

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY  
OFFICIAL MINUTES  
NOVEMBER 20, 2014

The regular monthly meeting of the Commission on Environmental Quality was held on Thursday, November 20, 2014, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m. Commissioners present were:

Martha Dalrymple  
Charles Dunagin  
Kay Kell  
Chat Phillips, Chairman  
Billy Van Devender

Commissioners Dick Flowers and Jack Winstead were not present.

Others present were: Gary Rikard, Executive Director; Trey Hess, Jerry Beasley, 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.

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 November, 2014, will take place on Thursday, November 20, 2014, 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 16, 2014.

Approval of Minutes

On motion made by Mr. Dunagin and seconded by Ms. Dalrymple, the minutes of the September 25, 2014 meeting were approved and adopted as the Official Minutes.

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, staff recommended that the Commission approve the following firm as a Brownfield Consulting Firm:

Goodwyn, Mills and Cawood, Inc.  
2660 East Chase Lane, Suite 200  
Montgomery, Alabama 36117

Following staff presentation and deliberation, on motion made by Ms. Kell and seconded by Mr. Van Devender, the Commission unanimously voted to approve Goodwyn, Mills and Cawood, Inc., as a Brownfield Consulting Firm.

Mr. Hess also distributed a copy of MDEQ's Strategic Plan for Fiscal Years 2016-2020 to the Commission for review.

FY 2016 Title V Fee Recommendation

Mr. Jerry Beasley 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 of \$41/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 Ms. Dalrymple and seconded by Mr. Dunagin, the Commission unanimously voted to proceed to public notice of hearing on the Title V fee recommendation.

Adoption of a Revision to the State Implementation Plan and "Regulations for Ambient Air Quality Nonattainment Areas", 11 Mississippi Administrative Code, Part 2, Chapter 11

Mr. Jerry Beasley stated that a public hearing was held on October 2, 2014, to receive comments concerning a Revision to the State Implementation Plan for the Control of Air Pollution (SIP Revision) and adoption of "Regulations for Ambient Air Quality Nonattainment Areas". The Department is proposing to adopt a SIP Revision which includes adoption of new air pollution control regulations specifically for the purposes of implementing federal requirements for areas designated as non-attainment for National Ambient Air Quality Standards. The proposed regulations are entitled 11 Mississippi Administrative Code, Part 2, Chapter 11, "Regulations for Ambient Air Quality Non-Attainment Areas". The regulations will be applicable to sources in DeSoto County, Mississippi as well as any other areas in Mississippi that may be designated non-attainment for air quality in the future. The SIP Revision also includes the required emissions inventory for DeSoto County, Mississippi. The only comments received were minor comments from EPA which were incorporated. Copies of the SIP Revision and regulation were previously provided to the Commission. Staff recommended that the Commission adopt the proposed SIP Revision and the proposed regulations. Following staff presentation and deliberation, on motion made by Mr. Dunagin and seconded by Ms. Dalrymple, the Commission unanimously voted to adopt the proposed SIP Revision and the proposed regulations entitled "Regulations for Ambient Air Quality Non-Attainment Areas", 11 Mississippi Administrative Code, Part 2, Chapter 11.

Adoption of Amendments to "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants", 11 Mississippi Administrative Code, Part 2, Chapter 1

Mr. Jerry Beasley stated a public hearing was held on October 8, 2014, to receive comments concerning proposed amendments to Commission air pollution control regulations: 11 Mississippi Administrative Code, Part 2, Chapter 1, "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants". The amendments involve changes to the open burning provisions found in Rule 1.3.G to allow MDEQ to delegate the regulation of the burning of residential yard waste (including leaves, limbs, and other natural vegetative wastes) by individual residential property owners to local governments where that local government has adopted a locally enforceable ordinance that is sufficiently protective of air quality in its jurisdiction. The MDEQ has developed a companion "sample local ordinance" for local governments to consider when seeking this delegation that has also been made available to the public for comment. In addition, the amendments create "Air Quality Action Days" that would include the current Ozone Action Days. Air Quality Action Days would be days designated by the Executive Director of MDEQ where air quality data shows that a specific area of the state may be experiencing severely diminished air quality conditions. On these days, the burning of vegetative yard wastes and other types of prescribed open burning that may normally be allowed under the regulations will be prohibited. Additionally, other amendments involve the adoption, by reference, of recent amendments to federal regulations for New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, and the federal Consolidated Air Rule in order to make the state regulations consistent with the federal requirements and to maintain delegation. A transcript of the public hearing proceeding and copies of the proposed regulation amendments were previously provided to the Commission. Staff recommended that the Commission adopt the proposed amendments to 11 Mississippi Administrative Code, Part 2, Chapter 1. Following staff presentation and deliberation, on motion made by Mr. Van Devender and seconded by Mr. Dunagin, the Commission unanimously voted to adopt the proposed amendments to "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants", 11 Mississippi Administrative Code, Part 2, Chapter 1.

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 Cleveland	\$ 21,000
City of Moss Point	25,000
Itawamba County Board of Supervisors	15,500
Leflore County Board of Supervisors	13,792
Perry County Board of Supervisors	11,839
Three Rivers Solid Waste Management Authority	75,000
Wayne County Board of Supervisors	42,050
Webster County Board of Supervisors	10,496

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>
Walthall County Board of Supervisors	\$ 25,000

Asbestos Certifications

On previous authority delegated to the Head, Office of Pollution Control, the staff reported that 223 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 83 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.

Wastewater Operator Certifications

We have issued 113 wastewater operator certifications since the last report. This list will be available at the Commission meeting.

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.

Approval to Enter into Executive Session

Executive Director Rikard stated that there was an on-going litigation 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. 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. After the Closed Session was held, the Commission came back into open session. On motion made by Mr. Dunagin and seconded by Ms. Dalrymple, 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, January 22, 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.

  
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CHAIRMAN

ATTEST:

  
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EXECUTIVE DIRECTOR