

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
MAY 22, 2014

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, May 22, 2014, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

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

Commissioner Martha Dalrymple was not present.

Others present were: Trudy Fisher, Executive Director; Roy Furrh, Willie McKercher, Maya Rao, Krista Caron, Stan Thieling, Mark Williams and 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 Phillips after which the following business was transacted:

Approval of Minutes

On motion made by Mr. Flowers and seconded by Mr. Winstead the minutes of the February 27, 2014 meeting were approved and adopted as the Official Minutes.

Water Pollution Control Revolving Fund Loan (WPCRLF) Program, Adoption of FY-2014 Intended Use Plan

Mr. Roy Furrh stated that staff recommended adoption by the Commission of the FY-2014 Intended Use Plan. The Intended Use Plan identifies the loan funds available to our communities for the construction of wastewater infrastructure, the communities to receive those loan funds, the loan interest rate, program deadlines, and other related information. This Intended Use Plan also reflects the implementation of the limited subsidy funding made available to "green" and "small/low income community" projects with funds provided under recent years' Federal Appropriations Acts. Public comments on the draft Intended Use Plan were solicited through a public comment period and a public hearing but no comments were received. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Dunagin, the Commission unanimously voted to adopt the FY-2014 Intended Use Plan and authorized an order memorializing this action to be executed by the Executive Director.

Pilot Travel Centers LLC-Moss Point, Jackson County-Designation of Hearing Officer

Mr. Roy Furrh stated that staff of MDEQ determined that Pilot Travel Centers LLC ("Pilot") was not eligible 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. Pilot has requested an evidentiary hearing related to MDEQ's decision. Pursuant to Miss. Code Ann. § 49-17-33, the Commission may designate a hearing officer to conduct the requested hearing for the Commission and prepare the record for the Commission to consider. MDEQ staff recommended the Commission designate Ricky Luke, Special Assistant Attorney General, to serve as the hearing officer in this matter under Miss. Code Ann. § 49-17-33. After the hearing is held, the hearing officer will present the record along with his findings of fact and recommended decision to the Commission. The Commission will ultimately decide this matter. Following staff presentation and deliberation, on motion made by Mr. Dunagin

and seconded by Mr. Winstead, the Commission unanimously voted to designate Ricky Luke, Special Assistant Attorney General, to serve as a hearing officer as stated.

Commission Approval of Brownfield Agreement

Mr. Willie McKercher stated that staff recommended that the Commission approve the Brownfield Agreement between the Commission and Gulfport Tire Company regarding the remediation of brownfield property generally located at 1606 Pass Road in Gulfport, Mississippi. The site is hereafter referred to as the "Gulfport Tire Brownfield Agreement Site." Past use of the facility included a vehicle full service garage with a fueling station. Assessments revealed an area of limited petroleum contamination in the vicinity of the former fuel pump island. Therefore, remediation of the Brownfield Agreement Site is necessary. The proposed use of the Site after completion of all remediation will be a vehicle service station and tire center. The 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. Flowers and seconded by Mr. Winstead, the Commission unanimously voted to approve the Brownfield Agreement between the Commission and Gulfport Tire Company regarding the remediation of brownfield property generally located at 1606 Pass Road in Gulfport, Mississippi, and that a Brownfield Agreement Order be executed by the Executive Director.

Commission Approval of Brownfield Completion

Mr. Willie McKercher stated on December 18, 2003, the Commission reached a Brownfield Agreement (#4670-03) with Uniek, Inc. for the remediation of the former National Picture and Frame facility in Greenwood, Mississippi. On December 2, 2013, and in accordance with Rule 2.1.7.B of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, Uniek, Inc. sent a petition to the Commission to make a determination as to the completion of Brownfield Agreement and as to the issuance of a "no further action" letter by the Executive Director. The staff of the MDEQ reviewed the petition, conducted the required inspection of the Brownfield Agreement Site, and recommended that the Commission issue an order in accordance with the Brownfield Regulations concluding that Uniek, Inc. has completed Brownfield Agreement #4670-03. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Flowers, the Commission unanimously voted that Uniek, Inc. has completed the Brownfield Agreement (#4670-03) and that a "no further action" letter be executed by the Executive Director.

Commission Approval of Brownfield Completion

Mr. Willie McKercher stated on October 24, 2013, the Commission reached a Brownfield Agreement (#6340-13) with The District Land Development Company, LLC for the remediation of the former Mississippi School For the Blind in Jackson, Mississippi. On April 29, 2014, and in accordance with Rule 2.1.7.B of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, The District Land Development Company, LLC sent a petition to the Commission to make a determination as to the completion of Brownfield Agreement and as to the issuance of a "no further action" letter by the Executive Director. The staff of the MDEQ reviewed the petition, conducted the required inspection of the Brownfield Agreement Site, and recommended that the Commission issue an order in accordance with the Brownfield Regulations concluding that The District Land Development Company, LLC has completed Brownfield Agreement #6340-13. Following staff presentation and deliberation, on motion made by Mr. Dunagin and seconded by Mr. Flowers, the Commission unanimously voted that The District Land Development Company, LLC has completed the Brownfield Agreement (#6340-13) and that a "no further action" letter be executed by the Executive Director.

Commission Approval of Brownfield Obligation Transfer

Mr. Willie McKercher stated on April 25, 2008, the Commission reached a Brownfield Agreement (#5389-08) with Pennzoil – Quaker State bda SOPUS Products for the remediation of the former PQS Vicksburg Lube Plant Brownfield Agreement Site in Vicksburg, Mississippi.

On April 3, 2014, and in accordance with Rule 2.1.5.C of Part 3, Chapter 2: Final Regulations Governing Brownfield Voluntary Cleanup and Redevelopment in Mississippi, SOPUS Products and CAM2 International, LLC jointly have provided a petition to the MCEQ that CAM2 International, 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 #5389-08 from SOPUS Products to CAM2 International, LLC. CAM2 International, LLC plans to reopen the closed facility as a hydraulic oil and fuel oil blending facility. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Flowers, the Commission unanimously voted that an order approving the transfer of obligations in Brownfield Agreement #5389-08 from SOPUS Products to CAM2 International, LLC be executed by the Executive Director.

FY-2015 Title V Fee Recommendation

Ms. Maya Rao stated that a Public Hearing on the FY-2015 Title V fee was held on May 8, 2014 and that no comments were received. Staff recommended that the Commission adopt a Title V fee of \$41 per ton for FY-2015 based on the recommendation of the TV Advisory Council. Following staff presentation and deliberation, on motion made by Mr. Flowers and seconded by Mr. Van Devender, the Commission unanimously voted to adopt the recommended fee of \$41/ton of air emissions for FY-2015 and authorized that an Order setting this fee be executed by the Executive Director.

Commission Approval of Hazardous Waste Regulations Amendments

Ms. Krista Caron stated on March 6, 2014, a public hearing was held concerning the adoption of hazardous waste rules promulgated by EPA in order to maintain the consistency of the Mississippi Hazardous Waste Regulations and the EPA Hazardous Waste Regulations. These rules were promulgated on April 13, 2012 and July 31, 2013, and deal with amendments to correct typographical errors and include the solvent wipes exclusions. There were no attendees to the public hearing and no comments were received on the proposed rules. Staff recommended that the Commission adopt these hazardous waste regulation amendments in order to remain consistent with federal regulations. Following staff presentation and deliberation, on motion made by Mr. Winstead and seconded by Mr. Dunagin, the Commission unanimously voted to adopt the hazardous waste rules promulgated by EPA in order to maintain the consistency of the Mississippi Hazardous Waste Regulations and the EPA Hazardous Waste Regulations.

Establishment of the Lignite Mining Fee for Liberty Fuels Company, LLC for the Liberty Mine in Kemper County for State Fiscal Year 2015; Establishment of the Lignite Mining Fee for Mississippi Lignite Mining Company for the Red Hills Mine in Choctaw County for State Fiscal Year 2015

Mr. Stan Thieling stated that staff recommended the Liberty Fuels Company, LLC Lignite Mining Fee for the 2015 state fiscal year be set at \$125,000, which is the same as for state fiscal year 2014. He also stated staff recommended the Mississippi Lignite Mining Company Lignite Mining Fee for the 2015 state fiscal year be set at \$125,000, which is the same as for state fiscal year 2014. This amount will cover approximately 50% of the anticipated cost of administering the federally-approved coal mining program in Mississippi; the remaining approximately 50% of the cost will be covered by a federal Office of Surface Mining Reclamation and Enforcement grant. These fees will 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. Winstead, the Commission unanimously voted to set the Liberty Fuels Company, LLC Lignite Mining Fee for the 2015 state fiscal year at \$125,000 and set the Mississippi Lignite Mining Company Lignite Mining Fee for the 2015 state fiscal year at \$125,000. The Commission also authorized Orders setting these fees be executed by the Executive Director. Executive Director Trudy Fisher thanked Mr. Thieling for his work in the Lignite program.

Approval of Regional Recycling Cooperative Grants

Mr. Mark Williams briefed the Commission on the Regional Recycling Cooperative Grants Program which promotes cooperative efforts by local governments for the collection, processing and marketing of recyclables. Recent grants have been awarded to four local governments which will be used to build and enhance regional recycling systems with other partner communities in the state. Local governments approved to receive grant awards were as follows:

- City of Greenwood - \$399,700 (in partnership with Leflore County, the Cities of Itta Bena and Indianola, and the Town of Sidon)
- City of McComb - \$123,916 (in partnership with Pike County and the Cities of Osyka, Magnolia and Summit)
- City of Natchez – \$317,162 (in partnership with the City of Brookhaven, Wilkinson County and various other institutions and organizations)
- City of Oxford – \$227,160 (in partnership with the Cities of Calhoun City and Batesville, Panola and Lafayette Counties and the University of Mississippi)

Mr. Williams thanked the members of his staff for their work in this program. This briefing was for informational purposes only, requiring no action by the Commission.

Briefing on the Delta Sustainable Water Resources Task Force

Ms. Kay Whittington briefed the Commission on the current work of the Delta Sustainable Water Resources Task Force and provided an update on the Voluntary Metering Program. This briefing was for informational purposes only, requiring no action by the Commission.

Report by Executive Director

Executive Director Trudy Fisher briefed the Commission on the status of the agency's general fund dollars and updated the Commission on the NRDA, Restore and NFWF funding streams for Mississippi arising out of the Deepwater Horizon oil spill. 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 have that been awarded to local governments:

<u>County/Municipality</u>	<u>Grant Amount</u>
Alcorn County Board of Supervisors	\$ 14,520
Benton County Board of Supervisors	9,840
Choctaw County board of Supervisors	10,800
City of Grenada	25,000
City of Hattiesburg	75,000
Clay County Board of Supervisors	10,440
Grenada County Board of Supervisors	8,437
Lawrence County Board of Supervisors	11,520
Lee County Board of Supervisors	19,320
Pearl River County Board of Supervisors	23,040
Quitman County Board of Supervisors	19,720
Sunflower County Board of Supervisors	13,800
Tishomingo County Board of Supervisors	13,080
Wayne County Board of Supervisors	15,240

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>
Coahoma County Board of Supervisors	\$ 30,000
Hancock County Board of Supervisors	55,000
Harrison County Utility Authority	51,500
Pearl River County Board of Supervisors	40,000
Wayne County Board of Supervisors	10,000

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 502 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 169 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 4 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 120 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 20 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, June 26, 2014, beginning at 9:00 a.m., in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi.

Approval to Enter into Executive Session

Executive Director Fisher stated that there was an on-going legal matter 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. Winstead 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. After the Closed Session was held, the Commission came back into open session. On motion made by Mr. Winstead 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.

Adjournment

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



CHAIRMAN

ATTEST:



EXECUTIVE DIRECTOR