

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
OFFICIAL MINUTES
MARCH 25, 2021

The regular monthly meeting of the Commission on Environmental Quality was held telephonically on Thursday, March 25, 2021, and initiated from Conference Room 604-B at the offices of the Mississippi Department of Environmental Quality, 515 East Amite Street, Jackson, Mississippi, beginning at 9:00 a.m.

Commissioners who participated telephonically were: John Dane III, Patrick Johnson, Brenda Lathan, Jamie Martin, Chat Phillips, Billy Van Devender and Jack Winstead.

Others present were: Chris Wells, Executive Director; Gretchen Zmitrovich, Roy Furrh, staff of MDEQ; and other staff members and visitors whose names appear elsewhere in these minutes.

The meeting was called to order by Chairman Dane and after Mr. Winstead led the invocation, 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 the regularly scheduled meeting of the Mississippi Commission on Environmental Quality ("Commission") on Thursday, March 25, 2021, will take place telephonically. The items to be brought before the Commission for action will be the following:

- Approval of the February 25, 2021 Telephonic Commission Meeting Minutes
- Gold Coast Commodities, Inc. Order
- Confirmation of the April 22, 2021 Commission Meeting

This meeting will be held through a telephone conference call initiated at 9:00 a.m. on Thursday, March 25th from Conference Room 604-B at the offices of the Mississippi Department of Environmental Quality at 515 East Amite Street, Jackson, Mississippi.

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

This notice was posted on MDEQ's website and in the MDEQ offices in Jackson, MS on March 22, 2021.

Approval of Minutes

On motion made by Mr. Winstead and seconded by Mr. Johnson, the minutes of the February 25, 2021, telephonic meeting were approved and adopted as the Official Minutes.

Gold Coast Commodities, Inc. Order

Executive Director Chris Wells stated that subsequent to the November 19, 2020, evidentiary hearing, and prior to last month's Commission meeting, MDEQ legal staff conferred with Andy Taggart, counsel for Gold Coast Commodities, Inc., and exchanged drafts of the Findings of Facts and Conclusions of Law. The parties were unable to reach an agreement on the language of the Order, which led to two competing Orders being submitted to the Commission prior to last month's meeting. There was confusion and disagreement over a few issues, mainly the jurisdiction and authority of the Commission on Environmental Quality versus the jurisdiction and authority of the Mississippi Environmental Quality Permit Board, and how to craft the language of the Findings of Fact and Conclusions of Law in the Order to most effectively relay the Commission's ruling stated during the November 19, 2020, evidentiary hearing. During last month's Commission meeting the Commission provided further guidance and clarity to the attorneys for both parties.

The MDEQ legal staff re-drafted the Order to try to incorporate that guidance. The re-drafted Order was submitted to Andy Taggart, counsel for Gold Coast Commodities, Inc., on March 16, 2021, and no comments were received. The re-drafted Order was then submitted to the Commission for consideration earlier in the week. Chairman Dane felt the re-drafted Order corresponded with the directive the Commission provided to MDEQ staff and opened the floor for discussion. Mr. Phillips stated he concurred with Mr. Dane's conclusions. No other comments were made. Following staff presentation and after deliberation, on motion made by Mr. Phillips and seconded by Mr. Van Devender, the Commission voted to adopt and approve the proposed re-drafted Order and that it be executed by the Chairman of the Commission. Mr. Winstead abstained from voting since he was unable to attend the hearing on November 19, 2020.

Setting of Meeting

It was the decision of the Commission to meet next on Thursday, April 22, 2021, beginning at 9:00 a.m. The decision whether to meet in-person or telephonically will be made at a later date.

Other Business

Executive Director Chris Wells informed the Commission that on Tuesday afternoon the Senate Committee on Environment Protection, Conservation and Water Resources took up his nomination as Executive Director along with Mr. Phillips' re-appointment to the Commission. Both of those matters passed out of committee and are on the Senate calendar.

Adjournment

There being no further business to come before the Commission, on motion made by Ms. Martin and seconded by Mr. Johnson, the meeting was adjourned.



VICE-CHAIRMAN

ATTEST:


EXECUTIVE DIRECTOR