

In Re: Magnolia Materials, LLC

Transcript of Proceedings - (Magnolia Materials, LLC)

June 10, 2026

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**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
MAGNOLIA MATERIALS, LLC PUBLIC HEARING**

**Taken at Oxford Conference Center
102 Ed Perry Boulevard, Oxford, Mississippi
on Wednesday, June 10, 2026,
beginning at 6:05 p.m.**

**REPORTED BY:
CHRISTA SHERMAN, CCR #1964**

1 APPEARANCES:

2

3 JARICUS WHITLOCK, P.E.
4 CARRIE BAREFOOT, P.E.
5 MS Department of Environmental Quality
6 P.O. Box 2261
7 Jackson, Mississippi 39225
8 jwhitlock@mdeq.ms.gov
9 cbarefoot@mdeq.ms.gov

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1 MR. WHITLOCK: Good evening ladies and
2 gentlemen. Can you hear me before I proceed
3 any further?

4 Okay. Perfect.

5 Okay. Thank you for being here this
6 evening. It is now 6 -- oh, okay.

7 How about now? Okay.

8 It is now 6:06, and I will now formally
9 begin this public hearing. My name is
10 Jaricus Whitlock and I am Chief of the Air
11 Division at the Mississippi Department of
12 Environmental Quality, or MDEQ for short.
13 With me on the stage this evening is
14 Ms. Carrie Barefoot, Chief of the Land
15 Disturbance Division at MDEQ.

16 This public hearing pertains to the
17 proposed issuance of coverages under the
18 Mississippi Large Construction General
19 Permit, or Large Construction GP for short,
20 and the Mississippi Hot-Mix Asphalt General
21 Permit, or Hot-Mix GP for short, for a
22 greenfield hot-mix asphalt production
23 facility to be named Magnolia Materials, LLC
24 and located at 87 County Road 166 in Oxford,
25 Mississippi.

1 This public hearing is the culmination
2 of this public comment period associated with
3 the proposed coverages, which began May 8,
4 2026, and will formally conclude tonight at
5 12:00 a.m.

6 Given the significant interest that
7 these proposed permitting actions have
8 garnered, I will share at the onset of this
9 hearing that anything conveyed during this
10 overall proceeding is considered public
11 record and may be recorded, quoted, and/or
12 reported.

13 The purpose of the overall public
14 comment period and this hearing is to receive
15 comments, concerns, and other information for
16 consideration on the respectively proposed
17 general permit coverages.

18 Please know that a final decision
19 regarding the proposed coverages will be made
20 by the Mississippi Environmental Quality
21 Permit Board, or Permit Board for short going
22 forward.

23 The Permit Board is created by
24 Mississippi law for the purpose of issuing,
25 denying, or modifying -- under such

1 conditions and limitations as it may
2 prescribe -- environmental permits and
3 coverages to control air and wastewater
4 releases within the State of Mississippi.

5 The composition of the Permit Board is
6 established by state law and consists of the
7 directors, or their assigned designees, from
8 specific state agencies that have interest in
9 environmental matters throughout the state.
10 A complete listing of the specific agencies
11 and their corresponding directors or assigned
12 designees can be found on MDEQ's website.

13 Now I will provide a brief description
14 of each proposed permitting action under
15 consideration.

16 First, the Large Construction GP.
17 Issued February 4, 2022, and effective until
18 January 31, 2027, the Large Construction GP
19 was established in accordance with the
20 provisions of the Mississippi Air and Water
21 Pollution Control Law as well as the
22 regulations and standards adopted under the
23 authority granted pursuant to Section 402(b)
24 of the Federal Water Pollution Control Act.

25 Through individually issued certificates

1 of coverage, an authorized entity is allowed
2 to disturb a land area greater than five
3 acres and discharge stormwater from those
4 regulated construction activities into state
5 waters in accordance with federally
6 enforceable limitations and requirements set
7 forth in the general permit.

8 On February 17, 2026, MDEQ received a
9 Large Construction Notice of Intent and an
10 associated Stormwater Pollution Prevention
11 Plan requesting coverage under the Large
12 Construction GP to conduct land disturbing
13 activities in preparation for the proposed
14 construction of a hot-mix asphalt production
15 facility. The project area lies within the
16 Berry Branch watershed and encompasses a
17 total of 22.92 acres. Of that area,
18 approximately 13.71 acres are proposed to be
19 disturbed as part of the construction
20 activities for the facility.

21 The proposed construction consists of
22 grading, utility installation, road
23 construction, construction of the asphalt
24 plant, construction of a small office
25 building, and construction of a stormwater

1 management area located at the major drainage
2 basin outfall.

3 The primary erosion and sediment control
4 Best Management Practices, or BMPs for short,
5 for this proposed project include the use of
6 silt fencing along disturbed areas, inlet
7 protection at storm drains, rock filter dams
8 and wattles within proposed drainage swales,
9 a temporary sediment basin, and timely
10 vegetative stabilization of all disturbed
11 soils.

12 Although referred to as a temporary
13 basin, the basin is designed to be a
14 permanent feature and will ultimately serve
15 as stormwater detention and attenuation for
16 the completed development. Coverage under
17 the Large Construction GP will remain in
18 effect for the full duration of construction
19 from initial land clearing to final
20 stabilization.

21 Now for the Hot-Mix Asphalt GP.
22 Initially issued October 24, 2022, modified
23 September 27, 2023, and effective until
24 September 30, 2027, the Hot-Mix Asphalt GP
25 was established in accordance with the

1 respective provisions of the Mississippi Air
2 and Water Pollution Control Law, the
3 Mississippi State Implementation Plan as
4 approved by the United States Environmental
5 Protection Agency under the Clean Air Act, as
6 well as the regulations and standards adopted
7 under authority granted pursuant to
8 Section 402(b) of the Federal Water Pollution
9 Control Act.

10 The Hot-Mix Asphalt GP is a multi-media
11 permit. Accordingly, through individually
12 issued certificates of coverage, an entity is
13 authorized to perform the following
14 activities: Construct and operate air
15 emissions equipment associated with a hot-mix
16 asphalt plant; and discharge stormwater
17 associated with industrial activities into
18 state waters.

19 However, each action must be performed
20 in accordance with the applicable federally
21 enforceable limitations and requirements set
22 forth in the Hot-Mix GP.

23 Again, on February 17, 2026, MDEQ
24 received a Notice of Intent and an associated
25 Stormwater Pollution Prevention Plan from the

1 facility requesting coverage under the
2 Hot-Mix Asphalt GP for the construction and
3 operation of a hot-mix asphalt facility.

4 The proposed facility will consist of a
5 natural gas-fired counter-flow drum dryer;
6 on-site storage and conveyance of various
7 solid materials, such as raw aggregates,
8 reclaimed asphalt pavement, lime, and other
9 additives; the storage and use of liquid
10 asphalt cement; and truck loadout and
11 dispatch of finished asphalt mix.

12 As conveyed by the facility, the
13 following activities will not be conducted
14 on-site: The crushing of rock or recycled
15 asphalt pavement and the operation of
16 emergency engines.

17 As it relates to stormwater pollution
18 prevention from on-site production
19 activities, Magnolia Materials is proposing
20 several BMPs to manage site runoff, prevent
21 spills or leaks, as well as address sludge,
22 waste disposal, and drainage from raw
23 material storage areas. For clarification,
24 these BMPs are the procedures, controls, and
25 maintenance activities implemented to either

1 reduce or prevent pollutant discharges to
2 state waters.

3 As it relates to air emissions, the
4 proposed operation of the facility under
5 coverage of the hot-mix Asphalt GP restricts
6 asphalt production to no more than
7 500,000 tons per year based on a rolling
8 12-month basis, as well as the required use
9 of a baghouse on the drum dryer and lime
10 storage silo.

11 Through these operational restrictions
12 in addition to other requirements, the
13 facility's potential-to-emit each regulated
14 air pollutant; i.e., particulate matter less
15 than 10 microns in diameter, particulate
16 matter less than 2.5 microns in diameter,
17 carbon monoxide, nitrogen oxides, volatile
18 organic compounds, and sulfur dioxide; will
19 remain below the regulatory actionable
20 threshold of 100 tons per year based on a
21 rolling 12-month basis.

22 A comprehensive review and consideration
23 of all information provided by Magnolia
24 Materials for each requested general permit
25 coverage has been completed by MDEQ.

1 However, all concerns and issues presented
2 this evening, as well as during the general
3 public comment period, will be considered by
4 MDEQ to ensure that all relevant issues have
5 been properly examined.

6 Now before we begin the comment portion
7 of the hearing, I want to share a few
8 important guidelines and instructions to
9 ensure we can hear from as many people as
10 possible and maintain a respectful
11 environment.

12 MDEQ is committed to providing a space
13 where all participants can express their
14 views without disruption. Therefore, we ask
15 that you all refrain from booing, cheering,
16 or interrupting a commenter during their
17 remarks. Also applause, vocal reactions, or
18 any other demonstrations -- whether in
19 support or opposition of the proposed
20 project -- should be made only during
21 intermittent periods between commenters.
22 Each -- I ask that each commenter please be
23 as concise as possible as to allow every
24 commenter the opportunity to fully convey
25 their comments. Therefore, we do not have to

1 give, at this time, a time-limit per
2 commenter.

3 Please come to the podium before
4 presenting your comment. But if you are
5 physically impaired and cannot walk to the
6 podium, please let us know and we will bring
7 a microphone to your seat.

8 This hearing is being transcribed by a
9 court reporter so that the proceedings can be
10 archived for the public record. Therefore,
11 we ask that you please speak clearly into the
12 microphone so that your comments can be
13 properly archived.

14 If you are presenting a pre-prepared
15 comment, we ask that you please submit them
16 upon completion of your presentation to
17 ensure the transcript is accurate. Before
18 sharing your comment, please state your name.
19 If you represent an organization please share
20 its name as well.

21 In lieu of presenting your comment at
22 the podium or at the microphone at your seat, you
23 may still submit written comments to enter into
24 the public record. Located at the entrance to
25 this auditorium is a registration table where

1 comment cards and pens are available. Upon
2 completing your written comment, please submit it
3 to MDEQ staff so that it may be properly archived.

4 We appreciate your cooperation and
5 professionalism. Your respect for these
6 guidelines ensures a fair, orderly, and productive
7 public hearing for everyone.

8 We will now call individuals to comment
9 in the following order: First, those individuals
10 that indicated "yes" on their registration cards
11 with the -- for the desire to speak; second, those
12 individuals that indicated "maybe" or "undecided;"
13 and then lastly, we will open up the floor to
14 anyone in general who wishes to comment.

15 At this time we will now open the floor.
16 I will -- and I guess as a side tangent, we do
17 have commenters that wish to provide a visual
18 presentation. I'm sorry. That's it, a visual
19 presentation. So we will allow them to go first.

20 And I ask that as you come to the
21 computer, please turn on the microphone and speak
22 into it as well as speaking your name and any
23 organization you might represent.

24 So first is Ms. Glynna McKendree.

25 MS. MCKENDREE: Right. Walt was going

1 to go first.

2 MR. WHITLOCK: Oh, okay. So we'll go
3 with Mr. Walt Davis.

4 MR. DAVIS: Here?

5 MR. WHITLOCK: So since you are
6 presenting I ask that you come and turn that
7 microphone on.

8 MR. DAVIS: Sure. Good afternoon. My
9 name is Walt Davis. I'm an attorney here in
10 Oxford and I represent Meg and John DuChaine,
11 who own property immediately west to the site
12 where the proposed asphalt plant would be
13 constructed; as well as Ronnie and Dustin
14 McGinnis, who live nearby in the nearby
15 neighborhood.

16 I just wanted to comment generally on
17 the status of legal proceedings involving the
18 proposed project. As you may be aware, on
19 behalf of my clients I filed a petition to
20 rezone the --

21 MR. WHITLOCK: Speak into the
22 microphone.

23 MR. DAVIS: Okay.

24 MR. WHITLOCK: Yeah.

25 MR. DAVIS: All right. I filed a

1 petition to rezone this parcel of property as
2 well as some adjoining piece -- parcels of
3 property in light of the county's failure to
4 place transitional zoning of light industrial
5 or heavy commercial between areas of
6 agricultural and residential as required by
7 the local county ordinance.

8 That request was denied, ultimately, by
9 the Board of Supervisors. And that matter is
10 currently on appeal before the Circuit Court
11 of Lafayette County. That remains pending.

12 As a second matter -- I'm happy to
13 answer any questions you may have about that.

14 As a second matter, I would point out
15 that, as I believe the department is already
16 aware, the applicant here has a lease
17 agreement with Lafayette County for the lease
18 of this property and the term of the lease is
19 substantial. However, there is a -- it is
20 our position that because of the nature of
21 the beast, a Board of Supervisors cannot
22 contractually bind a successor Board of
23 Supervisors. And the net effect of that is
24 that following the next Board of Supervisors
25 election there may or may not be new

1 supervisors in those seats. And those new
2 supervisors may or may not choose to void
3 this lease agreement.

4 And therefore, the term of the lease
5 agreement is in flux. And you don't simply
6 have to take my word for it, you can take the
7 word of the Mississippi Attorney General.

8 I've attached a couple -- and submitted
9 to you a couple -- of Attorney General
10 opinions, including an opinion dated
11 December 23, 2024, Opinion No. 2004-0491,
12 specifically citing the same statute used by
13 the Board of Supervisors in this case, which
14 is Mississippi Code Annotated 19-7-3 where
15 they state that our office has consistently
16 opined that absent specific authority,
17 governing authorities may not bind their
18 successors in office to contracts which take
19 away the rights and powers conferred by law.

20 Any such agreement would be voidable at
21 the will of the successors in office. And
22 that we are unable to find any specific
23 authority which would permit the county to
24 bind its successors to an extended lease
25 pursuant to Section 19-7-3, which is that

1 exact same section used in this case by the
2 Lafayette County Board of Supervisors.

3 And finally, I would point out a new
4 issue that's been recently brought to light.
5 All right. This is a document that was
6 submitted as part of Magnolia Materials
7 submissions. And if I may -- may I?

8 MR. WHITLOCK: Yeah.

9 MR. DAVIS: If I may, I would like to
10 point out the property line spelled out by
11 Magnolia Materials as part of their engineers
12 shows an existing fence line cutting across
13 the property. That fence line was built by
14 my client's father in the mid-sixties after
15 acquiring the property by deed in 1964. And
16 it has been maintained there ever since.

17 There are trees grown in through the
18 fence posts along that line. My clients have
19 mowed and maintained that property ever
20 since.

21 That's important because Magnolia
22 Material's own engineer also acknowledges
23 there is a description overlap between the
24 deed that Magnolia Materials is using and my
25 client's property to the extent of almost an

1 acre -- a little over an acre.

2 While no suit has yet been filed, we do
3 anticipate litigation over the ownership of
4 this 1-acre property. That potentially
5 affects the site plan application, setbacks,
6 and other requirements that may apply to
7 Magnolia Materials, both before the
8 Mississippi Department of Environmental
9 Quality as well as other required boards.

10 So I didn't want to spend a ton of time
11 up here. Those are the three, briefly,
12 issues that I think are notable to bring to
13 the attention of the Board. I'd be happy to
14 answer any questions.

15 MR. WHITLOCK: Ms. McKendree, would you
16 like to go next?

17 Okay. Ms. Glynna McKendree.

18 MS. MCKENDREE: There's one for the
19 court reporter and one for each of you.

20 MR. WHITLOCK: Okay.

21 MS. MCKENDREE: Summer is going to bring
22 up the map when I explain it to her. They
23 are minimized on -- and I'll tell you when to
24 bring them up.

25 As you are aware, the opposition of this

1 proposed facility is far more than just the
2 environmental impact on property values,
3 destabilization of the soil, air emissions,
4 traffic concerns, or documented health issues
5 directly linked to the production and
6 transportation of hot asphalt.

7 It is about the density of the
8 population that will be impacted and the vast
9 impact on the entire one to two-mile
10 circumference of the entire area of the
11 location in question.

12 It includes over 3000 residents with
13 nearly 2000 more planned, some by this very
14 developer, and permanent developments in the
15 same area as two schools and a mega-sports
16 complex that is fully occupied with literally
17 thousands of children, parents, and
18 grandparents almost daily over 85 percent of
19 the calendar year.

20 So all of these critical important facts
21 aside, we appreciate the opportunity to
22 present our environmental concerns to MDEQ
23 tonight. And I will focus my specific
24 concerns on the environmental impact of the
25 construction and air emissions as stated in

1 your notice.

2 Most of what I had to say should not
3 come as a surprise to this board, given your
4 areas of expertise, and are stated on the
5 record -- for the record with the requested
6 response for these concerns.

7 First, I will address the elephant in
8 the room in regarding closely located asphalt
9 plant run by Lehman Roberts. This plant
10 routinely operates below 50 percent and that
11 includes holding contracts with other asphalt
12 companies for the Highway 7 expansion, due to
13 be completed within three years.

14 The difference is this facility has
15 operated responsibly and without incident for
16 well over 60 years and does not have any
17 direct impact on the ecological systems,
18 waterways, and air emissions and traffic of
19 this -- the Magnolia Materials proposed
20 facility will have.

21 The first map is a map of some
22 questionable -- some questionable information
23 that was provided by Magnolia Materials.
24 Magnolia Materials falsely and misleading --
25 provided false and misleading assertions on

1 the application for these permits.

2 That is it.

3 DR. VINSON: Okay.

4 MS. MCKENDREE: They falsely stated that
5 there are no public or private ponds within
6 one-half mile. There are 11 ponds -- and you
7 can see them circled there -- and six
8 functional private working water wells within
9 one-quarter to one-half mile of this proposed
10 facility.

11 Misleading is the recreational stream.
12 Berry Branch Creek runs through mTrade Park
13 Sports Complex where tournaments where
14 thousands of visitors play and camp in the
15 area during the weekend games and
16 tournaments. Soon they will also have the
17 ability to hook up to water systems in the
18 nearby RV Park.

19 Stormwater runoff will pass directly
20 past Regent school, mTrade Park, and wetlands
21 areas that surround the park on the -- on its
22 path to Sardis Lake. These low-lying areas,
23 and of course Berry Branch, will incur the
24 same exposure, the heavy metals in the
25 bitumen byproduct during heavy rains, and

1 stormwater runoff.

2 Kids running through the area will
3 splash through the mud and muck while
4 dragging -- while dragging them along with
5 these contaminants, contaminants that can be
6 absorbed through the skin.

7 Another false statement is that the land
8 to be disturbed is noted as 13.71 acres.
9 This location is 33 acres. You can see the
10 box there in black on the right. It's
11 33 acres, land that was previously stated by
12 the county as unsuitable for development and
13 surplus prior to the brokering of the deal
14 with Magnolia Materials.

15 The land is full of gullies and trenches
16 and is comprised of sandy loam soil which is
17 unstable and holds water, and as a direct
18 result will hold heavy metal contaminated
19 water which will seep into the groundwater.

20 The land by Magnolia Material's own
21 engineers statements in a planning commission
22 meeting is anticipated to be cut down 50 feet
23 and then raised to another 20 feet above road
24 level. Where will this fill dirt come from?

25 The production facility site plan --

1 move over to the flood zone picture, please.

2 The production facility site plan
3 identified reconfiguring the 33 acres of this
4 production facility -- office, parks, parking
5 areas, the same information you laid out
6 early in your presentation. This area will
7 have truck lanes for feeder purposes, a
8 staging area for 15 to 20 trucks per hour
9 staged for release onto County Road 166
10 during seven days a week of operations.

11 It is inconceivable to believe that he
12 intends to disturb only 13 acres of 33 total
13 acres of previously identified unsuitable
14 lands. His bulldozers already attempted to
15 destroy part of that land when they attempted
16 to start construction by knocking down trees
17 before the permit application was ever
18 submitted back in January.

19 The use of heavy metals in both air
20 emissions and stormwater runoff will
21 ultimately find their way into the atmosphere
22 and into Berry Branch Creek.

23 That's the next one.

24 And you can see that. This next picture
25 shows the blue lines. Those are the creeks.

1 The red line is where the proposed facility
2 will go. So you can see that the water
3 runoff is all through that area.

4 During production and heavy rainfall
5 events this -- the contaminants will settle
6 into the ground water, leading to water
7 pollution and harm to aquatic life eventually
8 downstream. It is not a matter of if, as
9 research shows it's a matter when this will
10 occur and how long it will take for these
11 metals and run off to impact the water
12 sources in the immediate area and then one --
13 less than one to two miles downstream.

14 Based on factual research from Science
15 of the Total Environment, the
16 ecotoxicological risk of heavy metals in
17 asphalt productions has proven detrimental
18 impact to the endocrine disruptors, also
19 known as hormones, in plant life, marine
20 life, and humans.

21 In a simple explanation these chemicals
22 become embedded in the soil and floating
23 within the water. Once they find their way
24 into the air and the ground, water wells,
25 streams, and discharges, eventually they work

1 their way into the lakes and rivers. For us
2 the immediate concern is the streams, working
3 ponds, and, of course, Sardis Lake.

4 These heavy metals are absorbed by
5 zooplankton in the water, which is then eaten
6 by the invertebrates; marine life, insects,
7 worms, crustaceans, et cetera; which are
8 consumed by small fish, such as crappies;
9 which are then brought to the family dinner
10 table. The end results are diseases, cancer,
11 respiratory illnesses, and much more.

12 Toxins released through the air will
13 have a profound effect on the entire city of
14 Oxford and the county from all directions. A
15 study completed by the University of
16 Mississippi, and attached herein to your
17 documents -- excuse me -- indicates exactly
18 what areas will be impacted throughout
19 various seasonal prevailing winds.

20 Please note there is not a single area,
21 school, or park that will be spared from the
22 toxic emissions.

23 While the new technology may help with
24 emissions, it does not completely eliminate
25 the toxins or the odor released from the

1 stacks. Magnolia Materials has also received
2 a variance adding an additional 41 feet to
3 the towers creating a height exceeding 70
4 feet, thereby creating even more of a
5 detriment to aircraft using the Oxford
6 University Airport, which is less than a half
7 a mile from this location.

8 A statement from Dr. Wu in aerospace
9 engineering from the University Mississippi
10 is attached to your packet.

11 There are two additional federal
12 agencies that were not notified as required
13 by law. One you are aware of, and that is
14 the FAA due to the proximity of the airport
15 and the impact on air quality and to
16 atmospheric conditions impacting air traffic
17 landing and takeoff patterns.

18 I believe Dr. Wu may be here tonight,
19 and he will speak to that. But, again, it is
20 in the letter that's in your packet.

21 The second is the US Army Corps of
22 Engineers, which has jurisdictional waters
23 control of all streams, flood zones, and
24 wetlands in industrial park. A copy of the
25 alleged violation is attached along with the

1 letter sent from the Corps of Engineers to
2 Lafayette County attesting to that control
3 back in 2010.

4 Now that has to be revisited and revised
5 due to the age of the letter, but it shows
6 the intent that jurisdictional waters are
7 present all around the industrial park. That
8 investigation may be closed only because
9 construction has not begun.

10 Well, once construction begins Magnolia
11 Materials will be monitored closely for
12 disturbing and not following any permit
13 requirements.

14 There are many people here tonight with
15 valid concerns regarding environmental
16 dangers of this facility and the proposed
17 operation. I will close with this statement:
18 There are 82 counties in Mississippi and 75
19 asphalt plants, with four in the general
20 vicinity area. All of these plants are
21 operating below 50 percent. And that is well
22 documented with MDEQ's records.

23 There is no need to place other risks
24 around this densely populated area. Should
25 the Permit Board consider approval of this

1 application, please provide the citizens with
2 justification for that decision.

3 And lastly, thank you, Mr. Whitlock,
4 Ms. Barefoot, and Ms. Glenn -- I haven't met
5 her tonight -- for all of the time you have
6 afforded us throughout this process. You've
7 been very patient and responsive to all of
8 us, all of the calls, and all of the
9 questions. And we appreciate this public
10 hearing.

11 The packet that I gave you is the
12 statement that I made, and the documents that
13 I referenced are all attachments, as well as
14 copy of those maps.

15 MR. WHITLOCK: Dr. Vinson?

16 DR. VINSON: My name is Summer Hill
17 Vinson. I'd like to read you my statement,
18 and then I have a list of questions that I
19 have submitted to MDEQ that I hope will be
20 answered. In the effort of saving time, I
21 hate to go through them all because each one
22 has multiple parts.

23 I live half a mile from the proposed
24 Magnolia Materials hot-mix asphalt plant
25 location in Lafayette County, Mississippi. I

1 am writing out of great concern for the
2 number of lives this plant has the potential
3 to impact.

4 My community is an established one
5 predating the industrial park along its
6 western border. Development in the
7 industrial park for much of its history was
8 along the east side near Old Highway 7.

9 The lot designated for the asphalt plant
10 location on the far western border was
11 inaccessible and acted as a buffer between
12 heavy industrial use and the adjacent
13 neighbors for decades. Only when the Pat
14 Patterson Parkway extension opened during to
15 summer 2025 did development adjacent to our
16 community become possible.

17 Aerial maps are deceptive because the
18 two neighborhoods located closest to the
19 western border of the industrial park are
20 heavily wooded. More than 50 homes are
21 located within the half mile radius of the
22 proposed location on the western boundary.
23 That number grows to hundreds of homes when
24 you extend the radius to a mile in every
25 direction, including almost the entirety of

1 Tara, Whitetail Landing, Quail Creek, and
2 Fieldstone Farms subdivisions.

3 I'd like to just make a quick note that
4 I put in my submission that I emailed that on
5 the map you been given, Fieldstone Farms is
6 not on it. But Fieldstone Farms is a hundred
7 acre development that has existed for almost
8 a decade. So that's on the southern side.

9 Just outside of the mile radius are
10 Northpointe and Oxmoor subdivisions,
11 established homes on County Road 104, two
12 private schools, and a golf course.

13 Many of the people living in my
14 community are the most impacted by air and
15 water quality -- elderly people who had lived
16 in their homes for 20 to 40 years and
17 families with young children. Some of my
18 neighbors have livestock ponds located 1,000
19 feet from the proposed site. Another lives
20 1,500 feet away and drinks water from a well.
21 Any change in air quality could worsen the
22 health of three of my neighbors with advanced
23 COPD.

24 Retirees and young families often spend
25 much of their time at home breathing the air

1 around them. It is not just the number of
2 people living within a mile of this proposed
3 plant and the associated risks not evaluated
4 by MDEQ, such as traffic, but the type of
5 people living in the vicinity who spend a
6 great amount of their time at home, making
7 them more sensitive to air and water
8 pollution.

9 The proposed lot is wooded with rolling
10 topography and will require substantial dirt
11 work. Great care will be necessary to ensure
12 pollutants on the site stay on the site.
13 Berry Branch flows from the eastern boundary
14 of the lot in front of Regents Upper School
15 through mTrade Park and into the Sardis water
16 system with the potential to impact many more
17 people who do not live near the proposed
18 site.

19 The industrial park has been struck by
20 two tornadoes in recent memory, likely
21 because it sits on a ridge. From it you can
22 see the university airport one-and-a-half
23 miles away and buildings on the University of
24 Mississippi campus two-and-a-half miles away.
25 The entire reason for locating an industrial

1 development with toxic chemicals away from
2 residents and farms is to protect against the
3 likelihood of a catastrophic event.

4 A study just released by the University
5 of Mississippi found that air pollution at
6 lower levels than permitted by the EPA can
7 still negatively impact human health. A
8 reason the MDEQ permitting process for an
9 asphalt plant is extensive is their potential
10 for being toxic, exactly the reason to deny a
11 permit for this facility so close to so many
12 human lives.

13 I have a list of six questions with
14 multi-parts. I'm assuming that -- will
15 somebody in this process answer those
16 questions?

17 MR. WHITLOCK: (Nods.)

18 MS. MCKENDREE: Okay. I also have a
19 statement from Lisa Chandler who is one of
20 the closest property owners. She's out of
21 the country and asked that I read her
22 statement if I'm permitted to do so. She
23 lives -- she has a property that borders this
24 plant.

25 MR. WHITLOCK: If you could just state

1 her name again for the court reporter and
2 then that way we know the difference.

3 DR. VINSON: Sure. Okay. Lisa
4 Chandler.

5 She says, "Dear Mr. Whitlock, I will be
6 unable to attend the hearing scheduled for
7 June 10th due to scheduled travel. I have
8 emailed before regarding the extremely close
9 proximity to my residence in Lafayette
10 County.

11 "I have read several references and
12 articles referring to a buffer zone between
13 an asphalt plant and residences of 1,000 to
14 1,500 feet. I don't know why that doesn't
15 apply to Mississippi.

16 "As stated in my letter, my property,
17 which is situated on County Road 166, which
18 runs behind my house, is less than 1,000 feet
19 from the proposed site for the asphalt plant
20 per Magnolia Materials. This measurement is
21 an approximation taken from the LandGlide
22 app.

23 "My next door neighbor's residence,
24 Collier, and the next residence, DuChaine,
25 abuts the proposed property and there is not

1 a buffer zone. I am very concerned about air
2 quality for the numerous surrounding
3 residences along with noise, traffic, and
4 quality of life for all of us. Many have had
5 our homes here for 20 years."

6 Actually she says over 20 years.

7 "I do not feel that the supervisors or
8 the planning commission are using the
9 appropriate criteria for the location choice
10 of an asphalt plant. Thank you for your
11 consideration. Lisa Chandler."

12 Just as a note, I believe also she sent
13 some information to MDEQ this spring. She's
14 a pathologist, so I know she's concerned
15 about the effects from that perspective as
16 well.

17 Thank you very much for your time.

18 MR. WHITLOCK: You're welcome. John and
19 Meg Faulkner DuChaine? I'm sorry if I got
20 that last name wrong.

21 MR. DuCHaine: Close enough.

22 MR. WHITLOCK: I'm still sorry.

23 MR. DuCHaine: My name is John DuChaine.
24 Our farm -- our family owns about 225 acres
25 of agricultural land and the proposed asphalt

1 plant location is on our east property line
2 directly adjacent to us.

3 We have horses that roam and feed on our
4 property next to the proposed site. The
5 impact on our livestock and our personal
6 health is our biggest concern. The potential
7 to contaminate our multiple ponds is of
8 utmost concern, as are the air emissions from
9 the stacks of the plant creating pulmonary
10 issues for us and our horses.

11 The ponds are the only water source for
12 our livestock. In addition, night-time
13 illumination and especially loud operational
14 noise will have an impact on our farm animals
15 and ourselves.

16 Directly adjacent to the proposed site
17 on our east line there are about 25
18 100-year-old-plus native cedar trees that
19 were planted in a row down that property line
20 some time back in history. We are very
21 concerned about the survival of these trees
22 as well as the native oaks, hickories,
23 dogwoods, and others that are just as old or
24 older all over our farm.

25 Another concern we have is the impact of

1 the air emissions on our pasture grasses.
2 Air emissions from the designed 36-foot
3 stacks will release a variety of toxins into
4 the air immediately over our property. The
5 toxins associated with the hot asphalt
6 production and air contamination are clearly
7 documented and will have an adverse effect on
8 our farm animals as well as ourselves.

9 The emissions stacks on the proposed
10 plan are designed at 35 to 36 feet. It was
11 said at a previous meeting that they possibly
12 will need to be doubled in height to about
13 70 feet, which will require a variance from
14 the county.

15 These emissions are described by the
16 Director of Development as being, "like
17 melting chocolate on your stove, you get
18 steam."

19 I don't believe that's an accurate
20 statement, is it?

21 All of our horses are championship bred
22 with World Champion and World Grand Champion
23 accomplishments. They are valuable and their
24 health and well-being is most important to
25 us.

1 The site location is reported as 20 feet
2 above the street level. There's a large
3 amount of hillside that must be cut down to
4 reach that level. There's an area behind the
5 site bordering us that is only 105 feet from
6 our property.

7 How are they going to stabilize that
8 area from washing away after it's cut down to
9 site level? And how will they keep the trees
10 that are supposed to be left alone from dying
11 due to the disturbance of the ground and root
12 systems? How will they control runoff from
13 erosion from the massive cut down area of the
14 trees and dirt?

15 We've heard nothing about what's going
16 to happen there.

17 The runoff will travel to a floodway
18 southwest of the proposed site and then
19 across the southern portion of our property
20 and then to Sardis Lake. Additionally,
21 there's a floodway north of the site that
22 flows past a school, mTrade Recreational
23 Park, and on to Sardis Lake.

24 MS. FAULKNER DuCHaine: The county
25 director of development has stated in a

1 meeting that the county can use our land as a
2 buffer between I-2 Heavy Industrial and
3 private uses instead of following their own
4 county ordinance that requires transitional
5 zoning between I-2 Heavy and private use
6 land.

7 I do not believe anyone would want their
8 land, whether it's 1 acre or 1,000 acres, to
9 be assumed and used by the county as a buffer
10 between heavy industrial and private use or
11 residential.

12 Our farm predates the establishment of
13 the County Industrial Park by about 30 years
14 so, obviously, we did not move next to this.
15 It moved in next to us. We cannot pick up
16 this farm, our home that I have lived my
17 entire life, and move it somewhere else.

18 We do not want to live the rest of our
19 lives with the worries and concerns that have
20 been stated right next door to us.

21 Please, everyone, put yourselves in this
22 situation. I don't think you would want this
23 next door to you or any of your family. We
24 respectfully request that our concerns and
25 problems with this be noted.

1 We thank each and every one of you for
2 the scheduling of this hearing and traveling
3 to Oxford to listen to the facts.

4 I would like to close with one thing.
5 In researching various MDEQ articles we read
6 the following: "Goal of the Mississippi
7 Department of Environmental Quality. The
8 goal of the Mississippi Department of
9 Environmental Quality is to protect the
10 state's air, land, and water resources in a
11 way that safeguards the health, safety, and
12 welfare of present and future generations of
13 Mississippians."

14 "MDEQ works to conserve and improve the
15 environment through focused research,
16 responsible regulation, and wise economic
17 growth which means:

18 "1. Public health and safety. Reducing
19 environmental hazards that could harm people
20 or ecosystems.

21 "2. Environmental protection. Ensuring
22 clean air, safe water, and healthy land for
23 residents."

24 Thank you for your consideration and
25 time.

1 MR. WHITLOCK: Thank you. Ms. Susannah
2 Furr?

3 Ms. Furr, if you would, would you just
4 adjust the mic so it maximizes the volume?

5 MS. FURR: How's that?

6 MR. WHITLOCK: Okay. Thank you.

7 MS. FURR: Yes, my name is Susannah
8 Furr. Good evening and thank you very much
9 for holding this hearing and for your serious
10 consideration of our concerns about this
11 matter.

12 I live within a mile of the proposed
13 site. My family built and has lived in that
14 home since before the formation of the
15 Lafayette County Industrial Park, so I guess
16 it was 1980 the house was built. And they --
17 and the industrial park came along in 1985.

18 Let me begin reading your department's
19 mission statement. So I know Meg did read
20 that, but it's very short.

21 "The mission of the Mississippi
22 Department of Environmental Quality is to
23 safeguard the health, safety, and welfare of
24 present and future generations of
25 Mississippians by conserving and improving

1 our environment and fostering wise economic
2 growth through focused research and
3 responsible regulation."

4 I am deeply concerned about the
5 immediate health and environmental threats
6 this industrial operation poses to my family,
7 my neighbors, and our local ecosystem.

8 My 90 year-old mother lives with me. At
9 her advanced age she is highly vulnerable to
10 air pollution and her respiratory system is
11 already compromised from past COVID
12 infections.

13 This plant will produce, as taken from
14 your letter -- so I will just try to go
15 quickly through it -- 300 tons of asphalt per
16 hour and 500,000 tons per year. The
17 resulting emissions from the natural
18 gas-fired drum dryer, liquid asphalt cement
19 storage, and heavy truck loadout operations
20 present a direct risk to her health and all
21 the neighbors.

22 Even with a baghouse filter, the fine
23 particulate matter, volatile organic
24 compounds, and toxic air pollutants will
25 severely compromise the air quality in our

1 neighborhood, aggravating respiratory and
2 cardiovascular risks for elderly residents,
3 those with respiratory illnesses, and young
4 children alike.

5 In my immediate neighborhood alone there
6 are at least 1,000 living within a mile of
7 the proposed site. Placing a high-capacity
8 stationary asphalt plant in such close
9 proximity to densely populated neighborhoods
10 is a clear environmental justice and safety
11 issue.

12 The continuous truck traffic, heavy
13 loadouts, and unavoidable fugitive dust from
14 raw aggregates, reclaimed asphalt pavement,
15 and lime silo storage will disrupt the
16 community and lower the quality of life for
17 thousands of Lafayette County citizens.

18 The environmental footprint on the local
19 ecosystem is too severe. The project plans
20 to disturb -- well, I've got 13 acres, but
21 then I just recently heard 33 -- within the
22 sensitive Berry Branch watershed. While the
23 proposal outlines temporary sediment basins
24 and silt fencing, clearing this much land and
25 adding massive impervious surfaces creates a

1 long-term risk of stormwater runoff
2 pollution.

3 Any failure in the stormwater management
4 system could leak petroleum products,
5 chemical additives, and heavy metals into our
6 local waterways.

7 As for fostering wise economic growth,
8 as is in your mission, I'm sure the MDEQ is
9 aware that the developer of this project has
10 continuously violated state environmental
11 regulations, pays fines, and then moves on to
12 the next violation.

13 I'm curious as to how your department
14 reviews the various violations and considers
15 that if the developer cannot follow
16 regulations for moving dirt and building
17 subdivisions, how can he be trusted to
18 carefully handle toxic materials and honestly
19 self-report to the department?

20 The Lafayette County Board of
21 Supervisors and the Planning Commission have
22 passed this project along with little concern
23 for the impact it will have on the county
24 citizens. Even though we have repeatedly
25 shown opposition to the asphalt plant in

1 every meeting that they have held about it,
2 they show more favor to the developer and his
3 economic concerns.

4 When it comes to wise economic growth,
5 the only one economically benefiting will be
6 the developer and a handful of employees at
7 the plant.

8 We, the citizens of Lafayette County,
9 look to MDEQ to act as the shield for
10 Mississippi -- for our Mississippi
11 communities. Your mission statement pledges
12 to protect the health, the safety, and
13 welfare of present and future generations of
14 Mississippians. Allowing a heavy industrial
15 asphalt plant to be built near thousands of
16 residents, local schools, and vital waterways
17 violates this core commitment.

18 Responsible regulation must prioritize
19 human life and ecological stability over
20 high-risk industrial placement. True
21 conservation and improvement of the
22 environment require preventing pollution at
23 its source rather than attempting to mitigate
24 it after a community has been compromised.

25 Improving the environment after taking

1 the risk of damaging it does not reflect wise
2 economic growth. It actually creates
3 economic imbalance as it depreciates local
4 property values and shifts massive health
5 care and environmental cleanup costs onto the
6 community.

7 An industrial facility of this scale
8 does not belong near thousands of residential
9 homes and fragile watersheds. I urge the
10 MDEQ to deny the permitting of a proposed hot
11 asphalt mix plant, as its operation directly
12 contradicts your mission to safeguard public
13 health and conserve our shared environment.

14 Please uphold your agency's mission.
15 Protect our children and vulnerable adults.
16 Safeguard our air and water. Foster wise
17 economic growth with responsible regulation
18 and deny this permit.

19 Thank you for your time.

20 MR. WHITLOCK: Mr. David Johnston.

21 MR. JOHNSTON: My name is David
22 Johnston. I have a list of a few questions
23 to submit, but I edited out quite a bit of
24 mine because they've already been asked. So
25 I'm going to avoid that duplication.

1 But my concerns are about the wastewater
2 management, runoff -- stormwater runoff
3 associated with both the construction and
4 during plant operations.

5 Let's see. The first question concerns
6 bitumen, which basically is the heavy bottoms
7 from crude oil used for asphalt, but yet has
8 no other -- no other usage.

9 Is this bitumen in concentrated
10 quantities not considered to be combustible
11 as well as toxic and carcinogenic?

12 My next question: The permit
13 application refers to no allowable dispensing
14 of gasoline, but there's no mention in the
15 application of restricting dispensing of
16 diesel fuel. Will the spillage of diesel
17 fuel not accumulate in this sediment basin
18 that's been described contributing to the
19 combustibility of the bitumen?

20 With reference to diesel fuel, who will
21 take the responsibility for monitoring
22 leakage from either an underground storage
23 tank or that may be above ground?

24 The next question: With natural gas
25 ignition sources utilized nearby in the

1 hot-mix process, would accumulation of
2 bitumen and diesel sludge in a sediment basin
3 create the risk of a fire, endangering
4 employees, nearby residences, and a nearby
5 gunpowder factory, as well as the nearby
6 wildlife?

7 All right. Let's see. I marked out a
8 few here.

9 What proof has the MDEQ Environmental
10 Compliance and Enforcement Division received
11 from this applicant that the overarching EPA
12 Title 40 CFR Part 262 General Duty Clause has
13 been satisfied that this applicant can
14 effectively contain and management this
15 sediment -- manage this sediment basin?

16 Question: Has this applicant provided
17 any training programs in place, any
18 operational procedures in place, or any
19 remediation equipment on site to prevent the
20 discharge of hazardous toxic and combustible
21 bitumen and diesel sludge into a public creek
22 that satisfies the General Duty Clause?

23 Last question: If overflow of the
24 drainage and sediment basins occur, carrying
25 sludge particles with it, how will this

1 operation be capable of accurately measuring
2 the amount of sludge that's been produced by
3 the processes meeting the General Duty
4 Clause?

5 I respectfully request that the MDEQ
6 foresee the potential environmental damage by
7 this applicant that cannot be undone and deny
8 any Construction or General Hot-Mix Permit
9 for the construction of the said greenfield
10 hot asphalt plant. Thank you.

11 MR. WHITLOCK: Mr. Walter Davis?

12 MR. DAVIS: I've already spoken.

13 MR. WHITLOCK: Oh, okay. Mr. Ronnie
14 McGuinness?

15 MR. MCGUINNESS: Some of my questions
16 have already been asked. My name is Ronnie
17 McGuinness. I live in the Tara subdivision.

18 But two things I want to ask. There --
19 we will now have two asphalt plants within
20 one mile and a quarter. I'm curious if that
21 affects the air quality of Oxford. If
22 there's a designation, such as ecological
23 dump, that we might gain with having two
24 asphalt plants within one mile and a quarter.

25 And my other question is: That site

1 location is right next to the Good Day Farms
2 cannabis facility that makes edible
3 products -- I believe they make edible
4 products. Does the Mississippi Department of
5 Environmental Quality, do they regulate this
6 toxic plant next to a facility that's making
7 consumable products?

8 That might be an FDA question, right?
9 But because that facility makes products, I'm
10 curious if that affects the Mississippi
11 Department of Quality's decision to put an
12 asphalt plant next to it, right?

13 And that's all the comments I wanted to
14 add. Thank you.

15 MR. WHITLOCK: Thank you. Alex, maybe
16 Carter? I'm sorry for the last -- I can't
17 make out the last name.

18 MR. CORTEZ: I'm sorry. I've got bad
19 handwriting.

20 MR. WHITLOCK: That's okay. Alex.
21 Okay.

22 MR. CORTEZ: I also didn't know what it
23 was going to be used for. It's Cortez.

24 MR. WHITLOCK: Cortez. Okay.

25 MR. CORTEZ: Thank you guys for your

1 time today. I'm a resident of Oxmoor. I'm
2 going to try to keep my comments mostly
3 related to your guys's issues.

4 But I do want to say quickly about the
5 supervisors, I think this process has been
6 completely mishandled. The fact that they
7 had the hearing on December 22nd of the
8 planning commission during the holiday when I
9 was already scheduled to be out of town. A
10 lot of people were.

11 The January hearing, the fact that they
12 kicked 50 residents out of the room is
13 completely unacceptable. There was a larger
14 court hearing -- or room there that they
15 could have easily moved to and they refused
16 to.

17 I mean, this just should not be how
18 we're acting as citizens. Frankly, I hope
19 the developer would be just as upset. This
20 is not how fellow Oxonians should be, you
21 know, treating each other.

22 And then there was almost no
23 environmental questions asked at that hearing
24 by the supervisors, too. So there was no
25 public comment period there. No questions

1 from the public at the supervisor's meeting.

2 And then Supervisor Gordon, who is here
3 today -- I believe he's probably the only
4 supervisor here. But he's actually the only
5 one who asked a substantive question at all
6 at that hearing, which is also completely
7 unacceptable.

8 I mean, as I stated at all these
9 different hearings, I don't even have the
10 strongest position out of the people in this
11 room on the actual issue. I'm more concerned
12 with all the transparency issues and process
13 issues.

14 And to have something like any kind of
15 industrial park, I mean, right next to the
16 residents and have no interrogation of the
17 environmental issues by this town is
18 completely reprehensible. And this needs to
19 change.

20 And even, you know, frankly I voted for
21 the developer to, you know, speak to the
22 DuChaines directly, you know, about this too,
23 just as citizens. We need to treat each
24 other as good human beings.

25 I mean, they should have to respond

1 about these kind of things. This is not how
2 we should be going about life in America.
3 And that's why we have so many of these
4 problems if we're just going to do these
5 back-door deals and treat each other this
6 way.

7 On the environmental matters, I mean, I
8 don't know if it's going to happen at this
9 hearing. I don't know the full nature of it.
10 But there really should be some kind a public
11 interrogation of all the environmental
12 issues.

13 We have experts before citizens being
14 asked questions. Same thing with the
15 supervisors. I mean, I don't know why there
16 hasn't been a hearing like that at all in
17 this process.

18 The developer said that the industrial
19 park was inappropriate due to residential
20 properties when he was originally trying to
21 get it in Taylor. Nothing's been changed
22 since he lost that battle in Taylor. And it
23 still would be inappropriate being right next
24 to residential properties.

25 And then NIH did a study on the openings

1 and closings of 1,600 industrial plants, and
2 they found that toxic air emissions affects
3 within one-mile of a plant. And that it
4 affects housing values within .5 miles of the
5 plant.

6 So we just need interrogation of all
7 these issues. We've not gotten it as
8 citizens of Oxford. And I think any decent
9 human being, any government body should want
10 to have this kind of transparency for the
11 public.

12 Thank you for your time.

13 MR. WHITLOCK: So that was all of the
14 individuals that said that they definitely
15 wanted to speak. We will now do those that
16 denoted "undecided" on their registration
17 cards. And just give them an opportunity, I
18 guess another opportunity, to see if they
19 want to speak or not. So give me one minute.

20 Okay. So as I call your name feel free
21 to say, "No, I'm okay. I don't want to
22 speak," or, you know, come to the mic.

23 Or just put your -- you know, ask for us
24 to bring a mic to you. So you have options.

25 Ms. Ann Whitaker?

1 MS. WHITAKER: Okay. My name is Ann
2 Whitaker, and I live in Quail Creek
3 subdivision. I'm one of the newcomers. I've
4 been there about 11 years. And I'm grateful
5 to be living in such a wonderful
6 neighborhood.

7 I am one of the neighbors whose husband
8 has advanced COPD. My husband worked in the
9 environmental industry for over 30 years, as
10 well as in some chemical industry along the
11 way.

12 I am gravely concerned about, as we
13 speak about the environmental aspects, of
14 really the human toll and what can happen to
15 people with severe chronic, particularly
16 lung-type problems and other medical problems
17 in a plant that seems to be extremely -- by
18 all research, extremely toxic.

19 It is my hope that there would be much
20 more vetting before this plant is anywhere
21 near operational. There is some statistics
22 that -- and unfortunately I don't have them
23 with me -- but where many asphalt plants run
24 for few years, they get into trouble, and
25 then they abandon the property in the

1 process.

2 And the surrounding people, the county
3 and whatnot are then responsible for whatever
4 cleanup is to be done. We really don't need
5 that in our area.

6 It troubles me that there is one asphalt
7 plant here. And I would really would like
8 more concrete answers as to why we need a
9 second asphalt plant in the Oxford area.

10 Thank you.

11 MR. WHITLOCK: Arliss Swindoll?

12 MR. SWINDOLL: No.

13 MR. WHITLOCK: Okay. Ms. Debbie
14 Swindoll?

15 Conrad Miller?

16 MR. MILLER: Right. Okay. I'll put it
17 back.

18 Hey, I'm Conrad Miller. I'm in Tara
19 subdivision. I'm a pretty basic person, so
20 it's great hearing everything. So I won't
21 repeat everything with the environmental.

22 My main concern is I've actually been
23 overseas deployed. They had a lot of this
24 type of situation where the smokestacks and
25 the -- and the particulates that actually

1 leave the area.

2 You can't control the wind. I'm just
3 going to tell you. So the wind's going to
4 blow one way; the wind's going to blow
5 another way. And it's actually going to
6 blow, and you're going to have the smell and
7 you're going to have other issues that we're
8 going to -- that we're going to face in the
9 neighborhood as close as we are.

10 It's common sense. Basically when you
11 look at it, it's common sense. It doesn't
12 need to go there. It needs to be moved. It
13 needs to be at a different location.

14 And to me it's common sense. I'm so
15 glad we have lawyers and others that are
16 doing it. But, again, no one wants this in
17 their backyard. They would -- it needs to go
18 to an appropriate location that supports it.

19 I'm all about economic development. I'm
20 all about the mission. But at the same time,
21 there's also got to be common sense added to
22 this whole processes.

23 So we need to move it. It needs to be
24 denied. It needs to be moved somewhere else
25 that's capable to hold this and allow for the

1 residents in this area, just like we said,
2 neighborhoods, to be comfortable where
3 they're living and not have to worry about
4 all the environmental issues and also the
5 smell.

6 And if you're smelling it, you're
7 probably getting some of the particulate. So
8 common sense should prevail on this. It
9 needs to move.

10 That's all I have.

11 MR. WHITLOCK: Sheldon Morris?

12 MR. SHELDON: Hello, my name is Sheldon
13 Morris and, first of all, thank you for
14 coming here and hearing from us.

15 For everyone out here, I am not from
16 Mississippi. I am from Florida. I was
17 introduced to Mississippi through Itawamba
18 and football. And football brought me to Ole
19 Miss, and I played here for three years. All
20 right. I also was here on a military
21 scholarship, ROTC, when I walked on.

22 After playing football here for
23 three years, I went into the military and
24 served for 22 years, retiring as a colonel.
25 Throughout that time I deployed to the Middle

1 East six times. All right. Three to Iraq,
2 three to Afghanistan.

3 My last deployment was in Kabul where I
4 was the senior advisor to the senior military
5 person there. And I'll read something to you
6 that I had to depart the country with. This
7 is a memorandum for record.

8 "Exposure to hazardous environmental air
9 conditions in Kabul, Afghanistan. Periodic
10 Operational and Environmental Monitoring
11 Summary (POEMS), Kabul and vicinity,
12 Afghanistan, 2003-2015 report to United
13 States Central Command."

14 I was a lieutenant colonel at this time.

15 "Lieutenant Colonel Sheldon A. Morris
16 served in support Operation FREEDOM'S
17 SENTINEL and NATO RESOLUTE SUPPORT within the
18 city limits of Kabul, Afghanistan at Resolute
19 Support Headquarters, New Kabul Compound,
20 Hamid Karzai International Airport," which is
21 also called HKIA, "and other camps from 9
22 July '19 to 15 July '20.

23 "The air quality in Kabul, Afghanistan
24 has been sampled and noted from 2003-2015
25 POEMS." Approval date was 15 September 2016.

1 "Results showed high levels of
2 particulate matter less than 2.5 micrometers
3 in diameter, which can cause long-term health
4 effects. Factors contributing to high PM
5 levels in Kabul are dusty roads, operations
6 of diesel power generators, exposure to raw
7 sewage, burning lead gasoline in vehicles,
8 and garbage."

9 That was 19 years into my career. That
10 was 15 years while being deployed while
11 having forces deployed in the Middle East in
12 Afghanistan. That was the military finally
13 identifying that we had an issue.

14 I have lost seven of my peers due to
15 cancerous stuff at 2.5. I am also registered
16 in the Burn Pit Registry for the military,
17 and I get checked every year.

18 So I understand numbers, and I
19 understand reactive measures, too. And so
20 when we throw out the 2.5, I got that. It
21 was so important that they had to give this
22 to us so we can document it going forward in
23 the event that something occurs as far as
24 cancer and we can connect it back to
25 service-related operations.

1 I am grateful for this opportunity to
2 allow people to actually provide feedback,
3 but I also understand what happens when we
4 find out later and it's trying to fix what's
5 already happened.

6 All right. I'm grateful for you guys'
7 time. I wish you guys all the best.

8 And I will give you the copy of this if
9 you want it as well.

10 MR. WHITLOCK: Ms. Linda Spargo?
11 Ms. Jane Josey?

12 MS. JOSEY: Most of my comments have
13 already been addressed multiple times. I
14 appreciate it.

15 MR. WHITLOCK: Okay. No problem.
16 Ms. Cynthia Johnson?

17 MS. JOHNSON: Already addressed.

18 MR. WHITLOCK: Ms. Elizabeth Johnston?

19 MS. JOHNSTON: My name is Elizabeth
20 Johnston. I live in Quail Creek within one
21 mile of the proposed site.

22 I want to address the issues of
23 self-monitoring versus MDEQ monitoring. In
24 January 2026 when this subject came up, I
25 sent MDEQ concerns about a Mississippi Today

1 article that documented both significant
2 budget cuts and reduction in force for the
3 Mississippi DEQ that has occurred over the
4 past 10 years. These reductions have
5 accelerated in the last few years.

6 I also sent some documentation that EPA
7 and specifically Mississippi are both
8 loosening emissions restrictions. It is well
9 documented that the EPA is also experiencing
10 some budget cuts. This was a concern to me.

11 I think that you are doing great work,
12 but if you're losing money and workforce
13 there is concern about whether you will be
14 able to monitor a new start-up company that
15 has not built something like this before.

16 In my documentation to MDEQ around early
17 January, I indicated the concerns I had about
18 how close the proposed site is to people who
19 live, go to school, work, and drive in this
20 area. The MDEQ website gives a certain
21 number of feet required between an asphalt
22 plant and residential, but it does not
23 address the release of emissions and brown
24 pollution past that boundary.

25 Because pollution does not stop. It has

1 no boundaries. As one of the other gentlemen
2 said, the wind takes it wherever.

3 My concern grew when I researched the
4 number of air monitoring systems in the
5 state. This came from the 2025 MDEQ report
6 against the number asphalt plants or areas of
7 the state that emit pollution.

8 Although there are over 60 plants
9 throughout the state, including one currently
10 operating in Lafayette County, there are only
11 8 that I could find on your website in air
12 monitoring systems.

13 Our air quality is good here now, and we
14 are not interested in dealing with poor air
15 quality or dealing with having to monitor it.

16 My concern has increased as MDEQ
17 responds to the issues of groundwater
18 contamination in Byhalia and noise and
19 emission problems in the Southaven area. The
20 issues of what's happening in the environment
21 are significant.

22 The asphalt plant, because of where the
23 proposed site is, should not be issued any
24 permits. Why?

25 1. Because MDEQ budgets and force

1 reductions put monitoring at risk. And it is
2 a concern that a new start-up company asphalt
3 plant that has not been built by this company
4 before will have satisfactory self
5 monitoring.

6 2. Lafayette County is currently in
7 legal proceedings regarding these boundaries.

8 3. It's not necessary because we
9 already have an asphalt plant here that does
10 need to be monitored.

11 4. Magnolia Materials has not made any
12 efforts to allay the concerns around health,
13 safety, and welfare of our community.

14 I do not recommend that MDEQ issue any
15 permits at this time for this proposed site.

16 Thank you for allowing me to speak.

17 MR. WHITLOCK: Mr. JW McCurdy?

18 MR. McCURDY: No, thank you.

19 MR. WHITLOCK: Mr. -- I'm so sorry.

20 Ms. Janet Schove?

21 MS. SCHOVE: Hi, I'm Janet Schove. I
22 live on County Road 101 about a mile from the
23 proposed site, a little bit north of the
24 industrial park. I'm not in a subdivision.

25 My home was built in 1918. And it's not

1 been in my family all at that time, but the
2 home has been there. There many homes in my
3 area that will be disastrously affected by
4 the developer's proposed plans.

5 I echo everything that has been said by
6 those who oppose this asphalt plant. They
7 are my concerns. The air quality is my
8 concern. The integrity of the developer --
9 excuse me -- the lack of the integrity of the
10 developer is my concern.

11 I've witnessed that firsthand through
12 recent dirt mining -- which is a different
13 story -- that he began which has had
14 devastating impact on my personal property,
15 on my health.

16 Please deny this request. You've heard
17 from so many and there are so many more who
18 couldn't be here tonight. Please, MDEQ, we
19 beg you. And we thank you.

20 MR. WHITLOCK: Mr. Andrew Martin?

21 Mr. Jonathan Vinson?

22 Ms. Katherine Shoalmire?

23 MS. SHOALMIRE: I'm good.

24 MR. WHITLOCK: Okay. Ley, maybe?

25 L-E-Y?

1 And then Reed Faulkner?

2 MR. FAULKNER: I don't have anything.

3 MR. WHITLOCK: Okay. Oh, one more. I'm
4 sorry. Lyn Price?

5 MS. PRICE: (Indiscernible).

6 COURT REPORTER: I can't hear you.
7 Sorry.

8 MR. WHITLOCK: We can -- we have an
9 individual who can bring a mic to you.

10 MS. PRICE: I just hope Mississippi will
11 start looking ahead and not behind in
12 everything. We have seen over our lifetime
13 so many things that we perhaps started off
14 thinking, "Oh, this is going to be
15 wonderful."

16 And then you find out the reality of it,
17 and it can't be fixed. I mean, all we have
18 to do is get out old newspapers and see how
19 water has been polluted in different areas
20 through train wrecks, through industry.

21 And I, too, just want to urge you all to
22 do everything you can to be sure this is a
23 good idea. It seems to me to be a lot of
24 warning signs up and nobody has even
25 mentioned the traffic.

1 We live in Northpointe. And I think
2 they're doing another round about. But the
3 traffic has picked up. Now, I don't know how
4 it's going to be if they put something down
5 there and trucks are running around. Because
6 they are no lights.

7 It's -- what is that road? 1032. There
8 are no stoplights or anything. Thank
9 goodness there is a fire station. And I
10 thought well, that will mean they won't put
11 any heavy-duty traffic on here. That's
12 probably not true either.

13 So with these -- if that plant is built,
14 the truck traffic will be increased, I'm
15 sure. Think of those things. Those big
16 trucks loaded with asphalt roaring up and
17 down there. It's terrifying.

18 So please, please look ahead. And thank
19 you all for coming.

20 MR. WHITLOCK: At this time we would
21 like to just kind of give an open invitation
22 just to kind of open the floor. Anybody I
23 have not just explicitly named, you are free
24 to put your hand up or approach the podium
25 and just have an opportunity to speak if you

1 so desire.

2 I'll give a brief moment to see if
3 anybody wants to do that.

4 MR. McGUINNESS: Can I add something?

5 MR. WHITLOCK: Sure. Sure. That's
6 fine. By all means, come back up.

7 COURT REPORTER: Tell me your name
8 again?

9 MR. McGUINNESS: My name is Ronnie
10 McGuinness. And I just want to add that this
11 is not a free market capitalistic result.
12 There was not an auction for this piece of
13 land and the most profitable use for it is an
14 asphalt plant, right?

15 This site was chosen because the Board
16 of Supervisors did not have the heart, all
17 right, to put the asphalt plant in Taylor.
18 So instead of a town with 300 people, they
19 decided to put an asphalt plant sandwiched
20 with two of the four clusters -- population
21 clusters in Lafayette County, right?

22 And what do we call it when the
23 government determines the means of
24 production? Socialism.

25 And so they're paying \$5,000 a year for

1 22 acres. If you can find me 22 acres just
2 outside the Oxford school district for \$470 a
3 month I will gladly lease it from you.

4 That's how we came about this meeting
5 today. Thank you.

6 MR. WHITLOCK: You're welcome.

7 If you could, ma'am, just state your
8 name, again.

9 MS. JOHNSTON: I just had a couple more
10 questions. Is that okay?

11 COURT REPORTER: What was your name
12 again?

13 MS. JOHNSTON: Elizabeth Johnston, Quail
14 Creek Subdivision. Is -- can I ask my
15 question?

16 Is Ms. Glenn here?

17 MS. GLENN: Yes, I'm here.

18 MS. JOHNSTON: Okay. Good. I just want
19 to make sure that when we sent in
20 documentation from the letter that it got to
21 the people that it needed to.

22 MS. GLENN: Yes, ma'am.

23 MS. JOHNSTON: Is a representative from
24 Wildlife and Fisheries and Parks here
25 tonight?

1 MR. WHITLOCK: No, ma'am.

2 MS. JOHNSTON: Will the people that
3 you've listed on the letter that you sent us
4 at the bottom who represent MDEQ, all the
5 different departments, do they look at all of
6 what has been said tonight?

7 MR. WHITLOCK: Yes, ma'am. This will
8 all -- all comments received during this
9 overall period, everything that has been
10 conveyed during this hearing, will be
11 packaged to the Permit Board I believe you're
12 making reference to.

13 They will receive everything in addition
14 to MDEQ's response to all comments for their
15 evaluation and to assess in their process of
16 making a final decision on this matter.

17 MS. JOHNSTON: And how long does that
18 take to put the information together,
19 disseminate it, and have people make the
20 decision?

21 MR. WHITLOCK: So the preparation of the
22 response to comments and everything is MDEQ
23 staff's part. We have started that process.

24 And I think we're jumping the gun on
25 probably the last part of my script, but we

1 plan to give timely notice of when we would
2 present that all to the Permit Board.

3 The next -- or the earliest moment that
4 would be would be the July 14 Permit Board
5 meeting. They meet every second Tuesday of
6 the month.

7 As we have begun that process, it is
8 probable. However, we have to evaluate
9 everything that's been presented tonight, so
10 that is not concrete.

11 If we do prepare everything and provide
12 you all with timely notice of all of that,
13 including the packet, then we would proceed
14 forward to the July Permit Board.

15 MS. JOHNSTON: Okay. Did MDEQ contact
16 Olin Winchester in regards to the proposed
17 site being near an ammunition plant?

18 MR. WHITLOCK: No, ma'am.

19 MS. JOHNSTON: Will it?

20 MR. WHITLOCK: There -- I believe there
21 is no plan to, no, ma'am. We are not
22 obligated to contact another industrial
23 facility regarding their neighbors --
24 regarding another industrial neighbor.

25 MS. JOHNSTON: Okay. That's it for now.

1 MR. WHITLOCK: Okay.

2 MS. JOHNSTON: Well, in regard to what
3 we sent to you, you will write to us
4 individually?

5 MR. WHITLOCK: We will provide the
6 overall response to comments. We will
7 provide a notice of it.

8 I cannot say that -- we might not be
9 able to provide it to you in an email because
10 it might be too big as far as an attachment.

11 So in the event that I cannot
12 individually send it to every recipient or
13 every commenter, we will provide a common
14 place to present all of that on our website.
15 And I will make notice of where to find it.
16 So you can then download it there.

17 MS. JOHNSTON: Okay. And in your
18 closing are you discussing the issues of
19 appeal if that has to happen?

20 MR. WHITLOCK: I am not. I'm sorry.
21 That will be discussed at the Permit Board.

22 MS. JOHNSTON: Okay. Thank you.

23 MR. WHITLOCK: You're welcome.

24 Anybody else?

25 Okay. If there are no other individuals

1 who wish to speak on the record, let me offer
2 our thanks to you all for your time and your
3 comments. Public review and commenting on
4 these proposed permitting actions are
5 important elements of this overall process.

6 Upon careful review, MDEQ staff will
7 develop responses to the comments received
8 during the overall public comment period,
9 which includes this public hearing. As
10 previously mentioned a complete record of the
11 proceedings associated with these proposed
12 permitting actions will be presented to the
13 Permit Board.

14 Accordingly, the Permit Board will be
15 provided with a copy of the transcript,
16 MDEQ's Response to Comments Document, and all
17 the information relevant to the actions for
18 review and consideration prior to their
19 rendering of a final decision on these
20 actions.

21 The Permit Board -- excuse me -- meets
22 on the second Tuesday of each month.
23 Therefore, the earliest that the proposed
24 permitting actions can be presented to the
25 Permit Board is July 14, 2026, which is

1 contingent upon the resolution of public
2 comments and any remaining issues by
3 individual staff.

4 As MDEQ staff have commenced the
5 development of a Response to Comments
6 Document based on prior comments that have
7 been received, please note that it is
8 probable that these permitting actions may be
9 presented before the Permit Board in July for
10 their consideration.

11 However, a notice on this matter will be
12 shared with the public in a timely manner
13 along with the Response to Comments Document.

14 At this time I will officially close
15 this public hearing. I sincerely thank you
16 all for your participation and have a great
17 night.

18 (Time Noted: 7:36 p.m.)

19 (Exhibit 1 marked for identification.)

20 (Exhibit 2 marked for identification.)

21 (Exhibit 3 marked for identification.)

22 ORIGINAL: JARICUS WHITLOCK, P.E.

23 COPY: CHAD WINTER, ESQ.

24 COPY: TOBY HILL, ESQ.

25

1 CERTIFICATE OF COURT REPORTER

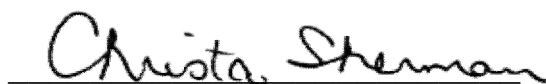
2 I, Christa Sherman, Court Reporter and
3 Notary Public, in and for the State of
4 Mississippi, hereby certify that the foregoing
5 contains a true and correct transcript of the
6 Magnolia Materials, LLC Public Hearing, as taken
7 by me in the aforementioned matter at the time and
8 place heretofore stated.

9 I further certify that, to the best of
10 my knowledge, I am not in the employ of or related
11 to any party in this matter and have no interest,
12 monetary or otherwise, in the final outcome of
13 this matter.

14 Witness my signature and seal this the
15 12th day of June, 2026.

16

17



18

CHRISTA SHERMAN, CCR #1964

19

My Commission Expires: October 19, 2027

20

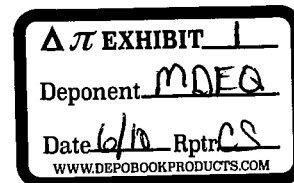
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Azande W. Williams, Esquire

Office of the Attorney General

December 23, 2004

2004 WL 3128024 (Miss.A.G.)

Office of the Attorney General

State of Mississippi

*1

Opinion No. 2004-0491

*1 December 23, 2004

Re: Lease of County's Surplus Property

*1 Azande W. Williams, Esquire

*1 Attorney, Hinds County Board of Supervisors

*1 Post Office Box 686

*1 Jackson, Mississippi 39205-0686

Dear Ms. Williams:

*1 Attorney General Jim Hood has received your recent letter on behalf of the Hinds County Board of Supervisors and has assigned it to me for research and reply. Your request for an official opinion from this office presents these pertinent facts and asks the following questions which we answer *seriatim*.

*1 The Department of Public Safety ("DPS") has approached Hinds County about the potential lease of county property for the relocation of the headquarters and inspection station for the Mississippi Highway Patrol Troop C. The county has identified county property and passed a resolution pursuant to Section 19 - 7 - 3 designating the property as surplus.

*1 The proposed lease would be for a term of at least 50 years at the nominal fee of \$10 per year. In consideration the DPS would construct a multi-million dollar facility on the location which would be retained by the county at the end of the lease term. Before approving these terms the Board wishes to obtain your opinion on this proposal. I have reviewed an Attorney General opinion which provides that the supervisors have broad discretion in the lease of property pursuant to Section 19 - 7 - 3, however, there must be "good and valuable consideration" given in exchange for the lease of the property. MS AG Op. Shannon (June 20, 1997). Therefore, on behalf of the Board I ask the following.

1. Does the construction of a multi-million dollar facility on the property constitute substantial public improvement to satisfy the good and valuable consideration requirements of Section 19 - 7 - 3 ??

*1 In response and as you noted, Section 19 - 7 - 3 of the Mississippi Code of 1972, as amended, sets forth the process for counties to follow in disposing of real property. The statute requires counties to sell property by advertising for bids on the purchase price, except when the following statutory conditions are satisfied.

*1 However, whenever the board of supervisors shall find and determine, by resolution duly and lawfully adopted and spread upon its minutes (a) that any county-owned property is no longer needed for county or related purposes and is not to be used in the operation of the county, (b) that the sale of the property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the county, and (c) that the use of the county property for the purpose for which it is to be sold, conveyed or leased will promote and foster the development and improvement of the community in which it is located and the civic, social, educational, cultural, moral, economic, or industrial welfare thereof, the board of supervisors of such county shall be authorized and empowered, in its discretion, to sell, convey, lease, or otherwise dispose of same for any of the purposes set forth herein.

*2 Clearly, Section 19 - 7 - 3 offers the board wide discretion and flexibility with respect to terms of any lease effected. However, as this office has stated on previous occasions, we are of the opinion that the statute contemplates and requires that agreements entered pursuant thereto be in exchange for good and valuable consideration. An agreement to lease the land in exchange for less than good and valuable consideration would constitute an improper donation. MS AG Op., *Creekmore* (December 5, 2003).

*2 A determination of what suffices for "good and valuable consideration" is within the province of the board of supervisors. However, the consideration must be such that the lease does not constitute a donation to an ineligible entity pursuant to Section 95 of the Mississippi Constitution of 1890. We also note that the findings of a board of supervisors on this issue are subject to review by a court of competent jurisdiction.

2. Can the Board enter into a 50 year lease under the provisions of Section 19 - 7 - 3 ?

*2 In addition to Section 19 - 7 - 3, counties and municipalities are authorized to convey lands to the State of Mississippi pursuant to Section 29-1-15, which provides as follows.

*2 The governing authorities of any county or municipality of the State of Mississippi are hereby authorized and empowered, in their discretion, to convey lands to the State of Mississippi for hospitals and other public purposes.

*2 Section 29-1-15 requires a finding, spread upon its minutes, by the governing authorities that the conveyance is for a public purpose.

*2 Further, we have previously opined that the authority to convey title to property carries with it the power to lease property. MS AG Op., *Pearson* (August 30, 2002). Thus, the governing authorities of a county, the board of supervisors, may lease property to the State of Mississippi for any public purpose. Finally, any lease executed pursuant to Section 29-1-15 may contain a reverter clause providing that the State may hold title to such lands only so long as they are continued to be used for the public purpose for which the State entered into the lease and that title shall revert to the county at the end of the lease period.

*2 However, our office has consistently opined that, absent specific authority, governing authorities may not bind their successors in office to contracts which take away rights and powers conferred by law. MS AG Op., *Belk* (October 3, 2003); MS AG Op., *McWilliams* (April 26, 2002); MS AG Op., *Webb* (October 5, 1995). Any such agreement would be **voidable** at the will of the successors in office.

*2 We are unable to find any specific authority which would permit the county to bind its successors to an extended lease pursuant to Section 19 - 7 - 3 or Section 29-1-15.

*2 If we may be of further service, please let us know.

Very truly yours,

*2 Jim Hood

*2 Attorney General

*2 By: Charlene R. Pierce

*2 Special Assistant Attorney General

2004 WL 3128024 (Miss.A.G.)

END OF DOCUMENT

Thomas M. Matthews, Jr., Esq.

Office of the Attorney General

February 27, 2009

2009 WL 572457 (Miss.A.G.)

Office of the Attorney General

State of Mississippi

*1

Opinion No. 2009-00049

*1 February 27, 2009

Re: Lease of real property

*1 Thomas M. Matthews, Jr., Esq.

*1 Board Attorney

*1 Stone County Board of Supervisors

*1 P. O. Box 477

*1 Leakesville MS 39451-0477

Dear Mr. Matthews:

*1 Attorney General Hood has received your request for an official opinion and it has been assigned to me for research and reply.

Questions Presented

*1 Does the county have the authority to lease real property owned by the county to a local VFW post, and if so, what is the maximum term, what consideration is required, what restrictions must be placed on the property, and what reversion requirements are necessary in case the VFW abandons the use of the property as their meeting house?

Background

*1 Your letter reads as follows:

*1 I am the attorney for the Stone County Board of Supervisors. I have been directed to request an official opinion from you concerning the authority of the Board of Supervisors to lease real property to the (Bobby E. Griffin Veterans of Foreign Wars Post Number 2706) Veterans organization which we understand qualifies as such under Section 35-5-5 of the Mississippi Code of 1972. The above mentioned local VFW chapter has asked the county to lease to them an unimproved on acre parcel presently owned by the county. Their intentions are to build a new meeting hall on that one acre.

*1 Our question is: Does the county have the authority to lease the real property in question to the VFW chapter and if permissible what is the maximum term, what consideration, if any must be paid, what restrictions must be placed on the use of the property and what reversion requirements, if any, are necessary in the event the VFW abandons the use of the property as their meeting house.

Applicable law

*1 Miss. Code Ann. Section 35-3-5 (1972) reads in pertinent part as follows:

*1 (1) The governing authorities of any municipality, town or county in the state may, in its discretion, rent, lease, purchase or construct a building or buildings to house the units of the various congressionally chartered veteran's organizations and the auxiliaries of such organizations, and the records of such organizations and their auxiliaries, and may, where necessary, acquire land by purchase, lease or otherwise for the purpose of constructing such building or buildings.

*1 (2) The expenses authorized by subsection (1) of this section may be paid by such municipality, town or county out of any available funds.

*1 (3) For the purpose of securing funds to carry out subsection (1) of this section, the governing authorities of such municipality, town or county are hereby authorized and empowered in their discretion to issue bonds or negotiable notes for the purpose of acquiring by purchase, gift or lease real estate for the purposes herein authorized, and also for owning, erecting, building, establishing, and maintaining such buildings herein authorized, and to remodel or repair any such building. Such bonds or notes shall be issued in an amount not to exceed the limitation now or hereafter imposed by law on municipalities or counties or towns, and shall be issued in all respects including interest rate, maturities and other details as is now or may hereafter be provided by general law regulating the issuance of bond or notes by the corporate authorities of such municipality or town, and the board of supervisors of such county.

*2 Miss. Code Ann. Section 19 - 7 - 3 (1972) reads in pertinent part as follows:

*2 (2)(a) Before any lease, deed or conveyance is executed, the board shall publish at least once each week for three (3) consecutive weeks, in a public newspaper of the county in which the land is located, or if no newspaper be published in said county then in a newspaper having general circulation therein, the intention to lease or sell, as the case may be, the county-owned land and to accept sealed competitive bids for the leasing or sale. The board shall thereafter accept bids for the lease or sale and shall award the lease to the highest bidder in the manner provided by law.

*2 (b) The board of supervisors of any county may contract for the professional services of a Mississippi-licensed real estate broker to assist in the marketing and sale or lease of the property for a reasonable commission, consistent with or lower than the market rate, for services rendered to be paid from the sale or lease proceeds.

*2 (3) Whenever the board of supervisors shall find and determine, by resolution duly and lawfully adopted and spread upon its minutes (a) that any county-owned property is no longer needed for county or related purposes and is not to be used in the operation of the county, (b) that the sale of the property in the manner otherwise provided by law is not necessary or desirable for the financial welfare of the county, and (c) that the use of the county property for the purpose for which it is to be sold, conveyed or leased will promote and foster the development and improvement of the community in which it is located and the civic, social, educational, cultural, moral, economic or industrial welfare thereof, the board of supervisors of such county shall be authorized and empowered, in its discretion, to sell, convey, lease, or otherwise dispose of same for any of the purposes set forth herein.

Analysis and Conclusion

*2 The provisions of Section 35-3-5 authorize a county to rent, lease, purchase or construct a building or buildings for designated veteran's organizations, and to provide the land therefor. However, the facts in your letter indicate that the VFW post plans to build a new meeting hall and is seeking to lease a one acre tract of land owned by the county on which to build the meeting hall.

*2 Accordingly, it is our opinion that the provisions of Section 19 - 7 - 3 also apply and the two statutes must be read together. The county may lease the land in accordance with 19 - 7 - 3 (2), or, if it makes the factual findings as described in Section 19 - 7 - 3 (3), the county may lease the tract without the necessity of complying with the requirements of Section 19 - 7 - 3 (2).

*2 Since Section 35-3-5 authorizes the veteran's organization's free use of the property and assuming that the county proceeds under Section 19 - 7 - 3 (3), the rental amount in the lease need not be for cash consideration.

*2 With regard to the term of the lease, it is a long-settled principle that governing authorities may not bind their successors in office. *Humble Oil and Refining v. State*, 41 So.2d 765 (Miss.1949); *Edwards Hotel & City St. R. Co. v. City of Jackson*, 51 So.2d 802 (Miss.1910). Thus, unless there is specific statutory authority to do so, leases which attempt to extend beyond the term of office of the current members are not void but are **voidable** by succeeding boards.

*3 Since a lease granted under the provisions of Section 19-3-7 (3) may be made only when granting the lease will "promote and foster the development and improvement of the community in which it is located and the civic, social, educational, cultural, moral, economic or industrial welfare thereof", the county should include appropriate provisions to ensure that when such objectives are no longer being met that the lease shall be terminated.

*3 Please let me know if you would like to discuss this matter or if I can be of further assistance.
Sincerely yours,

*3 Jim Hood

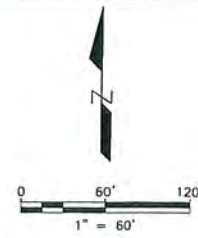
*3 Attorney General

*3 By: Reese Partridge

*3 Assistant Attorney General

2009 WL 572457 (Miss.A.G.)

END OF DOCUMENT



LEGEND

These standard symbols may be found in the drawing.

- PROPERTY LINES
- ADJOINING PROP. LINES
- SETBACK LINES
- BACK OF CURB
- FACE OF CURB
- SIDEWALK
- ROADWAY CENTERLINE
- EX. CURB/GUTTER/EDP
- EX. GRAVEL/STONE
- EX. OH ELECTRIC LINES
- EX. UG ELECTRIC LINES
- EX. WATER LINES
- EX. SEWER LINES
- EX. STORM DRAIN
- EX. GAS LINE
- EX. UG CABLE
- EX. FIBER OPTIC
- EX. FENCE LINES
- EX. SIDEWALK
- EX. EASEMENT
- PR. WATER LINE
- PR. SEWER LINE
- PR. STORM DRAIN
- PR. SEWER EASEMENT
- PR. BUILDING
- STORMWATER DETENTION POND

- UTILITY POLE
- FIRE HYDRANT
- LIGHT POLE/LIGHTING
- TELEPHONE PEDESTAL
- WATER VALVE
- WATER METER
- SEWER MANHOLE
- DRAINAGE MANHOLE
- ELECTRICAL BOX

STOP SIGN, RED'D
*MUTCD DESIGNATION R1-1 (30"x30")

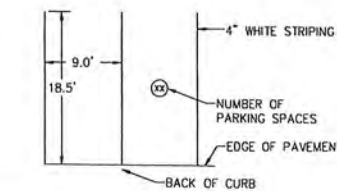
ASPHALT PAVEMENT AREA

CRUSHED STONE PAD AREA

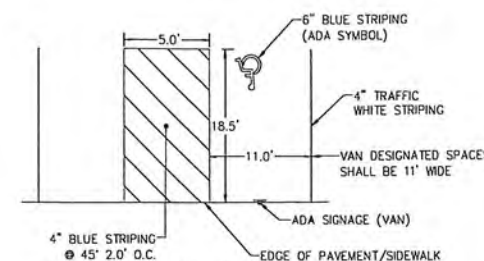
RAW MATERIAL STORAGE AREA
(INCLUDING RAP STORAGE)

ONSITE WASTEWATER
TREATMENT AREA

LANDSCAPING AND/OR
BUFFER YARD AREA



TYPICAL PARKING SPACE LAYOUT
N.T.S.



TYPICAL ADA PARKING SPACE LAYOUT
N.T.S.

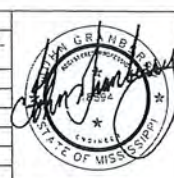
FEMA NOTE:
ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM), THIS PROPERTY IS LOCATED IN ZONE X, WHICH IS NOT A SPECIAL FLOOD HAZARD AREA, PER FIRM, MAP NO. 28071C 0145C, COMMUNITY PANEL NUMBER 280093 0252 C, EFFECTIVE DATE: NOVEMBER 26, 2010.

BENCHMARK (BM):
1" REBAR WITH "E&B 5004" CAP FOUND IN A A ROUND ABOUT WITH AN KNOWN ELEVATION OF 445.40, SAID REBAR LOCATED SOUTH 754.33 FEET AND EAST 1,562.32 FEET FROM THE POB.

SITE PLAN NOTES:

- ALL WORK AND MATERIALS SHALL CONFORM WITH ALL CITY OF OXFORD REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
- THE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO DIGGING. EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE. ANY DAMAGE TO SUCH UTILITIES SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
- SITE TOPOGRAPHY, UTILITY, BOUNDARY, AND AS-BUILT INFORMATION WAS ACQUIRED FROM SURVEY BY WILLIAMS ENGINEERING.
- ALL SIDEWALK DRIVE/STREET CROSSINGS SHALL MEET CURRENT ADA, COUNTY, AND CITY REGULATIONS.
- DIMENSIONS ARE TO THE EDGE OF THE PAVEMENT SURFACE, UNLESS OTHERWISE NOTED.
- SANITARY SEWER FROM THIS DEVELOPMENT IS TREATED ONSITE THROUGH AN INDIVIDUAL ON-SITE WASTEWATER TREATMENT FACILITY.
- SAWCUT EXISTING EDGE OF PAVEMENT, AS NEEDED. NEW PAVEMENT ELEVATION SHALL MATCH EXISTING ALONG SAWCUT LINE.
- DEVELOPER/CONTRACTOR IS RESPONSIBLE FOR MAKING SURE THAT ALL SIGHT TRIANGLES ARE CLEAR OF OBSTRUCTIONS.

REVISION		
ITEM NO.	DESCRIPTION OF CHANGE	APPROVAL DATE

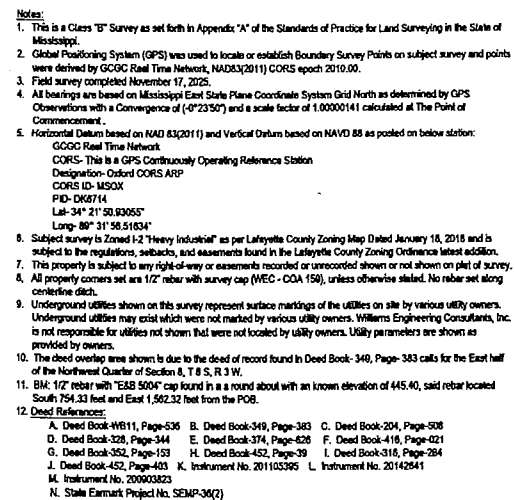


DIVISION OF ENGINEERING
SITE PLAN
LAFAYETTE COUNTY, MS

SURVEY: WILLIAMS ENG. DATE: 11/14/2023 PROJECT NO.: 1000-145
DESIGN BY: J. GRANBERRY, P.E. DATE: 11/20/2025 BOOK:
DRAWN BY: J. GRANBERRY, P.E. DATE: 11/20/2025 SCALE: 1" = 60'

MAGNOLIA MATERIALS - HMA BATCH PLANT

DEVELOPER: MAGNOLIA MATERIALS, LLC
ENGINEER: GRANBERRY & ASSOCIATES, LLC



UTILITY COMPANIES NOTIFIED		
Mississippi 811 (E-locate)	Date Submitted: November 3, 2025	Verification # 25110310040732
<u>OXFORD WATER & SEWER DEPT</u>		<u>NORTHEAST MS EPA</u> <u>AT&T DISTRIBUTION TUPELO</u>

Description: A tract of land being a fraction of the North Half (N 1/2) of Section 8, and South Half (S 1/2) of Section 5, Township 8 South, Range 3 West, Lafayette County, Mississippi; being described in more detail as follows:

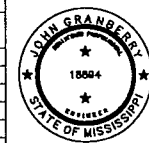
[illegible]

The above description is based on Mississippi East State Plane Coordinate System Grid North as determined by GPS Observations with a Convergence of (9°23'50") and a scale factor of 1.00000141 calculated at the Point of Commencement. Horizontal Datum based on NAD 83 (2011) and Vertical Datum based on NAVD 86 are posted on station; GCGC Real Time Network, CORS- This is a GPS Continuously Operating Reference Station, Designation- ORD CORS ARP, MS0X, PID- DGK7.14, Lat- 34° 21' 50.33055", Long- 89° 31' 56.51834". All property corners set are 1/2" rebar with survey cap (WCC- COA 15R). This Description was prepared by Williams Engineering Consultants, Inc. (867-236-6875)

[illegible]

MAGNOLIA MATERIALS - HMA BATCH PLANT

DEVELOPER: MAGNOLIA MATERIALS, LLC
ENGINEER: GRANBERRY & ASSOCIATES, LLC



DIVISION OF ENGINEERING

EXISTING CONDITIONS

LAFAYETTE COUNTY, MS

SURVEY: WILLIAMS ENG. DATE: 11/20/2025 PROJECT NO.: 1000-145
DESIGN BY: J. GRANBERRY, P.E. DATE: 12/15/2025 BOOK:
DRAWN BY: J. GRANBERRY, P.E. DATE: 12/15/2025 SCALE: 1" = 80'

Lafayette County MS



10/2026, 8:16:06 AM

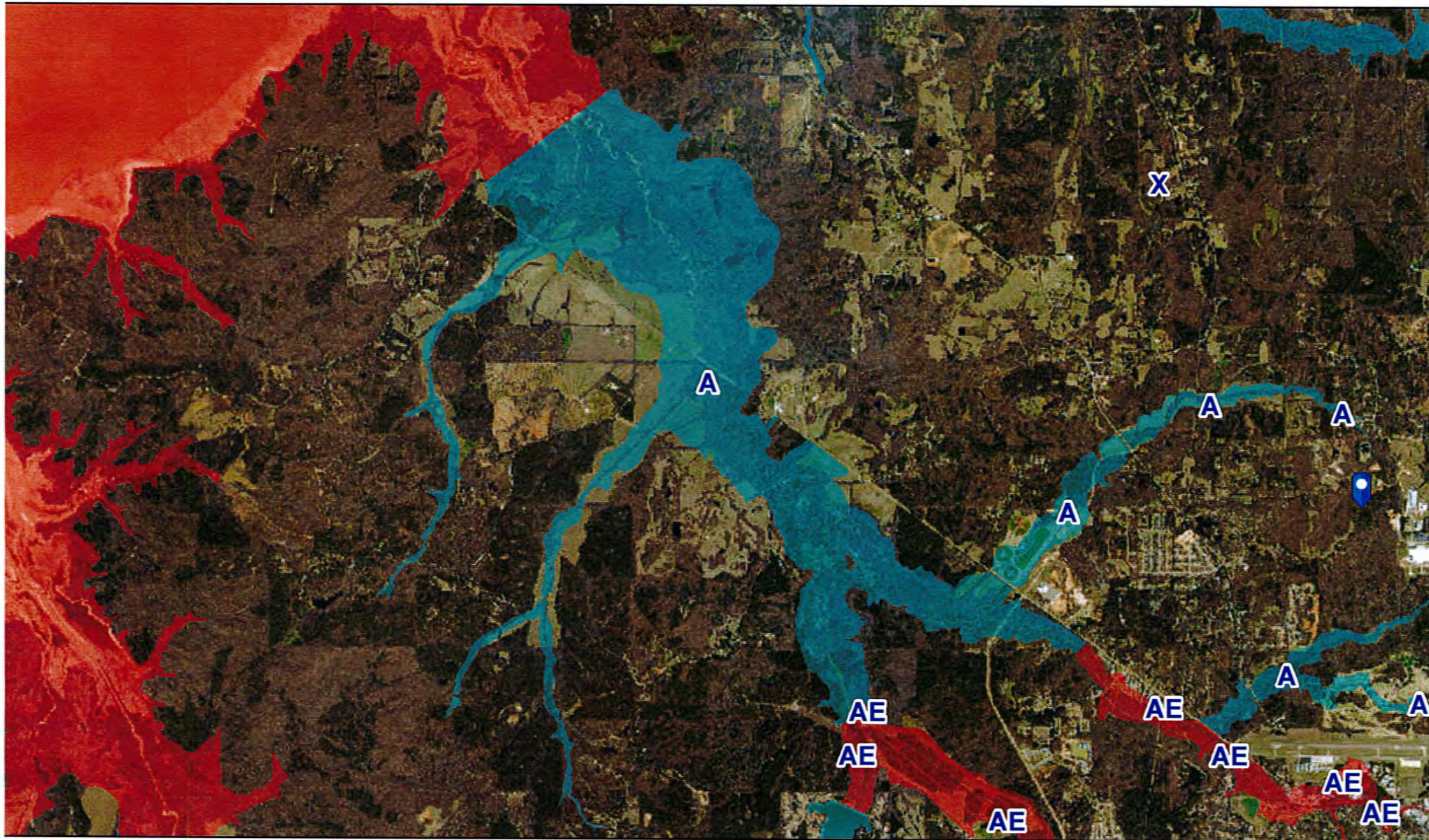
World_Street_Map
oodZones

A

EXHIBIT 2
WIT: MDEQ
DATE: 6-10-24
Brooks Court Reporting

1:18,056
0 0.13 0.25 0.5 mi
0 0.2 0.4 0.8 km
Esri, HERE, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, Esri, HE
Garmin, GeoTechnologies, Inc., USGS, EPA

Lafayette County MS



16/2026, 2:48:49 PM

World_Street_Map  A
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 AE

1:72,224
0 0.5 1 2 mi
0 0.75 1.5 3 km
Esri, HERE, Esri, HERE, Garmin, INCREMENT P, NGA, USGS, Esri, HE
Garmin, GeoTechnologies, Inc., USGS, EPA

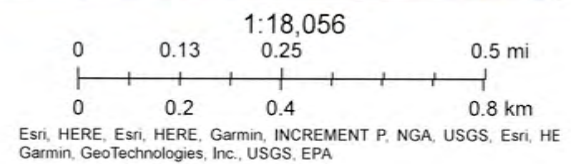
Lafayette County MS



10/2026, 11:14:41 AM

World_Street_Map SUBD_TIC_LN

TWPRNG_Line WATER_LN



NATO/RS UNCLASSIFIED



HEADQUARTERS
Resolute Support
Kabul, Afghanistan
APO AE 09366



Date: 28 June 2017

MEMORANDUM FOR RECORD

SUBJECT: Exposure to Hazardous Environmental Air Conditions Kabul, Afghanistan.

1) (NATO/UNCLASSIFIED) References.

- a. National Ambient Air Quality Standards <https://www.epa.gov/environmental-topics/air-topics>
- b. Periodic Occupational and Environmental Monitoring Summary (POEMS): Kabul and Vicinity, Afghanistan, 2003-2015 report (United States Central Command approval date 15 September 2016).

2) LTJ Sheldon A. Morris served in support of Operation FREEDOM'S SENTINEL and NATO RESOLUTE SUPPORT within the city limits of Kabul, Afghanistan at Resolute Support (RS) Headquarters, New Kabul Compound, Hamid Karzai International Airport (HKIA), or other camps within the city limits during the period of: 49 JUL 17 - 15 JUL 20

3) The air quality in Kabul, Afghanistan has been sampled as noted in the 2003-2015 POEMS (United States central Command approval date 15 September 2016). Results showed high levels of particulate matter (PM) less than 2.5 micrometers in diameter, which can cause long term health effects. Factors contributing to high PM levels in Kabul are dusty roads, operations of diesel power generators, exposed raw sewage, burning lead gasoline in vehicles and burning of garbage (plastic, tires and wood) as fuel sources to heat homes and to cook.

* NOTE: Leaded Gasoline used in Kabul contains lead tetra ethylene as an additive

* POEMS website for current information:

<https://phc.amedd.army.mil/topics/envirohealth/hrasm/Pages/POEMS.aspx>

4) All US military who served in Kabul area for more than two weeks are directed to annotate this exposure on their DD Form 2796, Post Deployment Health Assessment (PDHA) and DD Form 2900 Post Deployment Health Re-Assessment (PDHRA). Additionally, members who experience symptoms should consult with their healthcare provider and specifically mention exposure to elevated levels of particulate matter noted above during their deployment.

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- * PHDA: Face-to-face appointment with healthcare provider during in-theater medical out processing or within 30 days after returning home.
 - * PDHRA: Required between 90-180 days after return to home station from deployment.
- 5) NATO forces, civilian, and contractor personnel who were possibly exposed to airborne pollutants should contact their medical provider when they return home as well as their agency or company that employed them and specifically mention exposure to elevated levels of particulate matter during their deployment.
- 6) Point of contact for this memorandum is the Headquarters Resolute Support Operations RS MEDAD/CJMED Branch head who can be reached at 318-449-4203, NU(cjmedhead@hq.rs.nato.int) or Preventive Medicine Officer.

Date Verification

Supervisor/SNR: _____

Signature: _____

JOHNSON.NANC Digitally signed by
JOHNSON NANCY J.1012443478
Date: 2020.02.06 16:28:16 +0430
Y.J.1012443478

Nancy J. JOHNSON
Colonel (OF-5), USAF
RS MEDAD/CJMED Branch head
HQ RS Kabul, Afghanistan

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