

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY  
OFFICIAL MINUTES  
MAY 28, 2015

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, May 28, 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  
Chat Phillips, Chairman  
Jack Winstead

Commissioners Martha Dalrymple and Billy Van Devender were not present.

Others present were: Gary Rikard, Executive Director; James Matheny, Trey Hess, 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, John Dane III, the newest member to the Commission on Environmental Quality.

Approval of Minutes

On motion made by Mr. Flowers and seconded by Mr. Winstead, the minutes of the April 23, 2015 meeting were approved and adopted as the Official Minutes.

Establishment of the Lignite Mining Fee for Liberty Fuels Company, LLC for the Liberty Mine in Kemper County for State Fiscal Year 2016;

Establishment of the Lignite Mining Fee for Mississippi Lignite Mining Company for the Red Hills Mine in Choctaw County for State Fiscal Year 2016

Mr. James Matheny stated that staff recommended the Liberty Fuels Company, LLC Lignite Mining Fee for the 2016 state fiscal year be set at \$125,000, which is the same as for state fiscal year 2015. He also stated that staff recommended the Mississippi Lignite Mining Company Lignite Mining Fee for the 2016 state fiscal year be set at \$125,000, which is the same as for state fiscal year 2015. This amount would cover approximately 50% of the anticipated cost of administering the federally-approved coal mining program in Mississippi; the remaining approximately 50% of the cost would be covered by a federal Office of Surface Mining Reclamation and Enforcement grant. These fees would cover 100% of the anticipated cost of administering the program above the amount of the federal OSMRE grant. Staff previously provided copies of the draft orders related to these fees to the Commission for review and recommended that the Commission delegate the authority to sign the Orders to the Executive Director. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Dunagin, the Commission unanimously voted to set the Liberty Fuels Company, LLC Lignite Mining Fee for the 2016 state fiscal year at \$125,000 and set the Mississippi Lignite Mining Company Lignite Mining Fee for the 2016 state fiscal year at \$125,000. The Commission also authorized Orders setting these fees be executed by the Executive Director.

Presentation of Excellence in State Engagement Supporting Reuse Award

Mr. Trey Hess stated on April 24, 2015, MDEQ received EPA's Excellence in State Engagement Supporting Reuse Award at the Association of State and Territorial Solid Waste Management Officials conference in Little Rock, Arkansas. EPA recognized MDEQ's

collaboration to support and encourage the appropriate reuse of Superfund sites across the State of Mississippi. MDEQ was one of only three States recognized by EPA at the event this year. Mr. Hess thanked recently retired Michael Slack for his leadership and hard work in these Superfund cleanups. The Commission and Executive Director Gary Rikard also recognized Mr. Slack for his hard work and dedication.

#### Commission Approval of Brownfield Consulting Firms

Mr. Trey Hess 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. Therefore, the staff recommended that the Commission approve the following firm as Brownfield Consulting Firms:

**TTL, Inc.**  
**3516 Greensboro Avenue**  
**Tuscaloosa, Alabama 35401-7002**

Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Dunagin, the Commission unanimously voted to approve TTL, Inc. as a Brownfield Consulting Firm.

#### Commission Approval of Brownfield Obligation Transfer

Mr. Trey Hess stated on May 27, 2014, the Commission reached a Brownfield Agreement (#6424-14) with Gulfport Tire & Auto Care, LLC for the remediation of the Gulfport Tire Site in Gulfport, Mississippi. In accordance with Rule 2.1.5.C of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, Gulfport Tire & Auto Care, LLC and Elhamaki Investments, LLC jointly have provided a petition to the MCEQ that Elhamaki Investments, 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 #6424-14 from Gulfport Tire & Auto Care, LLC to Elhamaki Investments, LLC. Elhamaki Investments, LLC plans to continue to use the facility as a vehicle maintenance and servicing operation. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Winstead, the Commission unanimously voted to approve the transfer of obligations in Brownfield Agreement #6424-14 from Gulfport Tire & Auto Care, LLC to Elhamaki Investments, LLC and that an Order in accordance with the Brownfield Regulations be issued by the Executive Director.

#### Commission Approval of Environmental Covenant

Mr. Trey Hess stated that staff recommended the Commission approve the Environmental Covenant between the Commission and Kansas City Southern Railway regarding the remediation of property located on the southeast of the corner of Depot Street and Levee Street in Vicksburg, Mississippi, referred to as the "Kansas City Southern Railway Vicksburg Yard Site." The facility has historically been utilized as a rail-yard for KCS operations that included fueling operations. Leaks from above ground storage tanks (ASTs) and fuel dispensers and fuel distribution lines have each contributed to diesel range petroleum contamination at the site. Therefore, remediation of the site is necessary. The site will continue to be utilized by KCS as a rail-yard but will no longer include fueling operations. The staff of the MCEQ has 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. Dunagin and seconded by Mr. Dane, the Commission unanimously voted to approve the Environmental Covenant between the Commission and Kansas City Southern Railway regarding the remediation of property located on the southeast of the corner of Depot Street and Levee Street in Vicksburg, Mississippi, and that the Environmental Covenant be executed by the Executive Director.

Commission Approval of Environmental Covenant

Mr. Trey Hess stated that staff recommended the Commission approve the Environmental Covenant between the Commission and Quad/ Graphics, Inc. regarding the remediation of property located at 2759 and 2787 South Harper Road in Corinth, Mississippi, referred to as the Quebecor facility. The facility historically operated as a printing press operation. Leaks of toluene from underground storage tanks (USTs) contributed to soil and groundwater contamination on 2.33 acres Quad/ Graphics, Inc. owned property at 2787 South Harper Road and groundwater contamination on 1.59 acres of property on the adjacent parcel owned by Northeast Mississippi Community College. Therefore, remediation of the site is necessary. The restrictions presented in the proposed environmental covenant will allow for redevelopment of the shuttered Quebecor facility and continued remediation of the affected properties. The staff of the MCEQ has 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. Winstead and seconded by Mr. Flowers, the Commission unanimously voted to approve the Environmental Covenant between the Commission and Quad/ Graphics, Inc. regarding the remediation of property located at 2759 and 2787 South Harper Road in Corinth, Mississippi, and that the Environmental Covenant be executed by the Executive Director.

Commission Approval of Environmental Covenant

Mr. Trey Hess stated that staff recommended the Commission approve the Environmental Covenant between the Commission and Johns Manville regarding the remediation of property located 508 Liberty Road in Natchez, Mississippi. The facility has historically been utilized to manufacture roof insulation products. After closure of the facility, materials remaining in permitted surge and evaporation ponds on the site contained residual diesel range petroleum compounds. Johns Manville filled and capped the ponds on site consistent with their MDEQ approved *Surge and Evaporation Ponds Closure Plan* dated July 25, 2012. Therefore, remediation of the site is necessary. The restrictions presented in the proposed environmental covenant will allow for redevelopment of the former facility and continued remediation of the affected ponds. The staff of the MCEQ has 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. Dunagin and seconded by Mr. Winstead, the Commission unanimously voted to approve the Environmental Covenant between the Commission and Johns Manville regarding the remediation of property located 508 Liberty Road in Natchez, Mississippi, and that the Environmental Covenant be executed by the Executive Director.

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>
Benton County Board of Supervisors	\$ 10,008
City of Ridgeland	25,000
City of Tchula	15,000
Calhoun County Board of Supervisors	11,473
Chickasaw County Board of Supervisors	11,717
Lawrence County Board of Supervisors	11,717
Madison County Board of Supervisors	62,000
Marion County Board of Supervisors	15,867
Oktibbeha County Board of Supervisors	15,378
Pontotoc County Board of Supervisors	15,500

Tishomingo County Board of Supervisors	13,304
Union County Board of Supervisors	14,158

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>
Grenada County Board of Supervisors	\$ 20,000
Hancock County Board of Supervisors	55,000
Leflore County Board of Supervisors	50,000
Three Rivers Solid Waste Management Authority	80,000

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 120 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 84 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 6 that certifications to those who install, alter, or remove underground storage tanks had been issued since the last report.

Administrative Orders

Staff reported that no Administrative Orders had been issued since the Commission's last meeting.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, June 25, 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