

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
NOVEMBER 19, 2020

A specially called "in-person" meeting of the Commission on Environmental Quality was held on Thursday, November 19, 2020, in the Commission Hearing Room, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m., for purposes of conducting an evidentiary hearing related to Gold Coast Commodities, Inc. Commissioners present were:

John Dane III, Chairman
Patrick Johnson, Jr.
Brenda Lathan
Jamie Martin
Chat Phillips

Commissioners Billy Van Devender and Jack Winstead were not present.

The public was invited to hear the proceedings of the Commission telephonically by dialing 1-888-822-7517 and entering Participant Code 1649618#. Visitors were requested to place their phones on the mute setting so the Commission could conduct its proceedings without interruption.

The meeting was called to order by Chairman Dane and after Mr. Phillips led the invocation, Chairman Dane turned the meeting over to Hearing Officer, Doug Levanway, and the following business was transacted:

Notice of Meeting

The Commission was informed that the attached legal Notice of Meeting concerning the time, date, place and manner of this meeting had been posted publicly as required by law and also posted on the MDEQ website.

The Notice of Meeting read as follows: "Please take note that a special "in person" meeting of the Mississippi Commission on Environmental Quality will take place on Thursday, November 19, 2020, at 9:00 a.m., for purposes of conducting an evidentiary hearing related to Gold Coast Commodities, Inc. This meeting will be held 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. Masks and social distancing are required."

This notice was posted on MDEQ's website and on the front door of the MDEQ offices in Jackson, MS on October 29, 2020.

Gold Coast Commodities, Inc. Request for an Evidentiary Hearing related to Commission Order No. 7069 20 and Commission Order No. 7074 20

The matter before the Commission was a formal evidentiary hearing related to Commission Order No. 7069 20-September 11, 2020, and Commission Order No. 7074 20-October 1, 2020, issued by the Interim Executive Director on behalf of the Commission as well as a Complaint dated October 23, 2020, issued by MDEQ. The Orders and Complaint relate to Gold Coast's wastewater treatment facility in Rankin County near Pelahatchie. Petitioner, Gold Coast Commodities, Inc., requested the hearing so the Commission could reconsider, and possibly rescind, these previously issued orders. MDEQ requested the evidentiary hearing related to the Complaint be combined with the hearing on the Orders.

Doug Levanway, with Wise Carter, served as the Hearing Officer. MDEQ was represented by its General Counsel Roy Furrh and Senior Attorneys Donna Hodges and Gretchen Zmitrovich. Gold Coast was represented by Andy Taggart and Ellen Royal of Taggart, Rimes & Graham, PLLC. MDEQ on behalf of the Commission pre-filed direct testimony through the affidavits of Danny Beasley, Michael A. Word, Laine Mashburn Stubbs and Thomas Tynes. Gold Coast pre-filed direct testimony through the affidavits of Thomas W. Douglas, Sam Hardin, Buck Alman, Dr. Todd French and Harry Wilson, and pre-filed rebuttal testimony through the affidavits of Dr. Todd French, Sam Hardin and Harry Wilson.

FD3

Mr. Furrh advised the Commission that the Hearing Officer ruled that the direct testimony affidavit of Thomas Tynes with MDEQ would only be presented if the Commission found that violations in the Complaint had occurred and that it is necessary to consider assessment of penalties.

Mr. Taggart and Ms. Hodges each made opening statements on behalf of their respective clients. Mr. Beasley and Mr. Word testified through their own pre-filed testimony affidavits and were tendered for cross-examination by the parties, for questioning by the Commissioners, and for redirect. Mr. Taggart indicated that he would not cross-examine Mr. Beasley, Mr. Word and Ms. Stubbs. The Commissioners indicated they did not have any questions for Ms. Stubbs; therefore, Ms. Stubbs testified through her pre-filed testimony affidavit only. Mr. Hardin, Mr. Alman, Mr. Wilson, Dr. French, and Mr. Douglas testified on behalf of Gold Coast and were tendered for cross-examination by the parties, for questioning by the Commission, and for redirect.

After the conclusion of the presented evidence related to the alleged violations and Orders at the formal evidentiary hearing, Ms. Hodges and Mr. Taggart made closing arguments. The matter was then presented to the Commission for its decision. The Commission unanimously determined violations occurred by Gold Coast and that penalties were appropriate. Mr. Tynes was then called to testify through his own pre-filed testimony affidavit and was tendered for cross-examination by the parties, for questioning by the Commission, and for redirect. Mr. Taggart and Ms. Hodges each gave brief closing arguments on the proposed penalties in this case.

The Commission made a verbal ruling in which it found Gold Coast liable for violations, made modifications to both *ex parte* Orders, and assessed a penalty of \$505,000 payable in quarterly installments over a period of 18 months. A written order with findings of fact and conclusions of law will be drafted by MDEQ counsel and presented to the Commission for consideration at a later meeting.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, January 28, 2021, 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, on motion made by Ms. Martin and seconded by Mr. Phillips, the meeting was adjourned.


CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR