

City of Hattiesburg, MS

*200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401*



Meeting Agenda - Final

Friday, May 31, 2013

9:30 AM

Council Chambers

City Council - Special Called Meeting

*City Council
Special Called Meeting*

1. [2013-0317](#) Select an option for treating the city's waste water, in accordance with Amended Agreed Order 6034 11 between the City of Hattiesburg and the Mississippi Department of Environmental Quality.

Attachments: [KB-statement, waste water treatment](#)
 [DDD-statement, waste water treatment](#)



City of Hattiesburg, MS

200 Forrest St.
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Master

File Number: 2013-0317

File ID: 2013-0317

Type: Regular Agenda Item

Status: Passed

Version: 1

Reference:

In Control: City Council

File Created: 05/31/2013

Brief Title: Select an option for treating the city's waste water

Final Action: 05/31/2013

Minute Book Number: MB2013-155

Title:

Select an option for treating the city's waste water, in accordance with Amended Agreed Order 6034 11 between the City of Hattiesburg and the Mississippi Department of Environmental Quality.

Notes:

Sponsors:

Enactment Date:

Attachments: KB-statement, waste water treatment,
DDD-statement, waste water treatment

Enactment Number:

Contact:

Meeting Date: 05/31/2013

Drafter: Debbie Bernardo

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council - Special Called Meeting	05/31/2013	Approve				Pass

Action Text: A MOTION was made by Council member Carroll and seconded by Council Vice President Ware to select zero discharge into the Leaf River as the option for treating the city's waste water, in accordance with Amended Agreed Order 6034 11 between the City of Hattiesburg and the Mississippi Department of Environmental Quality.

Council member Carroll stated that the Council has been dealing with this issue for a year and a half, and that zero discharge into the Leaf River is the best option now and in the future.

Council Vice President Ware thanked the consulting engineers and said that he believes today is not the end, but only the beginning. He said today the City begins the process of choosing an option and moving forward to implement it, making sure that whatever decision is made is the best decision for the people of Hattiesburg, not for today and not for five years from now, but for the next 40-50 years. He said that the Council worked hard to be educated enough to make a long-term decision, and that there cannot be short-term fixes. He said that the only option that accomplishes the two goals that were set forth - one, stop the smell and two, stop polluting the river- is the zero discharge option.

Council member Naylor commended the Council for the work its done on this matter. He said discussions have always put the wishes and concerns of constituents first. He said the primary concern that he has heard has had to do with the odor, and that both options will address that to the satisfaction of the City as a whole. He said that because of other concerns he has heard from the individuals he represents, he has reasons to support mechanical; he said that at the same time, he is pleased with everything the Council has done thus far. Council member Naylor said there is much more to be done, but that he commends his colleagues and that the City of Hattiesburg will be in good hands.

Council President Bradley read aloud a brief statement in support of the land application treatment system (attached).

Council member Delgado was unable to attend but participated by telephone. She read aloud a statement in support of the mechanical treatment system (attached).

Following discussion, the Motion received the affirmative vote of the Council as follows:

Yeas: 3 - Bradley, Carroll and Ware

Nays: 1 - Naylor

Absent: 1 - Delgado

Council member Delgado stated her opposition, but said [she realizes] her vote did not count.

Yea: 3 Bradley
Carroll
Ware

Nay: 1 Naylor

TEL-No Vote: 0

Text of Legislative File 2013-0317

Title

Select an option for treating the city's waste water, in accordance with Amended Agreed Order 6034 11 between the City of Hattiesburg and the Mississippi Department of Environmental Quality.

Summary

Select an option for treating the city's waste water

Budget Information

Expenditure Type

Purchasing Item

Publication Information

There were two mandates and one "If We Can" when we began searching for answers and a solution to our waste water treatment system.

The #1 mandate was to comply with EPA/DEQ requirements and the #2 Mandate was to eliminate the odor. The "If We Can" was to eliminate the need for a discharge permit. The Land Application System with a zero discharge meets both mandates and the "If We Can".

To: Council Minutes, May 31, 2013, Special Call meeting

It is not possible to capture the depth of my disappointment at missing this special call meeting to vote on one of the most important issues facing the citizens of Hattiesburg for now as well as for many years to come. We all had conflicting schedules. That I understand. What I do not understand is waiting to call this important meeting at the very last minute. Though we invested a tremendous amount of time educating ourselves to make the right decision for Hattiesburg and weighing conceivable possibilities, we have allowed the seriousness of our choice to be lost, to a large extent, in the rigors of robust and hotly contested municipal elections.

That being said, it is no secret that I favor the mechanical treatment plant for our community. Based upon all that has been presented to us it seems to me the most reliable process and can be adjusted in phases to meet our domestic as well as our industrial waste water treatment needs.

I have nothing but respect and appreciation for all the study and research put into this project. And it has been stated many times that the decision boils down to embracing a philosophy. Regrettably, the philosophy we select carries a price tag and I cannot choose without considering cost.

I am challenged to make a choice for the people who elected me and who trust me to make the right decision and one that truly places them first. Placing them first does not allow me to make a choice without regard for the long term cost to current residents as well as to future generations. I must answer to them for all the money we have already spent on a dying lagoon. And to tell them that I am supporting a process that will require even more investment in that same lagoon that untold millions of dollars did not cure is more that I can bear. Still further, I cannot see facing citizens of Hattiesburg saying that I am going to vote to keep the lagoon open and hooked up to life support at a cost of more millions of their tax dollars, still trying to fix it 12 years after USA Yeast started delivering the poison. I am still trying to come to terms with the fact that we are carrying a multimillion corporation that not only knowingly took advantage of the City but also has tax exemptions and fewer employees than they represented to us that they would hire!

After all we invested in the South Lagoon it still stinks to high heaven and does not do the job it was designed to do. And the decision to be made today will not only continue that cost but will add another \$130 million dollars to our debt with no clear indication of the amount of profit that will be added to the total cost.

Still another painful consideration is the reality that should land application be chosen, the plan we have been shown will also include a mechanical plant for the purpose of treating the industrial waste from USA Yeast and other plants. Land application, as it turns out, will not do for our strong industrial waste water treatment needs. The cost of treating the industrial waste in a separate mechanical facility, as I am told, is not likely to be passed on to USA Yeast. Citizens, then will absorb the cost of land application and a mechanical plant.

I am also not at ease about a process that uses land outside our geographic boundaries and beyond our ability to control the cost of future land acquisition, if necessary.

We need a reliable mechanical treatment plant for the Hattiesburg of the future - one that will accommodate our dreams for growth and development and one that will use a much smaller footprint than the land application option.

Please see the letter I forwarded to the regulators for further investigation designed to protect the health of our people and the environment.

Deborah Delgado
Peace and Blessings



Mayor
Johnny L. DuPree, Ph.D.

Council - Ward 1
Kim Bradley

Council - Ward 2
Deborah Denard Delgado

Council - Ward 3
Carter Carroll

Council - Ward 4
Dave J. Ware, II

Council - Ward 5
Henry Naylor

May 28, 2013

Trudy Fisher, Executive Director
Richard Harrell, Director, Office of Pollution Control
Mississippi Department of Environmental Quality
515 East Amite St
Jackson, MS 39201

Gwendolyn Keys Flemings, Region IV Administrator (or Designee)
Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Madames:

Re: City of Hattiesburg, Mississippi Wastewater Treatment Options

The City of Hattiesburg, Mississippi is under an agreed order (from the Environmental Protection Agency [EPA] and Mississippi Department of Environmental Quality [DEQ]), to eliminate and reduce the amount of nutrients discharged into the Leaf River.

We have struggled with the decision of whether to treat our waste by means of a mechanical treatment facility or a land application (no discharge) system (LAS).

We took the initiative to hire and engage an engineering team to assist in developing outreach material, community education forums and sessions, mayor/councilmember education forums and sessions, brochures (mailers), press releases, news conferences and surveys.

We provided community engagement and public information forums. From my vantage point the community consistently asked that the odors be eliminated. Based upon the options given, their request necessarily included closing our existing and severely damaged domestic lagoon as the lagoon is not properly functioning because of crippling untreated wastewater deposits over a period of years.

We are committed to making the best possible decisions to ensure we are protecting *human health* and the *environment*. We are all committed to enforcing and abiding by the Clean Water Act (CWA). We differ, however, in the conclusion of most of my colleagues that LAS will be best and that LAS will get us away from depositing into the rivers and will consequently eliminate government regulatory oversight.

I **am not** confident we are making the best choice to protect *human health* and the *environment* if we select the land application option. I am by no means asking you as regulators to make this choice for the City. I am a proponent of "regionalization" to combine with surrounding Cities to efficiently and economically promote reduction and elimination of properly treated waste, to ensure adherence to the CWA regulations.

By this letter I am requesting EPA and/or MDEQ coordinate and provide an independent and unbiased Environmental Impact Statement (EIS) and an Environmental Justice (EJ) Review of the potentially impacted areas.

Citizens will suffer irreversible impact, disproportionate/adverse environmental impact, quality of life issues, loss of land application system ownership (due to land being owned by investors), possible future price control challenges in the event of a need for expansion because much of the targeted land is outside the geographic boundaries of the City, in addition to the following considerations:

- existing lagoons will remain open and in place
- transmission lines (transportation impact) will be used to transport the waste throughout the city to vacant property,
- possibly a smaller mechanical treatment facility will be utilized to pretreat before transmitting (while we are selecting LAS we are admitting it is not sufficient to meet our needs by building into that choice a mechanical plant, at added cost to the citizens)
- possible stormwater runoff during rain events
- possible stormwater runoff from highway department landscaping/fertilizing event
- potential agriculture impact
- potential wetlands impact due to stormwater runoff
- potential impact to human health and the environment
- potential impact to a minority, low-income community
- additional disproportionate impact from multiple sources
- irretrievable commitments of resources to maintain and operate in future years

Based upon the history of the potentially impacted community and the potential areas of concern, if the majority Council members select the land application system, I am requesting the Mississippi Department of Environmental Quality, hold a "public hearing" to obtain and hear the concerns of the potentially impacted community, **before** issuing the permit. Citizens need the protections and guarantees inherent in the mission of your agencies.

Your consideration and input in this matter would be greatly appreciated.

Sincerely,



Deborah Denard Delgado, Councilwoman

Ward 2