

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY  
OFFICIAL MINUTES  
AUGUST 27, 2015

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, August 27, 2015, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

John Dane III  
Charles Dunagin  
Dick Flowers  
Brenda Lathan  
Chat Phillips  
Billy Van Devender  
Jack Winstead

Others present were: Gary Rikard, Executive Director; Dallas Baker, Tony Caldwell, Trey Hess, Richard Harrell, Chris Sanders, Ethan Mayeu, Mark Williams, Les Herrington, Ray Eaton, staff of MDEQ; and other staff members and visitors whose names appear elsewhere in these minutes.

The meeting was called to order by Chairman Phillips after which the following business was transacted.

Welcome of New Commissioner

Chairman Phillips introduced and welcomed, Brenda Lathan, the newest member to the Commission on Environmental Quality.

Election of Officers for Fiscal Year 2014 (July 2015 – June 2016)

On a motion made by Mr. Dunagin and seconded by Mr. Dane, the Commission voted to elect Billy Van Devender to serve as Chairman and Jack Winstead to serve as Vice-Chairman of the Commission for Fiscal Year 2016. No other nominations were made.

Approval of Minutes

On motion made by Mr. Winstead and seconded by Mr. Flowers, the minutes of the May 28, 2015 meeting were approved and adopted as the Official Minutes.

Adoption of a Revision to the State Implementation Plan and amendments to 11 Mississippi Administrative Code, Part 2, Chapter 11, "Regulations for Ambient Air Quality Nonattainment Areas"

Mr. Dallas Baker stated a public hearing was held on July 2, 2015 concerning a proposed Revision to the State Implementation Plan for the Control of Air Pollution (SIP Revision) and proposed amendments to Commission Regulations 11 Mississippi Administrative Code, Part 2, Chapter 11, "Regulations for Ambient Air Quality Non-Attainment Areas". The proposed SIP Revision and proposed regulation amendments concern the correction of a source applicability error in the regulations and the addition of clarifying language. No comments were received. A transcript of the public hearing proceeding was provided to the Commission. Staff recommended that the Commission adopt the SIP Revision and the regulation amendments. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Dunigan, the Commission unanimously voted to adopt the Revision to the State Implementation Plan for the Control of Air Pollution and regulation amendments to Commission Regulations 11 Mississippi Administrative Code, Part 2, Chapter 11, "Regulations for Ambient Air Quality Non-Attainment Areas".

Water Pollution Control Revolving Loan Fund (WPCRLF) Program,  
Conditional Adoption of FY-2015 Intended Use Plan

Mr. Tony Caldwell stated that action was required on the FY-2015 Intended Use Plan prior to September 30, 2015, and that staff recommended adoption by the Commission of the FY-2015

WPCRLF Intended Use Plan, subject to completion of the required public notice period and public hearing, and provided that any resulting public comments are resolved without significant changes. The staff recommendation included Commission delegation of authority to the Executive Director to execute an order approving the Intended Use Plan if there are no significant changes or comments resulting from public participation. The Plan is currently at public notice and a public hearing is scheduled for Tuesday, September 22, 2015. The Intended Use Plan 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. This Plan also reflects the implementation of the new federal requirements which apply to FY-2015 and after loan projects. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Phillips, the Commission unanimously voted to adopt the FY-2015 WPCRLF Intended Use Plan, subject to completion of the required public notice period and public hearing, and provided that any resulting public comments are resolved without significant changes. The Commission also unanimously delegated authority to the Executive Director to execute an order approving the Intended Use Plan if there are no significant changes or comments resulting from public participation.

#### Commission Approval of Brownfield Obligation Transfer

Mr. Trey Hess stated on April 28, 2011, the Commission reached a Brownfield Agreement (#5958-11) with the City of Picayune and Stockstill Brothers Investments, LLC for the remediation of the Arizona Chemical Facility in Picayune, Mississippi. In accordance with Rule 2.1.5.C of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, the City of Picayune, Stockstill Brothers Investments, LLC and Huey P. Stockstill, LLC jointly provided a petition to the MCEQ that Huey P. Stockstill, LLC has the financial, managerial, and technical resources to complete performance of the Brownfield Agreement obligations and agrees to complete this performance. The staff of the MDEQ reviewed the petition, and recommended that the Commission issue an order in accordance with the Brownfield Regulations approving the transfer of those obligations in Brownfield Agreement #5958-11 from Stockstill Brothers Investments, LLC to Huey P. Stockstill, LLC. Huey P. Stockstill, LLC plans to continue to use the facility for concrete and asphalt operations. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Flowers, the Commission unanimously voted to approve the transfer of obligations in Brownfield Agreement #5958-11 from Stockstill Brothers Investments, LLC to Huey P. Stockstill, LLC.

#### MDEQ 2017-2021 Strategic Plan

Mr. Trey Hess stated that MDEQ submitted its Strategic Plan for Fiscal Years 2017-2021 to the Legislative Budget Office on August 17, 2015. The Mississippi Performance Budget and Strategic Planning Act of 1994 mandates the development of 5-year strategic plans for all state agencies. The plan provides a clear and concise blueprint for how MDEQ will protect human health and the environment over the next several years and how the agency plans to measure its performance. A copy of the Strategic Plan was provided to the Commission. Executive Director Gary Rikard thanked Mr. Hess for his leadership and the team effort that went into compiling the report. Mr. VanDevender asked that the Commission have an opportunity to read the Strategic Plan and ask any questions that may arise. This briefing was for informational purposes only, requiring no action by the Commission.

#### Hurricane Katrina Anniversary Presentation to the Commission

Mr. Richard Harrell, Mr. Chris Sanders, Mr. Ethan Mayeu, Mr. Mark Williams, Mr. Les Herrington and Mr. Ray Eaton addressed the Commission and provided a PowerPoint presentation commemorating the 10 year anniversary of Hurricane Katrina and the work involved by MDEQ staff. This presentation was for informational purposes only, requiring no action by the Commission.

#### Solid Waste Assistance Grants and Waste Tire 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> |
|---------------------------------------|---------------------|
| Adams County Board of Supervisors     | \$ 20,956           |
| Attala County Board of Supervisors    | 52,927              |
| Claiborne County Board of Supervisors | 42,921              |
| Clarke County Board of Supervisors    | 13,426              |
| Copiah County Board of Supervisors    | 26,974              |
| Hinds County Board of Supervisors     | 20,383              |
| Hinds County Board of Supervisors     | 50,000              |
| Humphreys County Board of Supervisors | 15,429              |
| Issaquena County Board of Supervisors | 6,591               |
| Jasper County Board of Supervisors    | 20,688              |
| Kemper County Board of Supervisors    | 12,571              |
| Lincoln County Board of Supervisors   | 26,618              |
| City of Morton                        | 15,000              |
| Newton County Board of Supervisors    | 14,524              |
| Noxubee County Board of Supervisors   | 10,985              |
| Pike County Board of Supervisors      | 22,161              |
| Rankin County Board of Supervisors    | 33,198              |
| Smith County Board of Supervisors     | 13,426              |
| City of Starkville                    | 25,000              |
| Tunica County Board of Supervisors    | 11,171              |
| Warren County Board of Supervisors    | 50,000              |
| Wilkinson County Board of Supervisors | 25,130              |
| Winston County Board of Supervisors   | 13,548              |
| Yazoo County Board of Supervisors     | 16,355              |

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

| <u>County/ Municipality</u>        | <u>Grant Amount</u> |
|------------------------------------|---------------------|
| Newton County Board of Supervisors | \$ 30,000           |
| Panola County Board of Supervisors | 15,000              |
| Rankin County Board of Supervisors | 100,000             |
| Smith County Board of Supervisors  | 20,000              |
| Tunica County Board of Supervisors | 25,000              |

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> |
|------------------------------------|---------------------|
| Rankin County Board of Supervisors | \$ 61,220           |

#### Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 364 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 131 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 34 that certifications to those who install, alter, or remove underground storage tanks had been issued since the last report.

Wastewater Operator Certifications

We have issued 199 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

Administrative Orders

On previous authority delegated to the Executive Director, DEQ, the staff reported that 50 Administrative Orders 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.

Approval to Enter into Executive Session

Executive Director, Gary Rikard, stated there were on-going litigation matters to be discussed and the Commission needed to consider going into Executive Session. Since this would be a briefing, the Commission would not be taking or reporting any action. Mr. Dunagin made the motion for the Commission to enter into Closed Session to determine if the Commission should go into Executive Session. Mr. Flowers seconded the motion and the motion was unanimously approved. Everyone left the meeting room except the Commission and appropriate MDEQ staff. To avoid any potential conflicts, Executive Director Gary Rikard left the room before any discussions were held on U.S. Technologies or Mississippi Phosphates. After the Closed Session was held, the Commission came back into open session. On motion made by Mr. Dunagin and seconded by Mr. Flowers, the Commission unanimously voted to go into Executive Session. After the Executive Session was held, the Commission came back into open session and stated that no actions were taken during the Executive Session.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, September 24, 2015 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