission. A draft contract, as the designated mechanism to engage in this work with the applicant, was previously forwarded to the Commission for review and would ensure that MDEQ is reimbursed the costs of the additional services requested by the applicant. A contract will also be made between MDEQ and qualified persons or entities wishing to provide additional permit processing services to MDEQ, and staff is currently drafting a Request for Qualifications (RFQ) to procure these services. On behalf of staff, Mr. Sanders requested Commission approval for the draft contract with the permitting applicant and for the Executive Director to be able to enter into said contract with the applicant. Mr. Sanders also requested Commission approval for the Executive Director to enter into contract with persons and entities providing additional permit processing services to MDEQ once the RFQ process is completed. Executive Director Chris Wells stated that MDEQ believes the legislative intent behind Senate Bill 2649 was to provide an efficiency for permitting applicants and Commission approval on staffs' requests will ensure that individual contracts do not need to be brought before the Commission each time they are received. In response to a question by Mr. Parrish, Mr. Sanders stated that MDEQ would review all contractors' work and ensure that all requirements are met. Executive Director Chris Wells stated that contractors act as an agent for MDEQ, so MDEQ would address any contractual issues. In response to a question by Mr. Phillips, Mr. Wells stated that the reporting requirement to the legislature in Senate Bill 2649 will help ensure that the program is

working and that any changes that need to be made can be done in future legislative sessions. Following staff presentation and deliberation, on motion made by Mr. Dane and seconded by Mr. Winstead, the Commission unanimously voted to approve the draft contract with the permitting applicant, and to grant the Executive Director approval to enter into said contract with the applicant on the Commission’s behalf. On motion made by Mr. Dane and seconded by Mr. Phillips, the Commission also granted the Executive Director approval to enter into contracts with qualified persons or entities desiring to provide MDEQ service assistance in reviewing/processing permit applications and/or certifications on the Commission’s behalf.

Mississippi Commission on Environmental Quality v. Ted Doukas, 2 Lisa Court Corp.et al. – Hearing Officer

Ms. Donna Hodges stated that MDEQ legal Counsel and John Lassiter, Counsel for Ted Doukas, are requesting to postpone today’s hearing on the Defendant’s Notice of Appeal and MDEQ’s Motion to Dismiss the Notice of Appeal. Ms. Hodges further stated that counsel for both sides have been working on a resolution to this issue and are requesting a 10-day postponement of the hearing to continue discussions. Mr. Lassiter stated that he had a conflict on day 10 of the extension but will work with counsel on an agreeable date. So that the Commission does not have to reconvene in 10 days to hear this matter, counsel for both sides requested the Commission designate Executive Director Chris Wells as the hearing officer, to hear these motions. Executive Director Chris Wells stated that the Commission has statutory authority to appoint hearing officers and that the hearing officer can be the Executive Director if the Commission so chooses. Following staff presentation and deliberation, on motion made by Mr. Dane and seconded by Ms. Lathan, the Commission unanimously voted to approve Executive Director, Chris Wells, as hearing officer to hear the Defendant’s Notice of Appeal and MDEQ’s Motion to Dismiss the Notice of Appeal in the matter of the Mississippi Commission on Environmental Quality v. Ted Doukas, 2 Lisa Court Corp., et al.

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>
Alcorn County BOS	\$28,496.00
Choctaw County BOS	\$20,581.00
Claiborne County BOS	\$24,425.55
Forest County BOS	\$29,627.00
Hancock County RSWMA	\$22,500.00
Hinds County BOS	\$39,126.00
Kemper County BOS	\$23,521.00
Madison County BOS	\$37,317.00
Monroe County BOS	\$33,020.00
Neshoba County BOS	\$29,853.00
Noxubee County BOS	\$20,807.00
Panola County BOS	\$45,465.75
Sharkey County BOS	\$14,927.00
Stone County BOS	\$22,842.00
Sunflower County BOS	\$26,461.00
Walthall County BOS	\$26,687.00
Warren County BOS	\$28,496.00

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>
Amite County BOS	\$30,000.00
Carroll County BOS	\$30,000.00
City of Meridian	\$23,500.00
Claiborne County BOS	\$20,000.00
Forrest County BOS	\$35,000.00
Golden Triangle RSWMA	\$90,000.00
Leflore County BOS	\$50,000.00
Northeast MS RSWMA	\$100,000.00
Pine Belt SWMA	\$244,005.00
Sharkey County BOS	\$25,000.00
Walthall County BOS	\$60,000.00



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>
Northeast MS SWMA	\$20,010.00

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 346 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 130 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 1 new and 34 renewed 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 24 new and 29 renewed 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 25 Administrative Orders have been issued since the Commission's meeting on June 27, 2024. A list of these orders is made a part of these minutes and is filed in the Official Minutes File.

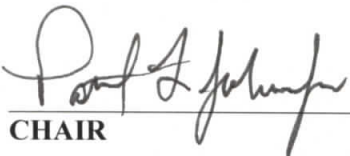
Executive Director Chris Wells brought Administrative Order No. 7343 24 (item #13 on Attachment 2 to the agenda) to the Commission's attention and stated that late yesterday afternoon he received a letter from Senator Rod Hickman objecting to the issuance of this Order. Mr. Wells stated that MDEQ staff will be responding to Senator Hickman and will address any issues if necessary.

Setting of Meeting

The Commission decided to meet next on Thursday, October 24, 2024, beginning at 9:00 a.m.

Adjournment

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

  
CHAIR

ATTEST:

  
EXECUTIVE DIRECTOR

(Attachment 1)  
9/26/2024

EMERGENCY CLEAN-UP EXPENSES

To:	E3 Environmental	
Amount:	\$2,193.81	Date of Response: 06/26/2024
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and help pick up a phosphorus flare used by the military that washed up on the shore in Hancock County. It was containerized by the bomb squad.	
To:	E3 Environmental	
Amount:	\$8,326.93	Date of Response: 06/09/2024
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a bone/meat meal spill in Hinds County.	
To:	E3 Environmental	
Amount:	\$1,805.95	Date of Response: 05/28/2024
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum, oil & lubricant spill from a dump truck incident in Harrison County.	
To:	E3 Environmental	
Amount:	\$3,929.07	Date of Response: 04/02/2024
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a petroleum, oil & lubricant spill in Harrison County.	
To:	E3 Environmental	
Amount:	\$2,606.64	Date of Response: 04/23/24
For:	Costs associated with providing supervision, labor, equipment and materials to respond to and clean up orphan containers in Jackson County.	

ADMINISTRATIVE ORDERS

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	Batesville Manufacturing, LLC Warren Co., MS	<b>Order No. 7331 24</b> Respondent agreed to pay MDEQ a penalty in the amount of \$25,000.00.	Respondent was in violation of Condition 3.B.4 of Title V Operating Permit No. 2780-00084 for exceeding the allowable Particulate Matter (PM) emission rate of 0.30 grains per standard cubic foot during a stack test of Emission Point AA-005 on October 11, 2023.
2	Approval of the City of Ridgeland, MS Solid Waste Management Plan	<b>Order No. 7332 24</b>	This order approves the comprehensive City of Ridgeland Solid Waste Management Plan as proposed by the City of Ridgeland. The plan describes the provisions and services for managing solid wastes in the City for the 20-year planning period as required by State Law.
3	StarStone Specialty Insurance Company	<b>Order No. 7333 24</b>	StarStone agrees to reimburse the MDEQ Pollution Emergency Fund in the amount of \$272,281.66 within 30 days after entry of the Agreed Order (June 26, 2024) for remediation, clean-up and response costs for MDEQ’s contractor related to Black Jack Oil Company, Inc.’s oil release into a tributary of the Homochitto River in Wilkinson County which occurred on or around December 14, 2023. StarStone provided insurance to Black Jack.
4	Munif Salman	<b>Order No. 7334 24</b> Respondent agrees to pay MDEQ a penalty in the amount of \$2,500 within thirty (30) days of this Agreed Order.	Respondent owns/operates UST’s at 860 Hentz Road Pope, MS 38658. Respondent failed to provide adequate release detection method/records for a UST system {280.40 - 280.45}. Respondent failed to meet UST system overfill prevention requirements {280.20 (d)}, spill prevention requirements {280.20 (c)}, and automatic line leak detector requirements {280.44 (a)}.
5	Clinton POTW Hinds Co., MS	<b>Order No. 7335 24</b> 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 the discharge limitations required by NPDES Permit No. MS0023230 during the March 2022, November 2022, December 2022, and March 2023 through February 2024 monitoring periods and the discharge limitations required by NPDES Permit No. MS0021164 during the September 2022, January 2023 through June 2023, and September 2023 through March 2024 monitoring periods.

6	Gloster POTW Amite Co., MS	<b>Order No. 7336 24</b> Respondent agreed to complete upgrades to Gloster POTW and relocate its discharge from the facility directly to Beaver Creek by September 1, 2025. The upgrades are described in Section 2.A. of the Agreed Order.	Respondent sought to amend NPDES Permit No. MS0020818 to increase Gloster POTW's design flow rate from 190,000 gallons per day to 300,000 gallons per day and to relocate the discharge directly to Beaver Creek.
7	In the Matter of the Adoption of Amendments to Title 11 of the Mississippi Administrative Code, Part 2, Chapter 6, Entitled "Mississippi Commission on Environmental Quality, Air Emissions Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air Act"	<b>Order No. 7337 24</b>	The initial decision of the Commission in this matter is to adopt the amendments as recommended by staff. This decision will become final unless, pursuant to Miss. Code Ann. § 49-17-41 (Rev. 2012), an interested party files a sworn petition with the Commission within thirty (30) days from the date of this Order requesting an evidentiary hearing before the Commission or its hearing officer.
8	Kewal Singh	<b>Order No. 7338 24</b> Respondent agrees to pay MDEQ a penalty in the amount of \$2,500 within thirty (30) days of this Agreed Order.	Respondent owns/operates several USTs in Mississippi. Facilities are listed in Section 1 and violations are listed in Section 2 of this Agreed Order.
9	Pomp and Bees Discount 24/7, Inc.	<b>Order No. 7339 24</b> Respondent agrees to pay MDEQ a penalty in the amount of \$2,500 within thirty (30) days of this Agreed Order.	Respondent owns/operates several USTs at 105 Highway 11 South, Poplarville, MS. Respondent failed to provide adequate release detection method/records for a UST system {280.40 - 280.45}. Respondent failed to meet UST system overfill prevention requirements {280.20 (d)}, spill prevention requirements {280.20 (c)}, and automatic line leak detector requirements {280.44 (a)}.
10	Confortaire Inc. Lee Co., MS	<b>Order No. 7340 24</b> Respondent agreed to comply with the terms and conditions of Synthetic Minor Operating Permit No. 1540-00071 that was issued on November 19, 2019, until the Permit Board acts on the renewal application received on June 25, 2024.	Respondent was in violation of Condition 1.C.6 of Synthetic Minor Operating Permit No. 1540-00071 for failing to submit a timely renewal application to the Mississippi Environmental Quality Permit Board.
11	Alhalmi & Fedhel, LLC. Union Co., MS	<b>Order No. 7341 24</b> Respondent agrees to pay MDEQ a penalty in the amount of \$1,500 within thirty (30) days of this Agreed Order.	Respondent owns/operates USTs at 806 South Central, New Albany, MS. Respondent failed to provide adequate release detection method/records for a UST system {280.40 - 280.45}. Respondent failed to meet UST system overfill prevention requirements {280.20 (d)}, spill prevention requirements {280.20 (c)}, and automatic line leak detector requirements {280.44 (a)}.
12	MTD Products Company Lee Co., MS	<b>Order No. 7342 24</b> Respondent agreed to pay MDEQ a penalty in the amount of \$28,470.00.	Respondent was in violation of Pretreatment Permit No. MSP090126 for failing to collect samples and monitor parameters at Outfall 002, for failing to timely submit Discharge Monitoring Reports, for exceeding Total Recoverable Zinc limitations at Outfall 002 during the March and April 2023 monitoring periods, and for

			exceeding the Total Toxic Organics limitation at Outfall 002 during a MDEQ Compliance Monitoring Inspection.
13	Approval to Include the Proposed Lauderdale County Waste Transfer Station and Expansion Of The Waste Pro Meridian II Rubbish Site within the Lauderdale County Solid Waste Management Plan	<b>Order No. 7343 24</b>	This Order provides full approval of the inclusion of the proposed Lauderdale County Waste Transfer Station and expansion of the existing Waste Pro Meridian II Rubbish Site within the approved comprehensive Lauderdale County Solid Waste Management Plan.
14	Toyota Motor Manufacturing Mississippi, Inc. Union Co., MS	<b>Order No. 7344 24</b> Respondent agreed to pay MDEQ a penalty in the amount of \$90,000.00. Respondent will be allowed credit toward payment of the civil penalty in the amount of \$50,000.00, dependent upon Respondent submitting a contribution in this amount to the Mississippi Diesel School Bus Replacement Program.	Respondent was in violation of Condition 3.B.11 of Title V Operating Permit No. 2700-00045 for failing to meet the required 95% Destruction / Removal Efficiency of Volatile Organic Compounds (VOCs) during performance testing of Emission Points AA-132 and AA-134 on July 13-14, 2023.
15	Fueling Solutions, LLC. Steven B. Gilmore	<b>Order No. 7345 24</b> Respondent agrees to pay MDEQ a penalty in the amount of \$3,000 within forty-five (45) days of this Agreed Order.	Respondent is licensed UST certified contractor conducting business in the state of Mississippi. Respondent failed to use reasonable care or judgement in the performance of duties by not following UST permanent closure sampling requirements established by Complainant.
16	Tulane Enterprises LLC De Soto Co., MS	<b>Order No. 7346 24</b> Respondent agrees to pay MDEQ a penalty in the amount of \$2,000 within thirty (30) days of this Agreed Order.	Respondent owns/operates USTs at 6800 Tulane Road Horn Lake, MS. Respondent failed to provide adequate release detection method/records for a UST system {280.40 - 280.45}. Respondent failed to meet UST system overfill prevention requirements {280.20 (d)}, spill prevention requirements {280.20 (c)}, and automatic line leak detector requirements {280.44 (a)}.
17	Rienzi Investment Group LLC Alcorn Co., MS	<b>Order No. 7347 24</b> Respondent agrees to pay MDEQ a penalty in the amount of \$1,500 within forty-five (45) days of this Agreed Order.	Respondent owns/operates USTs at 477 CR 514 Rienzi, MS. Respondent failed to provide adequate release detection method/records for a UST system {280.40 - 280.45}. Respondent failed to remove water found during monthly interstitial monitoring for one dispenser containment sump.
18	Complete Oilfield Disposal, LLC Adams Co., MS	<b>Order No. 7348 24</b> Respondent agreed to pay MDEQ a penalty in the amount of \$4,200.00.	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.

19	Mississippi Silicon, LLC Tishomingo Co., MS	<b>Order No. 7349 24</b> Respondent agreed to pay MDEQ a penalty in the amount of \$500,000.00. Respondent will be allowed credit toward payment of the civil penalty in the amount of \$100,000.00, dependent upon Respondent submitting a contribution in this amount to the Mississippi Diesel School Bus Replacement Program.	Respondent was in violation of Air Construction Permit No. 2640-00060. The violations are outlined in Section 1 of the Agreed Order.
20	Hammett Gravel Company, Inc. Holmes Co., MS	<b>Order No. 7350 24</b> Respondent agreed to pay MDEQ a penalty in the amount of \$46,000.00. Additionally, Respondent agreed to submit and implement a modified Storm Water Pollution Prevention Plan.	Respondent was in violation of the Mining Storm Water, Dewatering, and No Discharge General Permit and Mississippi Code at its sand and gravel mine. The violations are outlined in Section 1 of the Agreed Order.
21	Mohamed Alqasas Monroe Co., MS	<b>Order No. 7351 24</b> Respondent agrees to pay MDEQ a penalty in the amount of \$500 within thirty (30) days of this Agreed Order.	Respondent owns/operates USTs at 1468 Cal Steens Road Caledonia, MS. Respondent failed to maintain / provide records for inspection by DEQ {280.35}
22	Town of North Carrollton Carroll Co., MS	<b>Order No. 7352 24</b> Respondent agreed to pay MDEQ a penalty in the amount of \$2,250.00.	Respondent was in violation of 11 Miss. Admin. Code Pt. 6, R. 1.1.1.B(2)(a) for operating without a valid NPDES Permit and Condition No. S-5 of NPDES Permit No. MS0024741 for failing to timely submit annual Discharge Monitoring Reports.
23	Bedi Investments LLC (Owner) A & G Investments LLC (Operator) Madison, Co., MS	<b>Order No. 7353 24</b> Respondent agrees to pay MDEQ a penalty in the amount of \$4,200.00.	Respondent owns/operates USTs at 554 West Peace Street Canton, MS. Respondent failed to provide adequate release detection method/records for a UST system {280.40 - 280.45}. Respondent failed to meet UST system overfill prevention requirements {280.20 (d)}, spill prevention requirements {280.20 (c)}, and automatic line leak detector requirements {280.44 (a)}.
24	Amite Bioenergy, LLC Amite Co., MS	<b>Order No. 7354 24</b> Respondent agreed to pay MDEQ a penalty in the amount of \$225,000.00. Respondent will be allowed credit toward payment of the civil penalty in the amount of \$75,000.00, should the Respondent complete construction of a dust suppression screen as described in Section 2 of the Agreed Order.	Respondent was in violation of Condition 3.5 of Permit to Construct Air Emissions Equipment No. 0080-00031 (the Permit) for exceeding the Rolling 12-Month Total Individual Hazardous Air Pollutant (Methanol) limit of 9.0 tons per year (tpy) from March 2022 to December 2023 and the Rolling 12-Month Total Hazardous Air Pollutant limit of 24.0 tpy from April 2022 to November 2022. Respondent also violated Conditions 5.8, 5.18, and 5.21 of the Permit. The violations are described in Section 1 of the Agreed Order.



25	Ibrahim Babukr (Owner) · Mohammed Shazahan (Operator) Marshall Co., MS	<b>Order No. 7355 24</b> Respondent agrees to pay MDEQ a penalty in the amount of \$1,750 within forty-five (45) days of this Agreed Order.	Respondent owns/operates USTs at 1161 Barringer Rd, Byhalia, MS. Respondent failed to maintain / provide records for inspection by DEQ {280.35} Respondent failed to provide adequate release detection method/records for a UST system {280.40 - 280.45} ∴ One or more of the electronic sump sensors are not properly positioned.
----	--	--	---