

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
FEBRUARY 25, 2016

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, February 25, 2016, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

John Dane III
Ted Kendall IV
Brenda Lathan
Chat Phillips
Billy Van Devender, Chairman
Jack Winstead

Commissioner Dick Flowers was not present.

Others present were: Gary Rikard, Executive Director; Richard Harrell, Willie McKercher, Michael McIntosh, Dallas Baker, Kim Caviness-Reardon, Mike Freiman, Tony Caldwell, Kay Whittington, 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 after which the following business was transacted:

Approval of Minutes

On motion made by Mr. Winstead and seconded by Mr. Phillips, the minutes of the December 2, 2015, meeting were approved and adopted as the Official Minutes.

Presentation of EPA Awards to MDEQ Employees

Mr. Richard Harrell presented awards of recognition, on behalf of EPA, to Willie McKercher and Melissa Collier for their outstanding work at the Hercules site in Hattiesburg.

Commission Approval of Brownfield Agreement – Chevron Products Company

Mr. Willie McKercher stated that staff recommended the Commission approve the Brownfield Agreement between the Commission and Chevron Products Company regarding the remediation of brownfield property generally located at 3500 Old Airport Road in Moss Point, Mississippi. The site is hereafter referred to as the "Delmas Nursery Brownfield Agreement Site." Past use of the facility included a plant nursery and assessments revealed an area of limited contamination resulting from the nursery operations. Therefore, remediation of the Brownfield Agreement Site was necessary. The proposed use of the Site after completion of all remediation will be an employee parking lot for the Chevron Refinery. 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. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Phillips, the Commission unanimously voted to approve the Brownfield Agreement between the Commission and Chevron Products Company regarding the remediation of the brownfield property generally located at 3500 Old Airport Road in Moss Point, Mississippi.

Commission Approval of Brownfield Agreement – Stark Alan, LLC

Mr. Willie McKercher stated that staff recommended the Commission approve the Brownfield Agreement between the Commission and Stark Alan, LLC regarding the remediation of brownfield property located at 335 Highway 12, in Starkville, Mississippi. The site is hereafter referred to as the Sunations property which was impacted by a release on the adjacent One Hour Cleaners Brownfield Agreement Site. Assessments revealed an area of limited contamination resulting from the adjacent former dry cleaner operation. Therefore, remediation of the Brownfield Agreement Site was necessary. The use of the Site will continue to be commercial with an environmental covenant restricting the future site use along with limitations on certain activities on the property. 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. Following staff presentation

and deliberation, on motion made by Mr. Phillips and seconded by Ms. Lathan and Mr. Winstead, the Commission unanimously voted to approve the Brownfield Agreement between the Commission and Stark Alan, LLC regarding the remediation of brownfield property located at 335 Highway 12, in Starkville, Mississippi.

Commission Approval of Brownfield Consulting Firm

Mr. Willie McKercher stated that staff reviewed an application from a consulting firm requesting to be listed as a Brownfield Consulting Firm and determined it to be complete and acceptable. Staff recommended the Commission approve the following firm as a Brownfield Consulting Firm:

Stanley Consultants, Inc.
2658 Crosspark Rd., Suite 100
Coralville, IA

Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Dane, the Commission unanimously voted to approve Stanley Consultants, Inc., as a Brownfield Consulting Firm.

Modification of Wastewater Operator Certification Exam Fee

Mr. Michael McIntosh requested that the Commission consider a proposed increase of the Wastewater Operator Program Exam fee from \$35 to \$40 beginning in 2016. The last exam fee increase was in 2009 from \$25 to \$35. Staff requested this increase because the cost for each exam with the testing contractor, Association of Boards of Certification (ABC), has gone up to \$40. Following staff presentation and deliberation, on motion made by Mr. Phillips and seconded by Ms. Lathan and Mr. Dane, the Commission unanimously voted to increase the Wastewater Operator Program exam fee from \$35 to \$40 beginning in 2016.

FY 2017 Title V Fee Recommendation - Approval to Proceed to Public Notice of Hearing

Mr. Dallas Baker stated that a copy of the draft report containing the Title V Air Advisory Council's recommendation on the Title V fee for the next fee year was previously forwarded to the Commission. Staff requested approval to proceed to public notice and to hold a public hearing to receive comments regarding the proposed fee increase from \$41 to \$47/ton. After the public comment period ends, the public hearing has been held, and comments have been reviewed, staff will bring the fee recommendation back to the Commission for final action. Following staff presentation and deliberation, on motion made by Mr. Dane and seconded by Mr. Kendall, the Commission unanimously voted to proceed to public notice for a hearing on the Title V fee recommendation.

Proposed Amendments to Regulations for Water Quality Criteria for Intrastate, Interstate, and Coastal Waters (11 Miss. Admin. Code Pt. 6, Ch. 2)

Ms. Kim Caviness-Reardon stated that MDEQ is required by the Clean Water Act to routinely review and update the state's water quality standards document in a process known as the triennial review. The last modifications to Mississippi's Water Quality Standards were adopted by the Commission in June 2012. The public comment period ended with a public hearing on November 5, 2015, and comments were received from the Gulf Restoration Network. MDEQ staff reviewed, evaluated, and responded to these comments. Copies of the comments and the responsiveness summary were previously provided to the Commission for review. The modifications to the water quality standards for this triennial review are as follows: 1) the bacterial indicator for freshwaters has been changed from fecal coliform to e.coli based on EPA recommendations; 2) language has been modified for clarification of pH criteria; 3) definitions of e. coli and enteric pathogens have been added to the definitions section; 4) Table 3. Mississippi Surface Water Intakes for Public Water Supply has been updated to list the Tenn-Tom Waterway intake as "active" instead of "under construction," and, 5) the location description for Turkey Creek was corrected within the water use classification tables to reflect the change in name of the referenced school. The description was changed from "Forest Heights Middle School to Bernard Bayou" to "North Gulfport 8th Grade to Bernard Bayou." Based on comments received during the public notice period, modifications have been made to the document that was released for public notice. Based on evaluation of public comments received, language was added to "Rule 2.1 General Conditions" under "Section B. Sampling and Assessment" that references the

methodology applied for water quality assessments. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Dane, the Commission unanimously voted to adopt the latest modifications to Mississippi's Water Quality Standards. Mr. Van Devender asked Ms. Caviness-Reardon if MDEQ staff was involved in the current drinking water issue affecting the City of Jackson. Ms. Caviness-Reardon responded that this particular water issue fell under the jurisdiction of the Mississippi Department of Health.

Proposed 2016 Mississippi Section 303(d) List of Impaired Water Bodies

Mr. Mike Freiman briefed the Commission on the proposed 2016 Mississippi Section 303(d) List of Impaired Water Bodies. Public notice of the draft 303(d) list began on February 9, 2016, and a public hearing is scheduled for March 14, 2016, to solicit public comments. Any comments received from the public or EPA will be addressed. After the public comment period and public hearing, Staff will return to the Commission and request adoption of the final 2016 Mississippi Section 303(d) List of Impaired Water Bodies. This briefing was for informational purposes only, requiring no action by the Commission.

Water Pollution Control (Clean Water) Revolving Loan Fund Program (WPCRLF)
Letter to the Commission from the Program Auditors, Windham & Lacey, PLLC

Mr. Tony Caldwell stated the WPCRLF Loan Program is audited each year in accordance with federal requirements. Written correspondence was previously provided to the Commission which fulfills a requirement by the auditors to provide notification regarding the conduct and results of the audit, directly to the governing authority of the program being audited. As reflected in said correspondence, there were no problems encountered while conducting this year's recently completed audit, and no findings or recommendations resulted from the audit. Mr. Phillips asked if the same auditors conducted the audit each year. Mr. Caldwell stated that he believed the auditors were re-procured every couple of years. Executive Director Gary Rikard then provided the Commission with a brief update of the program's state match needs request made to the legislature this year. This briefing was for informational purposes only, requiring no action by the Commission.

Update Commission on Delta Sustainable Water Resources Task Force

Ms. Kay Whittington provided a presentation to the Commission on the goals of the Delta Sustainable Water Resources Task Force along with an update on the voluntary metering program. In response to questions raised by Mr. Van Devender, regarding sustainable water for the Delta, Ms. Whittington stated several scenarios to capture flood waters for irrigation are being considered and that requests for new irrigation permits do not seem to be rising at the same rate that they have in the past. Mr. Phillips stated that meters will continue to be installed in the Delta so it is very important to get information to people as soon as possible regarding the requirements of reporting water usage. Executive Director Gary Rikard thanked Ms. Whittington and her staff for all of their hard work in the Delta. This briefing 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>
Choctaw County Board of Supervisors	\$32,958
Lamar County Board of Supervisors	\$22,941
City of Byram	\$25,000
City of Cleveland	\$23,000
City of Lexington	\$25,000
City of Natchez	\$25,000
City of Tchula	\$15,000
Three Rivers Solid Waste Management Authority	\$75,000

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>
George County Board of Supervisors	\$8,100
Harrison County Board of Supervisors	\$51,500
Jefferson Davis County Board of Supervisors	\$25,000
Lamar County Board of Supervisors	\$30,000
Pine Belt Regional Solid Waste Mgmt Authority	\$146,970
Quitman County Board of Supervisors	\$21,500

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 355 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 133 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 24 certifications to those who install, alter, or remove underground storage tanks had been issued since the last report.

Administrative Orders

On previous authority delegated to the Executive Director, DEQ, the staff reported that 29 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.

Other Business

Executive Director Gary Rikard provided the Commission with a brief update on Senate Bill 2361 and House Bill 116 and how they affect MDEQ.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, March 24, 2016, 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.


VICE-CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR