

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
DECEMBER 2, 2015

The regular monthly meeting of the Commission on Environmental Quality was held on Wednesday, December 2, 2015, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

John Dane III
Dick Flowers
Ted Kendall IV
Chat Phillips
Jack Winstead, Vice-Chairman

Commissioners Brenda Lathan and Billy Van Devender were not present.

Others present were: Gary Rikard, Executive Director; Trey Hess, Elliott Bickerstaff, staff of MDEQ; and other staff members and visitors whose names appear elsewhere in these minutes.

The meeting was called to order by Vice-Chairman Winstead. Mr. Phillips gave the invocation after which the following business was transacted:

Welcome of New Commissioner

Vice-Chairman Winstead introduced and welcomed, Ted Kendall IV, the newest member to the Commission on Environmental Quality.

Notice of Meeting

The Commission was informed that the legal Notice of Meeting concerning the time, date, and place of this meeting had been posted publicly as required by law. The Notice of Meeting read as follows: "Please take note that the regularly scheduled meeting of the Mississippi Commission on Environmental Quality for December, 2015, will take place on Wednesday, December 2, 2015. This meeting will be held in the Commission Hearing Room at the offices of the Mississippi Department of Environmental Quality at 515 East Amite Street, Jackson, Mississippi. As always, the public is invited to attend." This notice was posted in the lobby of the MDEQ offices in Jackson on October 22, 2015.

Approval of Minutes

On motion made by Mr. Flowers and seconded by Mr. Phillips, the minutes of the October 22, 2015 meeting were approved and adopted as the Official Minutes.

Commission Approval of Brownfield Obligation Transfer

Mr. Trey Hess stated on April 26, 2011, the Commission reached a Brownfield Agreement (#5953-11) with the City of Picayune and Stockstill Brothers Investment, LLC for the remediation of the former 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 Investment, 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 agreed 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 #5953-11 from the City of Picayune and Stockstill Brothers Investment, LLC to Huey P. Stockstill, LLC. Huey P. Stockstill, LLC plans to continue to use the property as an asphalt and concrete facility. Following staff presentation and deliberation, on motion made by Mr. Dane and seconded by Mr. Flowers, the Commission unanimously voted to issue an order in accordance with the Brownfield Regulations approving the transfer of those obligations in Brownfield Agreement #5953-11 from the City of Picayune and Stockstill Brothers Investment, LLC to Huey P. Stockstill, LLC.

Commission Approval of Environmental Covenant

Mr. Trey Hess stated that staff recommended the Commission approve the Environmental Covenant between the Commission and the Mississippi Department of Transportation regarding the remediation of property located adjacent to 5160 Highway 49E in Rising Sun, Mississippi, referred to as the "UMOJA Market Site." The UMOJA Market facility was a convenience store that operated above-ground fuel tanks. Leaks from above ground storage tanks, fuel dispensers and fuel distribution lines have each contributed to petroleum contamination at the site. Therefore, remediation of the site is necessary. The portion of the site owned by MDOT serves as a right-of-way easement for Highway 49E. 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 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 Mr. Flowers, the Commission unanimously voted to approve the Environmental Covenant between the Commission and the Mississippi Department of Transportation regarding the remediation of property located adjacent to 5160 Highway 49E in Rising Sun, Mississippi, referred to as the "UMOJA Market Site."

Commission Approval of Environmental Covenant

Mr. Trey Hess stated that staff recommended the Commission approve two Environmental Covenants between the Commission and Washington County and the Washington County Economic Development Authority regarding the remediation of property located in Greenville, Mississippi, referred to as the Moore Company facility. The Moore Company facility manufactured automotive parts utilizing a stamping operation. Improper handling of chlorinated solvents used as a degreaser in their operation contributed to soil and groundwater contamination at the site. Therefore, remediation of the site is necessary. The former facility is currently being utilized by a company performing a similar operation on the original plant site owned by the Washington County Economic Development Authority. The adjacent property owned by Washington County is currently leased by a manufacturer of marine components. 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 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 Mr. Flowers, the Commission unanimously voted to approve the two Environmental Covenants between the Commission and Washington County and the Washington County Economic Development Authority regarding the remediation of property located in Greenville, Mississippi, referred to as the Moore Company facility.

Adoption of a Revision to the State Implementation Plan for the Purposes of a Redesignation Request and Maintenance Plan for DeSoto County, Mississippi

Mr. Elliott Bickerstaff stated a public hearing was held on November 5, 2015, concerning a proposed Revision to the State Implementation Plan for the Control of Air Pollution (SIP Revision) for the Purposes of a Redesignation Request and Maintenance Plan for the portion of DeSoto County, Mississippi that is designated as nonattainment for the 2008 National Ambient Air Quality Standard for ground-level ozone. The Department plans to request that the U.S. Environmental Protection Agency redesignate the aforementioned portion of DeSoto County, Mississippi as attainment for the 2008 ozone air quality standard pursuant to Section 107(d)(3) of the 1990 Clean Air Act Amendments. No comments from the public were received during the 30-day comment period. A transcript of the public hearing proceeding was previously provided to the Commission and staff recommended that the Commission adopt the SIP Revision. Following staff presentation and deliberation, on motion made by Mr. Dane and seconded by Mr. Flowers, the Commission unanimously voted to adopt the SIP Revision for the Purposes of a Redesignation Request and Maintenance Plan for the portion of DeSoto County, Mississippi that is designated as nonattainment for the 2008 National Ambient Air Quality Standard for ground-level ozone.

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 81 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 54 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 13 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 76 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 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.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, January 28, 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.


CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR