

IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

FILED
APR 16 2021

GOLD COAST COMMODITIES, INC.

PLAINTIFF/APPELLANT

EDDIE JEAN CARR, CHANCERY CLERK

vs.

BY Spankin D.C. CAUSE NO. G2021-00479 0/3

MISSISSIPPI ENVIRONMENTAL
QUALITY PERMIT BOARD

DEFENDANT/APPELLEE

COMPLAINT ON APPEAL

Pursuant to Miss. Code Ann. § 49-17-29, Plaintiff/Appellant Gold Coast Commodities, Inc. (“Gold Coast”) submits this Complaint on Appeal to this Court, and appeals the decision by the Mississippi Environmental Quality Permit Board (the “Permit Board”) ordering revocation of Gold Coast’s State Operating Permit No. MSU 218003 (the “Permit”), after a formal hearing held on April 13, 2021, and all interim orders and rulings entered by the Hearing Officer in the matter before the Permit Board styled “In Re: Gold Coast Commodities, Inc., State Operating Permit No. MSU 218003,” and shows:

1.

On November 10, 2020, the Permit Board issued a preliminary order revoking the Permit. On December 9, 2020, Gold Coast filed its Request for Formal Hearing with the Permit Board, seeking a formal hearing before the Permit Board in accordance with Miss. Code Ann. § 49-17-29(4)(b). A true and accurate copy of the Request for Formal Hearing as filed is attached here as Exhibit “A” and incorporated by reference.

2.

The hearing requested by Gold Coast was conducted on April 13, 2021, at the offices of the Permit Board.

3.

Upon conclusion of the April 13, 2021 hearing, the Permit Board affirmed its November 10, 2020 decision to revoke State Operating Permit No. MSU 218003.

4.

No written findings of fact and conclusions of law supporting the Permit Board's decision have yet been recording in the minutes of the Permit Board, as required by Miss. Code Ann. § 49-17-29 (the "Appeal Statute"). But the effect of the revocation of the Permit is to cause Gold Coast to be unable to conduct its business in an economically sustainable way.

5.

The Appeal Statute instructs any person who is aggrieved by any decision of the Permit Board revoking a permit after a formal hearing to appeal that decision to the chancery court of the county of the situs in whole or in part of the subject matter within twenty (20) days following the date the decision is entered into the minutes of the Permit Board.

6.

This Court has jurisdiction pursuant to statute and venue is appropriate in Hinds County as the subject matter in this action is the revocation of Gold Coast's Permit by the Permit Board and the situs of the November 10, 2020 revocation and the April 13, 2021 affirmation of that revocation was the City of Jackson, in the First Judicial District of Hinds County.

7.

Because the Permit Board's April 13, 2021 decision prevents Gold Coast from conducting its business in an economically sustainable way, this matter is ripe for appeal. The Permit Board's decision on April 13, 2021 and its effect is determinative, regardless of having not yet been entered into the minutes of the Permit Board. Additionally, minutes still have not been entered from a

November 19, 2020 decision of the Mississippi Commission on Environmental Quality (“MCEQ”) in a parallel matter before the MCEQ, involving the same parties and the same issues. Gold Coast’s appeal of the MCEQ’s November 19, 2020 decision is currently pending before this Court. Gold Coast simply cannot wait for entry of the Permit Board’s decision into its minutes to appeal the April 13, 2021 decision of the Permit Board.

8.

Today, April 15, 2021, Gold Coast also filed a Notice of Appeal and a cost bond payable to the State in the amount of Five Hundred Dollars (\$500.00) with the Executive Director of the Permit Board, as required by the Appeal Statute. A true and accurate copy of the Notice of Appeal as filed under cover of letter and with its attachments is attached here as Exhibit “B” and incorporated by reference.

THEREFORE, Gold Coast appeals from the decision of the Permit Board entered into the minutes of the Permit Board at the conclusion of its meeting on April 13, 2021, and all interim orders and rulings of the Hearing Officer entered in that matter. Gold Coast requests that the Court order the Executive Director of the Permit Board to certify to the Court the record of the Permit Board in this matter, as required by the Appeal Statute, and moves by separate motion for supersedeas on the revocation of the Permit.

Respectfully submitted, this the 16th day of April, 2021.

GOLD COAST COMMODITIES, INC.

BY: Ellen V. Royal
FOR R. Andrew Taggart, Jr. (MSB# 7422)
One of its attorneys

OF COUNSEL:

R. ANDREW TAGGART, JR. (MSB# 7422)
ELLEN V. ROYAL (MSB# 105682)
TAGGART, RIMES & GRAHAM, PLLC
1022 Highland Colony Parkway
Suite 101
Ridgeland, MS 39157
Ph. 601-898-8400
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andy@trglawyers.com
ellen@trglawyers.com

CERTIFICATE OF SERVICE

I, R. Andrew Taggart, Jr., attorney for the Gold Coast Commodities, Inc., certify that I have this day served by electronic mail a true and correct copy of this pleading to the following:

Legal Division
Mississippi Department on Environmental Quality
Mr. Roy Furrh, Esq., General Counsel
Ms. Donna Hodges, Esq., Senior Attorney
Ms. Gretchen Zmitrovich, Esq., Senior Attorney
Ms. Lisa Ouzts, Esq., Senior Attorney

This, the 16th day of April, 2021.

Ellen V. Royal

FOR R. ANDREW TAGGART, JR.



Wise Counsel. Proven Advocacy. Real Solutions.

100 Renaissance Building
1022 Highland Colony
Parkway • Suite 101
Ridgeland, MS 39157

Phone: 601.898.8400
Fax: 601.898.8420

www.trglawyers.com

December 9, 2020

Via Hand-Delivery

The Honorable Chris Wells, Executive Director
Mississippi Environmental Quality Permit Board
515 E. Amite Street
Jackson, MS 39201

Re: **GOLD COAST COMMODITIES, INC.**
STATE OPERATING PERMIT NO. MSU218003

Dear Mr. Wells:

Enclosed for filing in your office is Gold Coast Commodities, Inc.'s request for a formal hearing on the November 10, 2020 action of the Mississippi Environmental Quality Permit Board.

I will be very grateful if you will please stamp "Filed" on the copy enclosed herein and email the file-stamped copy to maureem@trglawyers.com.

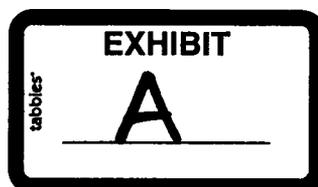
I trust that you will find this filing satisfactory; however, please do not hesitate to contact me if you have any questions.

Yours very truly,

Andy Taggart

RAT/ma
Enclosures

cc: The Honorable Jennifer Wittmann, Chairman, *via email only* (jennifer.wittmann@dmr.ms.gov)
Mr. Roy Furrh, *via email only* (rfurrh@mdeq.ms.gov)
Ms. Donna Hodges, *via email only* (dhodges@mdeq.ms.gov)
Ms. Gretchen Zmitrovich, *via email only* (gzmitrovich@mdeq.ms.gov)



RECEIVED

DEC 09 REC'D

Dept. of Environmental Quality

BEFORE THE MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD

**IN RE: GOLD COAST COMMODITIES, INC.
STATE OPERATING PERMIT NO. MSU218003**

REQUEST FOR FORMAL HEARING

Gold Coast Commodities, Inc. ("GCC"), pursuant to Miss. Code Ann. §49-17-29(4)(b), requests a formal hearing on the November 10, 2020 action of the Mississippi Environmental Quality Permit Board (the "Permit Board") to revoke State Operating Permit No. MSU218003. As permittee, GCC is an interested party affected by the Permit Board's disposition of this action, as contemplated by the statute.

Respectfully submitted, this the 9th day of December, 2020.

GOLD COAST COMMODITIES, INC.



For BY: R. ANDREW TAGGART, JR. (MSB# 7422)
Its Attorney

OF COUNSEL:

R. ANDREW TAGGART, JR. (MSB# 7422)
JOHN G. SIMS, III (MSB# 99679)
ELLEN V. ROYAL (MSB# 105682)
TAGGART, RIMES & GRAHAM, PLLC
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MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD

DEC 09 REC'D

Mississippi Department of Environmental Quality



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Ridgeland, MS 39157

Phone: 601.898.8400
Fax: 601.898.8420

www.trglawyers.com

April 16, 2021

Via Hand-Delivery

The Honorable Chris Wells, Executive Director
Mississippi Commission on Environmental Quality
515 E. Amite Street
Jackson, MS 39201

Re: Evidentiary Hearing Before the Mississippi Environmental Quality
Permit Board Regarding the Revocation of State Operating Permit
No. MSU218003, Rankin County, Mississippi, Gold Coast Commodities, Inc.

Dear Mr. Wells:

Enclosed for your approval and certification please find the following:

1. Notice of Appeal from Gold Coast Commodities, Inc.,
2. A cash bond payable to the State of Mississippi in the amount of \$500.00, in the form of Check No. 504267 from the law firm of Taggart, Rimes & Graham, PLLC.

I will be very grateful if you will please stamp "Filed" on the copy enclosed herein and email the file-stamped copy to maureem@trglawyers.com.

I trust that you will find this filing satisfactory; however, please do not hesitate to contact me if you have any questions.

Yours very truly,

FOR Andy Taggart

RAT/ma
Enclosures

cc: The Honorable Doug Levanway, Hearing Officer, *via email only* (del@wisecarter.com)
Mr. Roy Furrh, *via email only* (rfurrh@mdeq.ms.gov)
Ms. Donna Hodges, *via email only* (dhodges@mdeq.ms.gov)
Ms. Gretchen Zmitrovich, *via email only* (gzmitrovich@mdeq.ms.gov)
Ms. Lisa Ouzts, *via email only* (louzts@mdeq.ms.gov)



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Dept. of Environmental Quality

BEFORE THE MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD

**IN RE: GOLD COAST COMMODITIES, INC.
STATE OPERATING PERMIT NO. MSU218003**

NOTICE OF APPEAL

Gold Coast Commodities, Inc. (“Gold Coast”) submits this Notice of Appeal (“Notice”) to the Chancery Court of Hinds County, Mississippi, First Judicial District, from the April 13, 2021 decision of the Mississippi Environmental Quality Permit Board (the “Permit Board”) ordering revocation of Gold Coast’s State Operating Permit No. MSU 218003 (the “Permit”), after a formal hearing held on April 13, 2021, and all interim orders and rulings entered by the Hearing Officer in this matter. In addition to this Notice, pursuant to the provisions of Miss. Code Ann. § 49-17-29 (the “Statute”), Gold Coast tenders this day to the Executive Director of the Permit Board (the “Executive Director”) a cash bond payable to the State of Mississippi in the amount of Five Hundred Dollars (\$500.00), in the form of Check No. 504267 from the law firm of Taggart, Rimes & Graham, PLLC. Pursuant to the Statute, Gold Coast requests that the Executive Director approve and certify the cash bond forthwith, along with the record of the Permit Board in this matter, to the Chancery Court of Hinds County, Mississippi, First Judicial District.

Respectfully submitted, this the 16th day of April, 2021.

GOLD COAST COMMODITIES, INC.

BY: Ellen T. Royal
FOR R. Andrew Taggart, Jr. (MSB# 7422)
One of its attorneys

OF COUNSEL:

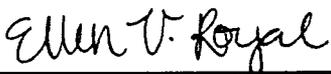
R. ANDREW TAGGART, JR. (MSB# 7422)
ELLEN V. ROYAL (MSB# 105682)
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Ph. 601-898-8400
Fx. 601-898-8420
andy@trglawyers.com
ellen@trglawyers.com

CERTIFICATE OF SERVICE

I, R. Andrew Taggart, Jr. certify that I have this day emailed a true and correct copy of the foregoing pleading to:

Mr. Roy Furrh, *via email only* (rfurrh@mdeq.ms.gov)
Ms. Donna Hodges, *via email only* (dhodges@mdeq.ms.gov)
Ms. Gretchen Zmitrovich, *via email only* (gzmitrovich@mdeq.ms.gov)
Ms. Lisa Ouzts, *via email only* (louzts@mdeq.ms.gov)
Mr. Doug Levanway, *via email only* (del@wisecarter.com)

This the 16th day of April, 2021.


FOR R. ANDREW TAGGART, JR.