

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY  
OFFICIAL MINUTES  
AUGUST 24, 2017

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, August 24, 2017, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

Dick Flowers  
Brenda Lathan  
Jamie Martin  
Chat Phillips  
Billy Van Devender, Chairman  
Jack Winstead

Commissioner John Dane III was not present.

Others present were: Gary Rikard, Executive Director; Roy Furrh, Michael McIntosh, Tony Caldwell, Lynn Chambers, staff of MDEQ; and other staff members and visitors whose names appear elsewhere in these minutes.

The meeting was called to order by Chairman Van Devender, and after he led the invocation, the following business was transacted:

Compliance with Mississippi Code Annotated Section 49-2-5(3)

Mr. Roy Furrh stated that Mississippi Code Annotated Section 49-2-5(3) provides that any commission member who does not attend three consecutive regular meetings of the commission is subject to removal by a majority vote of the commission members. An auditor with the State of Mississippi recently found that Commissioner Flowers had not attended the last three consecutive commission meetings and MDEQ staff failed to notify him when he had missed two meetings in a row. Mr. Flowers is the longest serving member of the Commission and is an active and influential member. Staff recommended that Mr. Flowers be confirmed to remain on the Commission. Following staff presentation and after deliberation and consideration, on motion made by Mr. Phillips and seconded by Mr. Winstead and Ms. Lathan, the other Commission members (with the exception of Mr. Dane who was not present) unanimously voted against Mr. Flowers being removed and that Mr. Flowers remain on the Mississippi Commission on Environmental Quality.

Election of Officers for Fiscal Year 2018 (July 2017 – June 2018)

On a motion made by Mr. Phillips and seconded by Mr. Flowers, the Commission voted to elect Jack Winstead to serve as Chairman and John Dane III to serve as Vice-Chairman of the Commission for Fiscal Year 2018. No other nominations were made.

Approval of Minutes

On motion made by Mr. Van Devender and seconded by Ms. Lathan, the minutes of the May 25, 2017, meeting were approved and adopted as the Official Minutes.

Welcome of New Commissioner

Executive Director Gary Rikard introduced and welcomed, Jamie Martin, the newest member to the Commission on Environmental Quality.

Serenity Lane-Pearl River County-Proposed Final Order

Mr. Roy Furrh stated that following a presentation made by designated Hearing Officer Frank Spencer at its meeting on May 25, 2017, the Commission adopted his Findings and Recommendations related to the Serenity Lane evidentiary hearing previously held on October 17 and 18, 2016, and determined in part there was no need for further assessment or remediation activities at the site. A proposed final Order, which memorializes the Commission's decision in this matter, was previously provided to the Commission for review. MDEQ staff recommended the Commission approve and adopt the proposed final Order. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Mr. Van Devender, the Commission unanimously voted to adopt the proposed

final Order memorializing the Commission's decision in this matter. The Commission further authorized Mr. Van Devender to sign the final Order on behalf of the Commission.

Pearl River Basin Development District-Appointment to the Board of Directors

Mr. Roy Furrh stated that pursuant to Miss. Code Ann. § 51-11-5, the Commission is required to appoint a member of the Board of Directors of the Pearl River Basin Development District ("PRBDD"). Keith Harkins, who retired from MDEQ, was previously appointed by the Commission. MDEQ staff recommended that Alice Perry be appointed by the Commission to replace Mr. Harkins and serve on the Board of Directors of PRBDD during the last months of the existence of the PRBDD, which will be legislatively dissolved effective June 30, 2018. Following staff presentation and after deliberation, on motion made by Mr. Flowers and seconded by Ms. Lathan, the Commission unanimously voted to appoint Alice Perry to serve on the Board of Directors of PRBDD during the last months of existence of the PRBDD.

Commission Approval of Proposed Amendments to 11 Miss. Admin. Code Pt. 6, Ch. 3, entitled Mississippi Commission on Environmental Quality Regulations for the Certification of Municipal and Domestic Wastewater Facility Operators

Mr. Michael McIntosh stated a public hearing on the proposed amendments to 11 Miss. Admin. Code Pt. 6, Ch. 3, was held on May 25, 2017, and no comments were received. The proposed amendments revise the Professional reference section to require that references be obtained from certified operators at the same classification or higher than the classification being requested; amends experience requirements to require that one year of experience be under the supervision of a certified operator; adds requirement that a certified operator's principal residence be no more than 50 miles from any system being operated by that certified operator; requires that operators attend an approved wastewater operator short course for the appropriate classification within 12 months prior to testing for that classification; allows for reciprocity to be granted to any state that has entered into a reciprocity agreement with the Department; and corrects errors and omissions. Staff previously forwarded the proposed amendments to the Commission for consideration and recommended that they be adopted. Following staff presentation and after deliberation, on motion made by Ms. Lathan and seconded by Mr. Flowers, the Commission unanimously voted to adopt the proposed amendments to 11 Miss. Admin. Code Pt. 6, Ch. 3 entitled Mississippi Commission on Environmental Quality Regulations for the Certification of Municipal and Domestic Wastewater Facility Operators.

Water Pollution Control Revolving Loan Fund (WPCRLF) Program  
Adoption of FY-2017 Intended Use Plan

Executive Director, Gary Rikard, and Mr. Tony Caldwell, provided the Commission with some background information on our State Revolving Fund (SRF). In the late 1980's, Congress created a federal clean water SRF program and in 1989 the Mississippi Legislature created Mississippi's program called the Water Pollution Control Program Revolving Loan Fund. Every year since then Congress appropriates funding nationwide and Mississippi receives about 1% of the national funds appropriated each year. In order to secure those funds we must provide 20% in state matching funds, which turns out to be a 5 to 1 match. For every dollar Mississippi puts into the fund, we receive \$5 in federal funds. Historically the Mississippi Legislature has either issued bonds or provided a direct appropriation for the SRF state match. Last year there was no bond authorization nor money appropriated for the SRF so we will double our efforts this year in an attempt to secure the required state match. Mississippi runs the risk of losing federal funds for which we have not provided a match within 2 years after award of those federal funds.

The FY-2017 Intended Use Plan was previously forwarded to the Commission for review and identifies the loan funds available to our communities for the construction of wastewater infrastructure, the communities to receive these loan funds, the loan interest rate, program deadlines, and other related information. A public hearing on the Intended Use Plan was previously held and no comments were received. On behalf of staff, Mr. Tony Caldwell, recommended that the Commission adopt the FY-2017 Intended Use Plan. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Mr. Van Devender, the Commission unanimously voted to adopt the FY-2017 Intended Use Plan.

Commission Approval of Brownfield Agreement

On behalf of staff, Ms. Lynn Chambers, recommended the Commission approve the Brownfield Agreement between the Commission and MMC Materials, Inc. regarding the remediation of brownfield

property located at 2251 Manufacturer's Blvd in Brookhaven, Mississippi. The administrative record for this environmental response project is referred to as the MMC Materials Brownfield Agreement Site. The subject property is located adjacent to the former Escambia Wood Treating facility. Assessments conducted on the subject property demonstrated that shallow soils at the site have been impacted by deposition of dust from the adjacent former wood treating operation resulting in soil concentrations at levels exceeding the Brownfield Target Remediation Goals. Therefore, remediation of the MMC Materials Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be a MMC Materials concrete operation. The staff of the MCEQ evaluated the Brownfield Agreement and believes that, with the conditions and restrictions contained within the Brownfield Agreement, the Site will be in compliance with applicable State and Federal laws and standards and will be protective of the public health and the environment. In response to a question by Mr. Van Devender, Mr. Richard Harrell with FCE Engineering, stated that there was no below ground water contamination. Following staff presentation and after deliberation, on motion made by Ms. Lathan and seconded by Mr. Flowers, the Commission unanimously voted to approve the Brownfield Agreement between the Commission and MMC Materials, Inc. regarding the remediation of brownfield property located at 2251 Manufacturer's Blvd in Brookhaven, Mississippi.

Commission Approval of Environmental Covenant

On behalf of staff, Ms. Lynn Chambers, recommended that the Commission approve the Environmental Covenants between the Commission and Norfolk Southern Corporation regarding the remediation of property located at 3701 3rd Street South, Meridian, MS. Norfolk Southern Corporation operated the site as the Norfolk Southern Railyard. Environmental Site Assessments revealed a release of petroleum impacting soils and groundwater at concentrations in excess of Target Remediation Goals (TRGs). Therefore, remediation of the site is necessary. The staff of the MCEQ evaluated the proposed Environmental Covenant and believes that, with the conditions and restrictions contained within; the site will be in compliance with applicable State laws and standards and will be protective of the public health and the environment. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Mr. Flowers, the Commission unanimously voted to approve the Environmental Covenants between the Commission and Norfolk Southern Corporation regarding the remediation of property located at 3701 3rd Street South, Meridian, MS.

Solid Waste Assistance Grants, Waste Tire Grants, and Solid Waste Planning Grants

On previous authority delegated to the Executive Director, MDEQ, the Commission was provided a listing by staff of the following solid waste assistance grants that have been awarded to local governments:

<u>County/ Municipality</u>	<u>Grant Amount</u>
Chickasaw County BOS	\$8,402.00
Montgomery County BOS	\$6739.00
DeSoto County BOS	\$32,388.00
LeFlore County BOS	\$9,890.00
LaFayette County BOS	\$13,040.00
Monroe County BOS	\$12,603.00
Grenada County Bos	\$5,503.00
City of Jackson	\$75,000.00
Madison County BOS	\$45,090.00
Hancock County BOS	\$60,000.00
Alcorn County BOS	\$25,000.00
Jones County BOS	\$30,000.00
Lowndes County BOS	\$17,503.00
Pike County BOS	\$17,449.00
Wayne County BOS	\$36,115.00
Adams County BOS	\$35,000.00
Chickasaw County BOS	\$19,099.00
Lamar County BOS	\$40,000.00
Stone County BOS	\$8,577.00
City of Clinton	\$25,000.00
Clay County BOS	\$7,614.00
City of Richland	\$26,487.00

City of Greenwood	\$25,000.00
Jackson County BOS	\$115,720.00
Hancock County Regional Solid Waste Authority	\$6,000.00
Lincoln County BOS	\$13,565.00
Washington County BOS	\$28,361.00

On previous authority delegated to the Executive Director, MDEQ, the Commission was provided a listing by staff of the following waste tire grants have that been awarded to local governments:

<u>County/ Municipality</u>	<u>Grant Amount</u>
Madison County BOS	\$30,000.00
Northeast MS SWM Authority	\$70,000.00
Tunica County BOS	\$25,000.00
South Central SWM Authority	\$25,000.00
Carroll County BOS	\$25,000.00

On previous authority delegated to the Executive Director, MDEQ, the Commission was provided a listing by staff of the following solid waste planning grants that have been awarded to local governments:

<u>County/ Municipality</u>	<u>Grant Amount</u>
Tunica County BOS	\$35,000.00
Coahoma County BOS	\$41,850.00

#### Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 417 asbestos certifications had been issued since the last report.

#### Emergency Clean-Up Expenses

On previous authority delegated to the Executive Director, the staff reported the Emergency Clean-Up Expenses incurred since the Commission's last meeting. A list of these expenses is made a part of these minutes and is filed in the Official Minutes File.

#### Lead Paint Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 147 lead paint certifications had been issued since the last report.

#### Underground Storage Tank (UST) Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 21 certifications to those who install, alter, or remove underground storage tanks had been issued since the last report.

#### Wastewater Operator Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 53 wastewater operator certificates had been issued since the last report.

#### Administrative Orders

On previous authority delegated to the Executive Director, DEQ, the staff reported that 18 Administrative Orders, and 1 Amended Agreed Order, had been issued since the Commission's last meeting. A list of these orders is made a part of these minutes and is filed in the Official Minutes File.

#### Other Business

Executive Director Gary Rikard introduced Dr. David Dockery, the new Director of the Office of

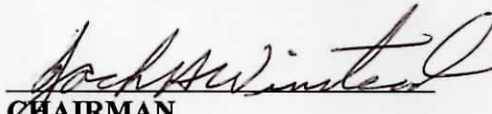
Geology. Dr. Dockery replaces Dr. Michael Bograd who retired after 46 years of service to the State of Mississippi. Next, Executive Director Rikard introduced Mr. Chris Wells, who, in addition to his role as Chief-of-Staff, assumed duties as the Interim Director of the Office of Restoration, replacing Marc Wyatt who recently retired. Finally, Executive Director Rikard and Chairman Winstead welcomed Ms. Alice Perry's return to her duties as MDEQ Deputy Director. Ms. Perry has served as Senior Policy Advisor to Governor Phil Bryant for the past 18 months.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, September 28, 2017, beginning at 9:00 a.m., in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi.

Adjournment

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

  
CHAIRMAN

ATTEST:

  
EXECUTIVE DIRECTOR

**EMERGENCY SERVICES CLEAN UP**

**To:** CTEH  
**Amount:** \$2,578.30 **Date of Response:** 05/02/17  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and perform air monitoring services in Warren County.

**To:** CTEH  
**Amount:** \$5,115.01 **Date of Response:** 05/14/17  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up an unknown chemical release at Love's Truck Stop in Pearl River County.

**To:** CTEH  
**Amount:** \$1,400.00 **Date of Response:** 04/06/17  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to an odor complaint in Warren County.

**To:** Complete Environmental  
**Amount:** \$895.10 **Date of Response:** 04/12/17  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to an unknown spill in Hancock County.

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$14,318.78 **Date of Response:** 05/02/17  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a Nitric Acid spill in Warren County. Disposal bill pending.

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$4,068.74 **Date of Response:** 05/17/17  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up a diesel spill in Yazoo County.

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$1,822.00 **Date of Response:** 05/05/17  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and pick up an abandoned drum in Noxubee County.

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$1,637.68 **Date of Response:** 05/12/17  
**For:** Costs associated with providing supervision, labor, equipment and material to respond to and clean up a petroleum product spill in Harrison County.

**To:** Enhanced Environmental & Emergency Services  
**Amount:** \$3,892.50 **Date of Response:** 11/01/16  
**For:** Costs associated with providing supervision, labor, equipment and materials to respond to and clean up hot wax from an overturned tanker in Pearl River County.

**ADMINISTRATIVE ORDERS**

	<u>Respondent</u>	<u>Order No.</u>	<u>Summary</u>
1	BNSF Railway Company  Monroe Co., MS	Order No. 6756 17  Respondent agrees to comply with the requirements/obligations listed under #5 of this Agreed Order.	Respondent has an interest in a tract of land located in Amory, MS. The Site is contaminated with free-phase Total Petroleum Hydrocarbon, Diesel Range Organics at levels in excess of the Target Remediation Goals (TRG's) as established by the MDEQ, and, therefore, remediation of the Site is necessary.
2	Mississippi Lignite Mining Company  Choctaw Co., MS	Order No. 6757 17	This Order authorizes the Commission to set a permit fee to be charged by the Commission for the review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
3	Liberty Fuels Company, L.L.C.  Kemper Co., MS	Order No. 6758 17	This Order authorizes the Mississippi Commission on Environmental Quality to set a permit fee to be charged by the Commission for review of a surface coal mining permit application and for the administration and enforcement of an issued surface coal mining permit.
4	Kemper County Solid Waste Management Plan	Order No. 6759 17  Respondent agrees to comply with the requirements listed in Section 4 of this Order. This Order also includes a summary table of the reporting dates to MDEQ for the plan. This table should be added to the Implementation Schedule section of the Plan.	This Order grants the approval of the comprehensive update of the Kemper County Solid Waste Management Plan and addresses the schedule for implementation by the County and the participating municipalities of DeKalb and Scooba, Mississippi. The approval of the Plan continues the deferral of the moratorium imposed by Miss. Code Ann. Section 17-17-59.
5	Midstates Petroleum Company LLC  Clay & Panola Co., MS	Order No. 6760 17  Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within one-hundred eighty (180) days of this Agreed Order.	Respondent owns/or operates several UST's in Mississippi. Facilities are listed in Section I and violations are listed in Section 2 of this Agreed Order.
6	WALM Properties, LLP  Clay Co., MS	Order No. 6761 17  Respondent agrees to comply with the requirements/obligations listed under #5 of this Brownfield Agreement.	Respondent has an interest in a tract of land located in West Point, MS known as the former Big Yank Building. Contaminations of the Site are listed in Section 2 of this Brownfield Agreement Order.
7	First Chemical Corporation  Jackson Co., MS	Order No. 6762 17  Respondent agrees to comply with the terms and conditions listed under Section #2 of this Agreed Order.	Violation of MS Air Pollution Control Title V Permit No. 1280-00022.

<b>8</b>	<p>NCI Building Systems, Inc. Lowndes Co., MS</p> <p>Robertson-Ceco II Corporation dba Ceco Building Systems Houston, TX</p> <p>Grandview Investments, LLC Lowndes Co., MS</p>	<p>Order No. 6763 17</p> <p>The Respondents and the Commission are in agreement with the conditions listed in Section 3 of this Agreed Order.</p>	<p>This Order was issued to approve the transfer of financial, managerial and technical obligations to Grandview Investments, LLC.</p>
<b>9</b>	<p>City of Gulfport Harrison Co., MS</p>	<p>Order No. 6764 17</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$18,315.09 within forty-five (45) days of this Agreed Order.</p>	<p>Respondent was in violation of the Mississippi Small Municipal Separate Storm Sewer System (MS4) Storm Water General NPDES Permit MSRMS4002.</p>
<b>10</b>	<p>Key Energy Services Jones Co., MS</p>	<p>Order No. 6765 17</p> <p>Respondent agrees to comply with the terms and conditions listed under #3 of this Agreed Order.</p>	<p>Key Energy Services, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.</p>
<b>11</b>	<p>Best Foam, Inc. Pontotoc Co., MS</p>	<p>Order No. 6766 17</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$5,000.00 within forty-five (45) days of this Agreed Order.</p>	<p>Respondent was in violation of discharging storm water at its facility without a permit.</p>
<b>12</b>	<p>ORG Mississippi Holdings, LLC Neshoba Co., MS</p>	<p>Order No. 6767 17</p> <p>Respondent agrees to comply with the terms and conditions listed under #3 of this Agreed Order.</p>	<p>ORG Mississippi Holdings, LLC desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.</p>
<b>13</b>	<p>Wesson POTW Copiah Co., MS</p>	<p>Order No. 6768 17</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$2, 812.50 within forty-five (45) days of this Agreed Order.</p>	<p>Respondent was in violation of NPDES Permit No. MS0023779.</p>
<b>14</b>	<p>Genesis Rail Services, LLC Natchez Terminal Adams Co., MS</p>	<p>Order No. 6769 17</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$21,000.00 within forty-five (45) days of this Agreed Order.</p>	<p>Respondent was in violation of NPDES MS0047422.</p>
<b>15</b>	<p>River City Roll Offs LLC, Warren Co., MS</p>	<p>Order No. 6770 17</p> <p>Respondent agrees to pay MDEQ a penalty in the amount of \$4,000.00 of which the first of two installments in the amount of \$2,000.00 to MDEQ will be payable within forty-five days of this Agreed Order and the second installment in the amount of \$2,000.00 due within ninety (90) days after the Effective Date.</p>	<p>Respondent was in violation of Solid Waste Management General Permit No. SWGP-R1-051.</p>



16	CF Industries Nitrogen, LLC  Yazoo Co., MS	Order No. 6771 17  Respondent agrees to pay MDEQ a penalty in the amount of \$95,625.00 of which Respondent shall pay by certified check or money order \$25,625.00 to MDEQ within forty-five (45) days of the Effective Date. The remaining payment schedule is listed in section 2 of this Agreed Order. The remaining balance is subject to the requirements of the Memorandum of Agreement (MOA) that is found attached as Exhibit "A" to this Agreed Order.	Violation of Title V Operating Permit No. 3020-00010.
17	Hinds County Board of Supervisors	Order No. 6772 17  This order approves the modification of the Hinds County Solid Waste Management Plan.	This order approves a modification to recognize an expansion of the Faircloth Class I Rubbish Site in Hinds County operated by Faircloth Rubbish Landfill, Inc. for the continued disposal of construction and demolition rubbish debris and other class I rubbish waste from area residents and businesses.
18	Caterpillar, Inc.  Alcorn Co., MS	Order No. 6773 17  Respondent agrees to comply with the terms and conditions listed under #3 of this Agreed Order.	Caterpillar, Inc. desires to submit and MDEQ accepts the Site for participation in the Uncontrolled Site Voluntary Evaluation Program.

**Amended Orders**

1	Cleveland POTW  Bolivar Co., MS	Amended Agreed Order  No. 6600 15	Respondent agrees to comply with the amended requirements listed in Section I of this Agreed Order Amendment.
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