

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY  
OFFICIAL MINUTES  
FEBRUARY 26, 2015

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, February 26, 2015, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

Charles Dunagin  
Kay Kell  
Chat Phillips, Chairman  
Billy Van Devender  
Jack Winstead

Commissioners Martha Dalrymple and Dick Flowers were not present.

Others present were: Gary Rikard, Executive Director; Krystal Rudolph, Roy Furrh, Chris Wells, 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.

Approval of Minutes

On motion made by Mr. Dunagin and seconded by Mr. Winstead, the minutes of the November 20, 2014 meeting were approved and adopted as the Official Minutes.

Presentation of Award for MDEQ Public Engagement Program

Ms. Becky Russell with Russell Media Consultants presented the Mississippi Department of Environmental Quality with the 2014 Ace Award for Excellence in Communications. The award was based on the RESTORE.MS website which was developed as a way to engage the public in all matters related to the Deepwater Horizon Oil Spill.

FY 2016 Title V Fee Recommendation

Ms. Krystal Rudolph stated that a Public Hearing on the FY-2016 Title V fee was held on January 15, 2015 and that no comments were received. Staff recommended that the Commission adopt a Title V fee of \$41 per ton of regulated air pollutants with a minimum fee of \$250.00 for FY-2016 based on the recommendation of the TV Advisory Council. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Dunagin, the Commission unanimously voted to adopt the recommended fee of \$41/ton of air emissions with a minimum fee of \$250.00 for FY-2016 and authorized that an Order setting this fee be executed by the Executive Director.

Pilot Travel Centers LLC – Moss Point, Jackson County – Presentation of Evidentiary Hearing Record and Recommendation of Hearing Officer

Pilot Travel Centers LLC (“Pilot”) requested a formal evidentiary hearing after MDEQ staff determined that Pilot was not eligible for reimbursement for assessment and remediation costs from the Mississippi Groundwater Protection Trust Fund (“Trust Fund”) associated with motor fuel releases in March and April of 2013, from its Underground Storage Tank (“UST”) site located at 6705 Highway 63 in Moss Point, Jackson County. On May 22, 2014, the Commission appointed Assistant Attorney General Ricky Luke as the Hearing Officer to conduct the hearing on the Commission’s behalf and to make a recommendation for the Commission’s consideration. Hearing Officer Luke conducted the Evidentiary Hearing on September 11, 2014. After considering testimony, documentary evidence, and post-hearing briefs submitted by the parties, Mr. Luke submitted his written findings of fact and recommendation for the Commission’s review and consideration in January 2015. MDEQ also provided copies of the entire hearing record to the Commission in January 2015. Hearing

Officer Luke presented the matter to the Commission on February 26, 2015. Mr. Luke summarized the evidence he considered and stated the legal basis for his conclusion that Pilot was not Trust Fund eligible and recommended that the Commission deny Pilot's request for reimbursement from the Trust Fund. Following Hearing Officer Luke's presentation, on motion made by Mr. Winstead and seconded by Mr. Dunagin, the Commission unanimously voted to approve and adopt Hearing Officer Luke's recommendations and deny Pilot's request for reimbursement for assessment and remediation costs from the Mississippi Groundwater Protection Trust Fund for releases that occurred in March, 2013, and thereafter, at Pilot's Underground Storage Tank site located at 6705 Highway 63 in Moss Point.

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 have that been awarded to local governments:

<u>County/Municipality</u>	<u>Grant Amount</u>
City of Byram	\$ 25,000
City of Canton	25,000
City of Natchez	25,000
City of Richland	23,187
Amite County Board of Supervisors	29,028
Coahoma County Board of Supervisors	10,985
Covington County Board of supervisors	14,158
DeSoto County Board of Supervisors	40,000
Grenada County Board of Supervisors	10,618
Harrison County Board of Supervisors	70,000
Jefferson County Board of Supervisors	35,142
Jefferson Davis County Board of Supervisors	12,937
Lamar County Board of Supervisors	22,946
Lauderdale County Board of Supervisors	22,213
Neshoba County Board of Supervisors	17,087
Sharkey County Board of Supervisors	8,055
Simpson County Board of Supervisors	16,355
Panola County Board of Supervisors	72,275
Walthall County Board of Supervisors	14,036
Warren County Board of Supervisors	15,745
Yalobusha County Board of Supervisors	10,985

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>
Carroll County Board of Supervisors	\$ 50,000
Pine Belt Regional Solid Waste Management Authority	160,783

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 319 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 78 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 5 that 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 25 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.

Report by Executive Director

Executive Director Rikard provided the Commission with an update of MDEQ's FY2016 Budget Request. This briefing was for informational purposes only, requiring no action by the Commission.

Approval to Enter into Executive Session

Chief of Staff, Chris Wells, stated that there was an on-going litigation matter relative to Mississippi Phosphates 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. Van Devender 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 and Gretchen Zmitrovich also left the room before any discussions. After the Closed Session was held, the Commission came back into open session. On motion made by Mr. Dunagin and seconded by Mr. Winstead, 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

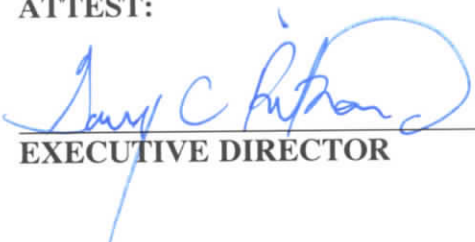
It was the decision of the Commission to meet next on Thursday, March 26, 2015, beginning at 9:00 a.m., in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi.

Adjournment

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

  
CHAIRMAN

ATTEST:

  
EXECUTIVE DIRECTOR

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