- Agency Interest Details

# W C Fore Trucking Inc, Delancey Sand Mine

# **General Information**

ID	Branch	SIC	County	Devi	msR3	213
19151	Mining and	1442		Basin	Start	End
	Solid Waste Management	- V	INGUISON	Coastal Streams	06/14/2004	

#### Address

Physical Address (Prim 11139 Wolf River Road	nary) Mailing Address	
Gulfport, MS 39503	PO Box 3058 Gulfport, MS 39505	

# Telecommunications

Туре	
I see phone number	Address or Phone
	(228) 853-1314

#### Alternate / Historic AI Identifiers ALL TO

	Alt Type	Start Date	
W C Fore Trucking Inc, Delancey Sand Mine	GP-Mining		
W C Fore Trucking Inc, Delancey Sand Mine	Geology-Mining-		
W C Fore Trucking Inc			
RVA Sand and Gravel		†	12/13/2009
W C Fore Trucking Inc			08/25/2004
	W C Fore Trucking Inc, Delancey Sand Mine W C Fore Trucking Inc, Delancey Sand Mine RVA Sand and Gravel, Delancey Sand Mine	Alt TypeW C Fore Trucking Inc, Delancey Sand MineGP-MiningW C Fore Trucking Inc, Delancey Sand MineGeology-Mining- ApplicationW C Fore Trucking Inc, Delancey Sand MineGeology-Mining-PermitRVA Sand and Gravel, Delancey Sand MineHistoric Site NameW C Fore Trucking Inc, Delancey Sand MineHistoric Site Name	Alt TypeStart DateW C Fore Trucking Inc, Delancey Sand MineGP-Mining10/12/2004W C Fore Trucking Inc, Delancey Sand MineGeology-Mining- Application10/25/2004W C Fore Trucking Inc, 

#### **Regulatory Programs** Desarrow

	Program				
	Water	SubProgram	Start Date	End Date	
•		Mining Stormwater	10/12/2004		

## Locational Data

Latitude	Longitude	Metadata	S / T /	R	Map Links	
			/		riap Links	

,	Agency Interest		$\bigcirc$	Page 2 of 2
30 ° 26 ' 47 .08 (030.446411)		Point Desc: PG- Pit Entrance (General). Data collected by David J. Wickens on 12/13/2005. Now receiving construction demolition debris from Hurricane Katrina. This is temporary approval for this mine site. Method: GPS Code (Psuedo Range) Standard Position (SA Off) Datum: NAD83 Type: MDEQ	Section: 008 Township: 07S Range: 12W	SWIMS TerraServer Map It

Report Date: 5/4/2006 2:12:50 PM

-

MDEQ OPC Gocational Data Entry Form AT MIS MSR 321377 Site Name: WAC: Fore Trancking Address: P OBox City: Culton State: MS Zip: 39505 County: Site Unique Identifier: Delarcy Sand Mine" Site Unique Identifier Description: <u>F04-043A</u> ec. (Permit#, EPA ID, Monitoring Station #, etc Latitude: <u>30</u> Degrees <u>26</u> Minutes <u>47.8</u> Seconds N Longitude: <u>M</u>Degrees <u>12</u>Minutes <u>52.2</u>Seconds W

Point Description: X PG - Plant Entrance (General) \_NE - NE Corner of Land Parcel \_\_\_\_\_SE - SE Corner of Land Parcel NW - NW Corner of Land Parcel \_\_\_\_\_SW - SW Corner of Land Parcel \_CE - Center of Facility WL - Well\* WM - Ambient Water Mon. Station AM - Ambient Air Mon. Station

Comments: Now receiving construction denderin debris inite-

\*This point should be used only for wells in cases where there is no other identifiable facility.

and gillelin

Collected By: K

Date Collected: 12/13

# W C Fore Trucking Inc, Delancey Sand Mine

## **General Information**

ID	Branch	SIC	County	Basin		1
19151	Mining and Solid	NONE			Start	End
	Waste Management	SELECTED	Harrison	NONE SELECTED	06/14/2004	

#### Address

	Mailing Address
	PO Box 3058 Gulfport, MS 39505

## Telecommunications

Туре	Address or Phone
Work phone number	(228) 863-1314

# Alternate / Historic AI Identifiers

Alt ID	Alt Name				
		Alt Type	Start Date	End Date	
19151	RVA Sand and Gravel, Delancey Sand Mine	Historic Site Name	06/14/2004	08/24/2004	
19151	W C Fore Trucking Inc, Delancey Sand Mine	Official Site Name	08/25/2004		

# **Regulatory Programs**

Program	SubProgram

### Locational Data

Latitude	Longitude	Method	Datum	S / T	' / R	Map Links	

Report Date: 8/25/2004 10:32:47 AM

# W C Fore Trucking Inc, Delancey Sand Mine

# Staff to AI Assignments

Name	Assignment
	Permitting, Branch Manager
Rockingham, Charity	Permitting, Coverage Writer

## **Related People**

Name	Relationship		
Fore, W.	Is Application Signatory for	<b>Start Date</b> 08/25/2004	End Date
Fore, W.	Is General Permit Contact For	08/25/2004	
Delancey, Alton Ray	Is Application Signatory for	06/14/2004	08/24/2004
Delancey, Alton Ray	Is General Permit Contact For	06/14/2004	08/24/2004

# **Related Organizations**

Name	Relationship	Start Date	End Date	
------	--------------	------------	----------	--

Report Date: 8/25/2004 10:32:47 AM

# MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEOLOGY - MINING AND RECLAMATION DIVISION

8

Operator:		INSPECTI	ON REPORT	ATION DIVISI	UN	
Application/Permit #:		Frucking, Inc.				
Inspected By:	<u>P04-043A</u>	Acres: <u>46.17</u>	Inspection Type:	Сору <u>Annual</u>	to Operator:	
Location of Operation:	Ron Porter		Data			
of operation;	SW 1/4 of Section	on 8, Township 7 South, Rar	nge 12 West, Harrison Co	<u>12-16-2009</u>		
Minte of			Currison Co	unty, Mississippi		
Mining Status:	Inactive	"Delancey Sand	Mine" AI# 19151			
Within Permit Limits?	Yes				( <b>3</b> 4)	
Mining Without Permit?	No		MSR 32	1377		
Mining Within 300 Feet of Occupied Dwelling?	No					
Mining Within 100 Feet of Right of Way?	<u>No</u>					
Identification Sign:	Poor					
Monitor or Location Marker	Absent					
Water Control:	Inadequate	Erosion on cites				
Sediment Pond:	Adequate	Erosion on site; some se	<u>Vere</u>			
Sediment Runoff:	Not Excessive					
Dam(s) to Pond(s) Present:	Appear Adequate					
RECLAMATION						
Progress:	Inadequate					
Plan Filed:		Scheduled to bew complet	ted in 2007			
Plan Implemented:	<u>Pond with 3 to 1 grass</u> same + eroded gullies	ed slopes				
Debris Disposal:	Proper					
Slopes:	-					
Slope Condition:	3 Horizontal to 1 V					
Vegetative Cover:	<u>Unstable</u> Fair	Eroded gullies on site				
Comments:	The operate :					
	additional	uired to fix all eroded	areas on site The			
	Repairs should 1	uired to fix all eroded he operator is also rea nade as soon as possi	quired to submit a n	c are several are	as that need	
					chedule.	
	keep in mind the be	ne operator is also rea made as soon as possi ond release period is a	minimum two year	process.	elease. Please	e
R Status:	Bond Amount = \$45,000					
		No bond releases to date.				1
Recommendation:						
				The state of the s		
Therein a second s						
and the second			A172871			



3-





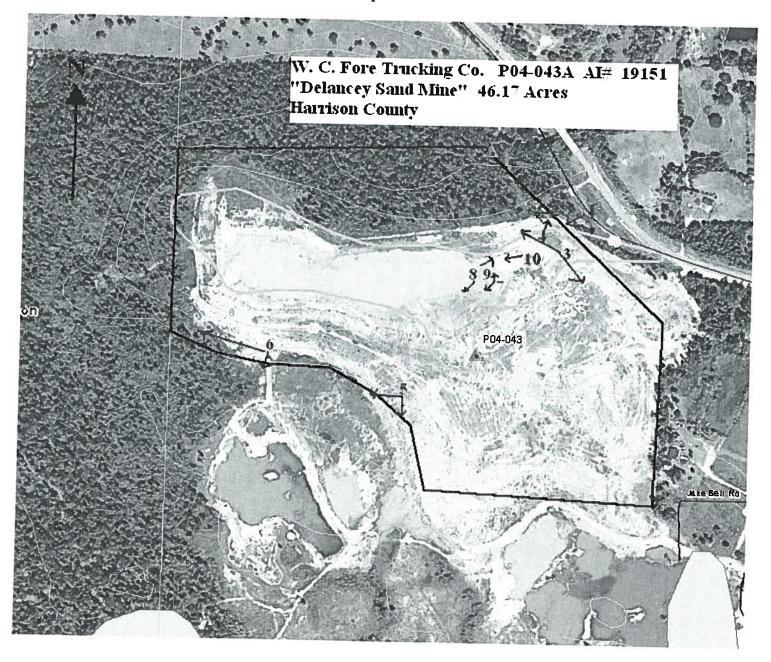








10- Upstream end of erosion into the pond shown in photo #9.



#### **Storm Water Inspection**

January 6, 2010

To:Ethan Mayeu<br/>Office of Pollution Control<br/>Compliance & Enforcement DivisionFrom:Ron Porter<br/>Office of Geology<br/>Mining & Reclamation DivisionRe:W. C. Fore Trucking, Inc.P04-043AAI# 1915146.17Acres "Delancey Sand Mine "<br/>Harrison County

On December 16, 2009, I conducted a storm water inspection on the above referenced site. This site is an open pit mined for sand and gravel. This site is partially reclaimed with 3 to 1 grassed slopes and is inactive. <u>The operator has a sediment pond in the north west corner of the site with eroded channels going into the site.</u> <u>Erosion and sediment is contained in the incised pond. Since flooding conditions from the Wolf River were present the southern areas could not be inspected. Primarily the site is grass and appears as though it was used as a Katrina fill area. There is erosion rills within the fill areas. There is no plant or office facilities at this location.</u>

h



#### STATE OF MISSISSIPPI

#### HALEY BARBOUR

GOVERNOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

#### **MEMORANDUM**

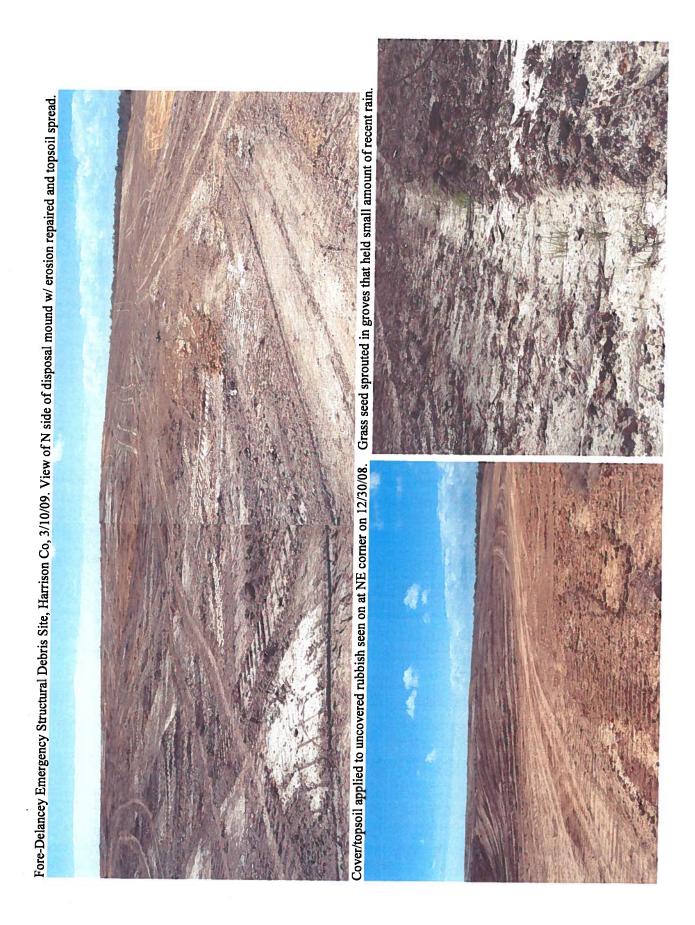
Date:	March 12, 2009
From:	Louis Lavallee
Through:	Ethan Mayeu 🕬
To:	file
Subject:	March 10, 2009, Inspection at Fore-Delancey Emergency Structural Debris Disposal Site, Wolf River Road, Harrison County

On Tuesday, March 10, 2009, at about 1:20, I revisited the Fore-Delancey Katrina debris disposal site off Wolf River Road, Harrison County. We had written to Mr. W. C. Fore on January 14<sup>th</sup> requesting him to repair erosion of the soil cover by February 28<sup>th</sup>. On February 27<sup>th</sup> Mr. Fore's office called and said the work had been completed. On March 4<sup>th</sup> we received a February 27<sup>th</sup> letter from Mr. Fore that the requested repairs had been made to the Katrina debris landfill. They had used about 3200 cubic yards of topsoil to repair the erosion, planted two types of grass seed, and applied fertilizer.

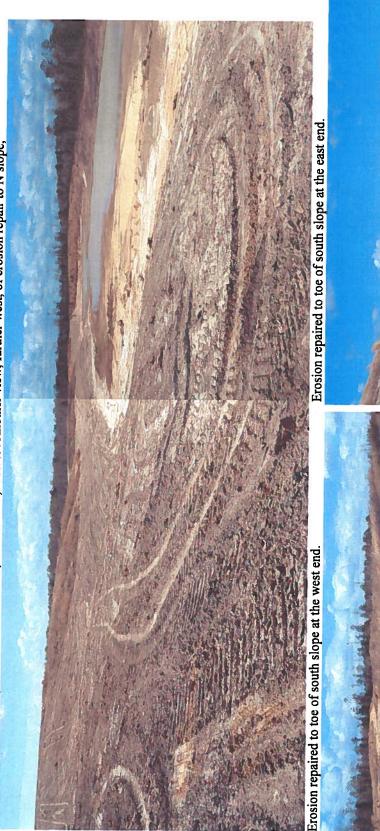
I found all eroded areas repaired. The uncovered debris that had been at the northeast corner of the site was now covered. The repaired areas had top soil and grass seed was scattered, but generally not germinated except for low spots in the tracks left by the equipment. The rainfall has been below normal in the area. I saw signs indicating a burn ban when I drove through Pearl River County. As I was leaving the site Mr. Fore met me. He said they needed rain for the grass to germinate, but he had planted a mix of winter and summer grasses and applied fertilizer. I expressed concern that the same areas were likely to erode again without diversion berms and perhaps slope drains. He noted the excess topsoil north of the mound and said he would use it to repair future erosion. No further action is planned at this time.

See attached pictures.

pc: Ken Me Carley, DG Bill Barnett < KO



Fore-Delancey Emergency Structural Debris Site, Harrison Co, 3/10/09. Another view, further west, of erosion repair to N slope,













# W C Fore Trucking, Inc.

February 27, 2009

RECEIVED MAR 4 - 2009 Office of Pollution Control

State of Mississippi Mississippi Department Of Environmental Quality P. O. Box 2261 Jackson, Ms 39225-2261

RE: Erosion of Cover Soil Delancy Emergency Structural Site, Harrison County

Email: Louis\_lavallee@deq.state.ms.us

Dear Mr. Lavallee:

We are receipt of your letter requesting us to take the necessary actions to repair the above referenced location. The following has been done to accomplish all necessary repairs to correct existing erosion and prevent future erosion. Equipment to make the repairs was 345 Long Reach Hoe/worked approximately 120 hours, D6N Dozer/worked approximately 80 hours. Material used to make repairs were approximately 3200 cubic yards of Top soil, 4000# of T60 Fertilizer, 400# Winter Rye grass seed, and 200# Bahia grass seed. This work was completed on February 20<sup>th</sup>, 2009.

We feel that all that was requested has been completed and the area is ready for another inspection. Feel free to contact us if any further information is needed.

Thank you,

. C. Fore

W. G. Fore President

pc: Ken milarley,06 Bill Barrett SRA

# W C Fore Trucking, Inc.

	"FAX"
TO: Mr. Lavallee	FROM: WCFOLL
FAX NUMBER: 601-354-66012	DATE: 2127109
COMPANY: MS DEQ	TOTAL NO OF PAGES INCLUDING COVER:
PHONE NUMBER: RE: Delancy Site	
URGENTFOR REVIEW_	
COMMENTS: Email Was Sent. Sorry I forgot to Put Darlene Fore	MR, Lavallee.

# W C Fore Trucking, Inc.

February 27, 2009

State of Mississippi Mississippi Department Of Environmental Quality P. O. Box 2261 Jackson, Ms 39225-2261

RE: Erosion of Cover Soil Delancy Emergency Structural Site, Harrison County

Email: Louis\_lavallee@dcq.state.ms.us

Dear Mr. Lavallee:

We are receipt of your letter requesting us to take the necessary actions to repair the above referenced location. The following has been done to accomplish all necessary repairs to correct existing erosion and prevent future crosion. Equipment to make the repairs was 345 Long Reach Hoe/worked approximately 120 hours, D6N Dozer/worked approximately 80 hours. Material used to make repairs were approximately 3200 cubic yards of Top soil, 4000# of T60 Fertilizer, 400# Winter Rye grass seed, and 200# Bahia grass seed. This work was completed on February 20<sup>th</sup>, 2009.

We feel that all that was requested has been completed and the area is ready for another inspection. Feel free to contact us if any further information is needed.

Thank you,

President

# WC Fore Trucking, Inc.

February 27, 2009

State of Mississippi Mississippi Department Of Environmental Quality P. O. Box 2261 Jackson, Ms 39225-2261

RE: Erosion of Cover Soil Delancy Emergency Structural Site, Harrison County

Email: Louis\_lavallee@deq.state.ms.us

Dear Mr.

We are receipt of your letter requesting us to take the necessary actions to repair the above referenced location. The following has been done to accomplish all necessary repairs to correct existing erosion and prevent future erosion. Equipment to make the repairs was 345 Long Reach Hoe/worked approximately 120 hours, D6N Dozer/worked approximately 80 hours. Material used to make repairs were approximately 3200 cubic yards of Top soil, 4000# of T60 Fertilizer, 400# Winter Rye grass seed, and 200# Bahia grass seed. This work was completed on February 20<sup>th</sup>, 2009.

We feel that all that was requested has been completed and the area is ready for another inspection. Feel free to contact us if any further information is needed.

Thank you,

W. C. Fore President



Margaret Fore <darlenefore@yahoo.com> 02/27/2009 02:13 PM Please respond to darlenefore@yahoo.com To Louis\_Lavallee@deq.state.ms.us cc bcc Subject Re: Erosion of Cover Soil Delancy Site

Sure, I did fax a signed copy but I will also mail hard copy. Thanks

Be sweet and take care of you!

Darlene Fore 🕉

--- On Fri, 2/27/09, Louis\_Lavallee@deq.state.ms.us <Louis\_Lavallee@deq.state.ms.us> wrote: From: Louis\_Lavallee@deq.state.ms.us <Louis\_Lavallee@deq.state.ms.us> Subject: Re: Erosion of Cover Soil Delancy Site To: darlenefore@yahoo.com Date: Friday, February 27, 2009, 2:12 PM

Thanks for sending Mr. Fore's letter. Will you also please mail a signed copy to us? Thanks.

Louis Lavallee, PE ECED Solid Waste & Mining, South Region MS Department of Environmental Quality P. O. Box 2261, Jackson, MS 39225 601-961-5074, fax: 601-961-5674 www.deq.state.ms.us



Margaret Fore <darlenefore@yahoo.com> 02/27/2009 02:05 PM To louis\_lavallee@deq.state.ms.us cc bcc

Subject Erosion of Cover Soil Delancy Site

History: If this message has been replied to.

Be sweet and take care of you!

Darlene.Fore



#### STATE OF MISSISSIPPI

#### HALEY BARBOUR GOVERNOR

#### MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

January 14, 2009

FILE COPY

#### Certified Mail No. 7008 0500 0001 7047 5383

Mr. W. C. Fore W. C. Fore Trucking, Inc. P. O. Box 3058 Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: Inadequate Post-Closure Maintenance Delancy Emergency Structural Debris Disposal Site Wolf River Road, Harrison County

On December 30, 2008, the Mississippi Department of Environmental Quality (MDEQ) conducted an inspection of the Delancy Emergency Structural Debris Disposal Site on Wolf River Road, Harrison County, Mississippi. This inspection was a follow-up to MDEQ correspondence provided to you dated July 31, 2008 (copy enclosed) in which you were requested to correct certain compliance issues at the site including inadequate cover, erosion of the final cover and exposed waste. Based on this most recent inspection, no apparent corrective actions have been initiated to fully comply with the requirements of the Building and Structural Debris Disposal Sites Closure/Post-Closure Policy as requested.

This letter is to advise you that your failure to provide proper post-closure maintenance of the Delancey Emergency Debris Disposal site is an apparent violation of the conditions of the Department's Building and Structural Debris Disposal Sites Closure/Post-Closure Policy. A violation of this policy is also considered a violation of Sections 17-17-17 and 49-17-29 of the Mississippi Code Annotated, Commission Order Number 5062-05, and the Mississippi Nonhazardous Solid Waste Management Regulations.

Therefore, we are insisting that you immediately begin all necessary actions to repair the existing erosion and establish any necessary storm water controls to prevent further exposure of the waste mass and the resulting risk of harm to human health or the environment. Due to the ongoing erosion and loss of final cap material, additional earthen cover should be utilized at the site to repair the

Agency Interest No. 19151 ENF20080001



#### STATE OF MISSISSIPPI

HALEY BARBOUR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL OUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

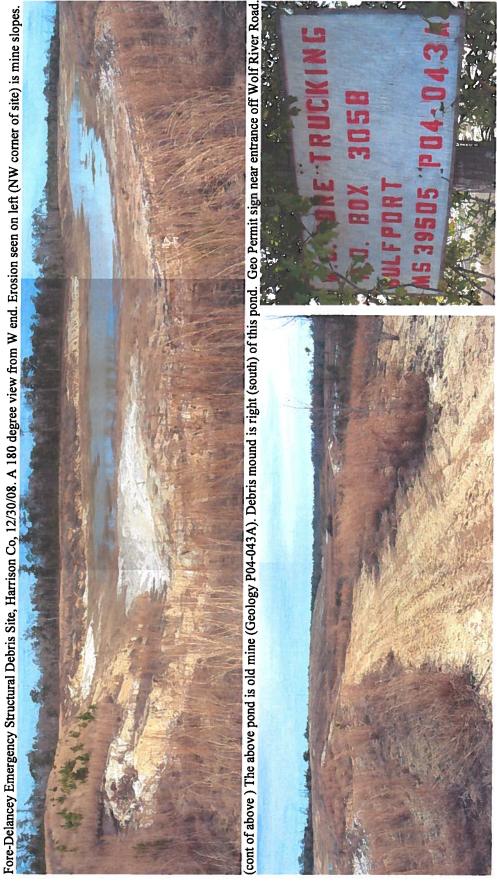
#### **MEMORANDUM**

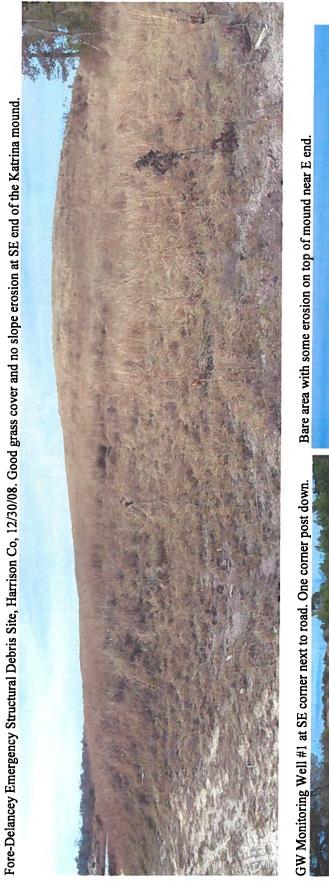
Date:	January 5, 2009
From:	January 5, 2009 Louis Lavallee
Through:	Ethan Mayeu
To:	file
Subject:	December 30, 2008, Inspection at Fore-Delancey Emergency Structural Debris Disposal Site, Wolf River Road, Harrison County

On Tuesday, December 30, 2008, at about 12:30 p.m., I inspected the Fore-Delancey Katrina debris disposal site off Wolf River Road, Harrison County. Trent Jones and Mark Williams visited the site on May 20, 2008, and by memo dated July 24, 2008, reported that many areas of the closed mound had sparse vegetation and large erosion channels on the side slopes. Additionally they observed two leachate outbreaks on the north slope of the mound. On July 31, 2008 we wrote to W. C. Fore asking him to repair the erosion and establish additional storm water controls.

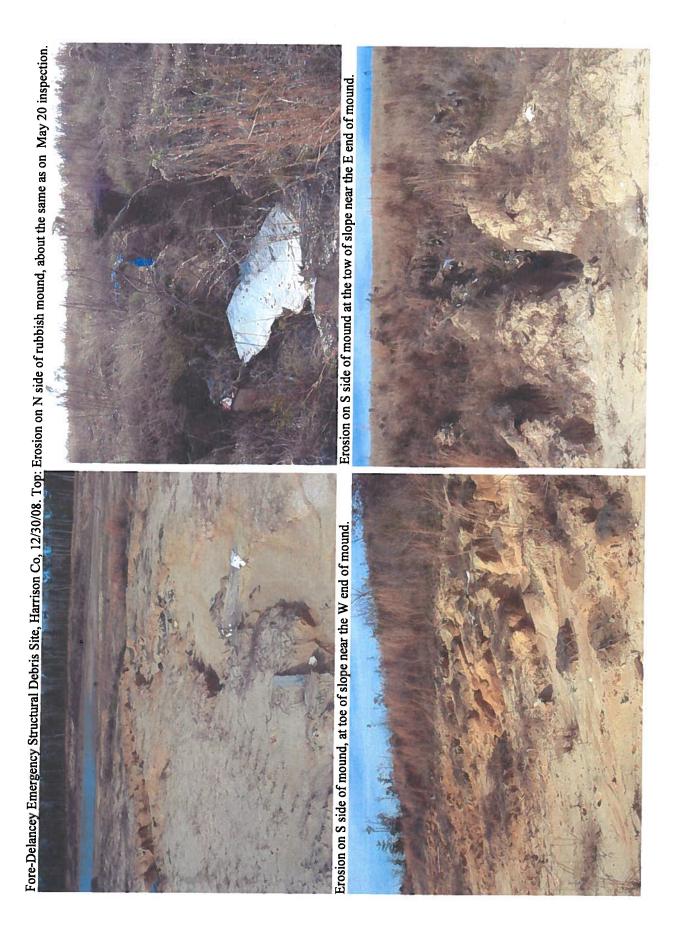
As the attached pictures show, it appeared there had been no erosion repair or additional vegetation established since our May inspection. The areas photographed by Trent appeared about the same, so erosion had not significantly worsened. There was also no leachate observed during my inspection. Some eroded areas in the pictures are on slopes of the former mine and not the Katrina debris mound. The Office of Geology attached inspection report dated 12/4/08 concluded that sediment runoff was not excessive.

See attached pictures.











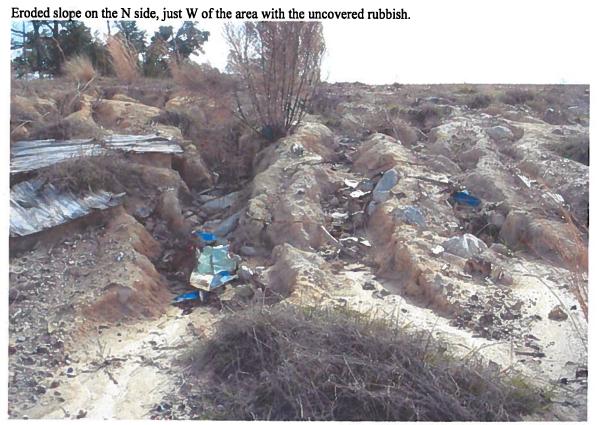
Fore-Delancey Emergency Structural Debris Site, Harrison Co, 12/30/08. No leachate as on 5/20/08.

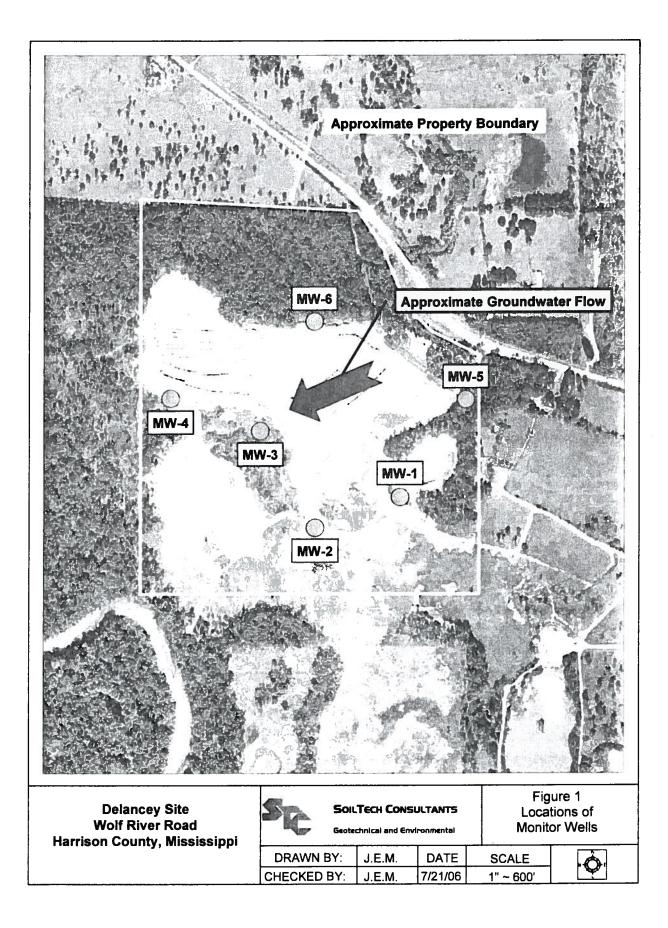
Some uncovered rubbish at NE corner of mound, near entrance. It was mostly broken/crushed wall board.

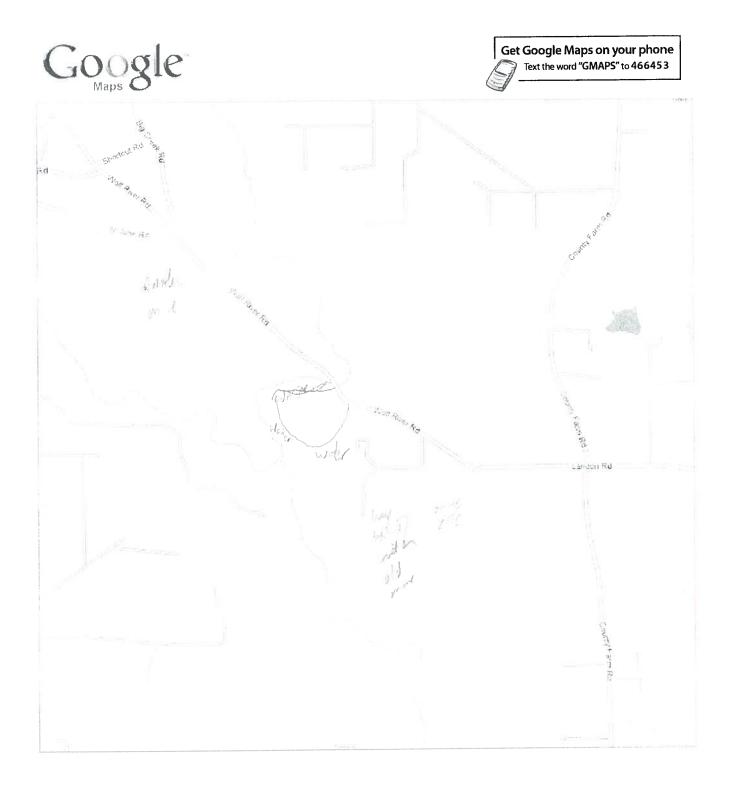


Fore-Delancey Emergency Structural Debris Site, Harrison Co, 12/30/08. Close-up of uncovered rubbish





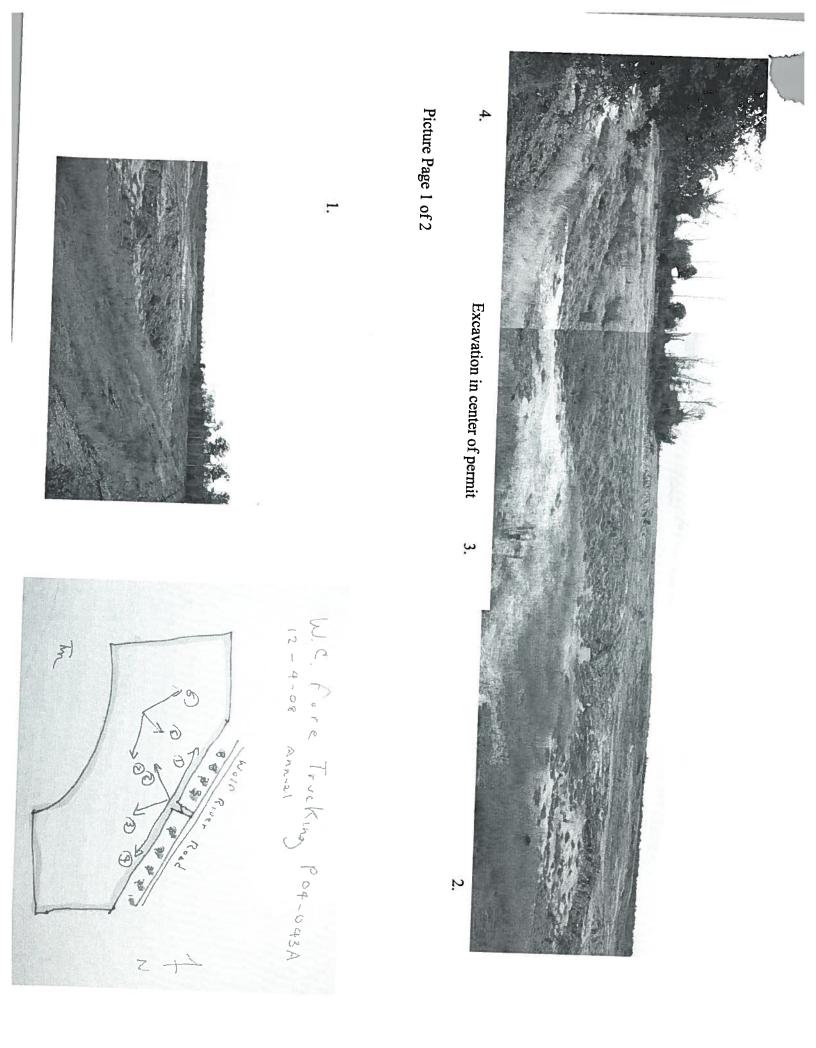


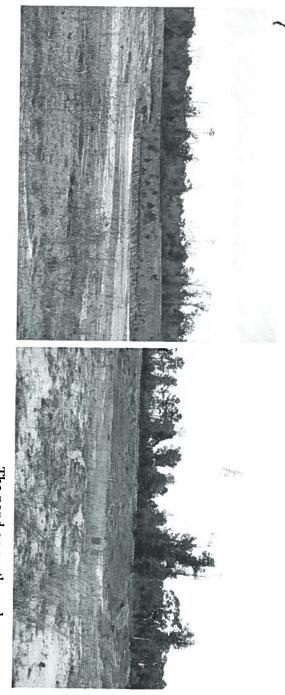


## MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEOLOGY - MINING AND RECLAMATION DIVISION

INSPECTION	REPORT
------------	--------

				ON REPORT			
Operator:	W. C. Fore Tru	icking, Inc.				Copy to Operator:	Yes
Application/Permit #:	<u>P04-043A</u>	Acres:	<u>46.17</u>	Inspection Type:	<u>Annual</u>		
Inspected By:	<u>Tom Ray</u>			Date:	<u>12-04-2008</u>	Ł	
Location of Operation:	SW 1/4 of Section	8, Township 7	South, Ra	nge 12 West, Harrison Co	unty, Mississi	ppi	
Mining Status:	Reclamation						
Within Permit Limits?	Yes						
Mining Without Permit?	No						
Mining Within 300 Feet of Occupied Dwelling?	<u>No</u>						
Mining Within 100 Feet of Right of Way?	<u>No</u>						
dentification Sign:	Good						
Monitor or Location Marker:	Good						
Vater Control:	Adequate						
ediment Pond:	Adequate						
ediment Runoff:	Not Excessive						
am(s) to Pond(s) Present:	Appear Adequate						
ECLAMATION							
rogress:	Adequate	<u>12/2007</u>					
lan Filed:	a pond with 2 to 1 g	ass slopes					
an Implemented:	the same						
ebris Disposal:	Proper						
opes:	3 Horizontal to 1	Vertical					
ope Condition:	<u>Unstable</u>						
egetative Cover:	Fair						
omments:	I saw no probler	ns this insr	pection				
	•	1					
l Status:	No Bond release to dat	te.					
Recommendation:							·····





Page 2 of 2 P04-043A 12-04-08



6.

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7.

# STORMWATER COMMENTS

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W. C. FORE TRUCKING P04-043A "Delancey Sand Mine" Annual Inspection 12-04-08

The site appears to be mostly reclaimed. Drainage and sediment is into a pond and the excavation in the center of the permit.

I saw no storm water concerns this inspection.

TOM RAY, Inspector

SOLID WASTE



COUNTY MIRC. 06

STATE OF MISSISSIPPI HALEY BARBOUR GOVERNOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY TRUDY D. FISHER, EXECUTIVE DIRECTOR

July 31, 2008

Mr. W. C. Fore W. C. Fore Trucking, Inc. P. O. Box 3058 Gulfport, Mississippi 39505

FILE COPY

Dear Mr. Fore:

Re: Erosion of Cover Soil Delancy Emergency Structural Debris Disposal Site, Harrison County

Enclosed is a copy of the report of an inspection conducted by the Mississippi Department of Environmental Quality (MDEQ) on May 20, 2008 at the Delancy Emercency Structural Debris Disposal Site on Wolf River Road, Harrison County. While it appeared that the site had been closed with adequate earthen cover, there was still sparse vegetative cover and many erosion channels, some large enough to expose waste material. The MDEQ July 26, 2006 Building and Structural Debris Disposal Sites Closure/Post-Closure Policy, copy enclosed, requires that the operator periodically inspect the final cover to ensure that the integrity of the cover is maintained and correct any erosion problems. Please see Items 8 and 9 of the Policy. Furthermore, during the week of July 21<sup>st</sup>, MDEQ personnel were assisting in the second round of groundwater sampling at your site. It was evident that stormwater was eroding the soil around monitoring well #1 in the southeast corner, compromising the integrity of that well. Item 11 of the Policy requires that closure activities protect and prevent damage to the groundwater monitoring wells.

Therefore we request that you take the necessary actions to repair the existing erosion and establish additional stormwater controls to prevent future erosion. Such controls would include, but are not necessarily limited to, diversion berms and swales with lining and/or check dams. Additionally, efforts should be initiated to establish adequate and more thorough vegetative cover over the entire closed disposal area. A follow-up inspection will be made in approximately sixty (60) days to ensure compliance. If you have any questions, please call me at 601.961.5074.

Sincerely. In malluneller

Louis Lavallee, P. E. Mining and Solid Waste Compliance and Enforcement

Enclosures cc: Bill Barnett, EPD b.c.: Mark Williams - Trent Jones y represt is reinggest. Agency interest No. <del>1368</del> ENF20030001 19151

OFFICE OF POLLUTION CONTROL Post Office Box 2261 • Jackson, Mississippi 39225-2261 • Tel: (601) 961-5171 • Fax: (601) 354-6612 • www.deq.state.ms.us AN EQUAL OPPORTUNITY EMPLOYER



STATE OF MISSISSIPPI Haley Barbour, Governor MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY CHARLES H CHISOLM, EXECUTIVE DIRECTOR

#### Mississippi Department of Environmental Quality (MDEQ) Hurricane Katrina Disaster Debris Management Response "Building and Structural Debris Disposal Sites Closure/Post-Closure Policy" (July 26, 2006)

This policy applies to all emergency disposal sites authorized by the Mississippi Department of Environmental Quality (MDEQ) for the burial of building and structural debris collected by contractors of local governments, including those permitted Class II Rubbish Disposal Sites that were upgraded to receive emergency debris on a temporary basis following Hurricane Katrina.

- All persons authorized to operate an emergency disposal site must cover all waste with a minimum of two feet of earthen material, applied uniformly to the entire waste mass. The cover shall be free of debris and shall be graded to prevent standing water and to achieve a 4 to 1 ratio on the side slopes. This cover must be completed within 60 days of terminating disposal operations.
- During placement of earthen cover materials over the closed site, the site operator shall take appropriate actions to prevent nuisance conditions from fugitive dust emissions. These actions shall include but are not limited to the employment of water trucks on all haul and access roads at the site to control dust emissions.
- 3. During placement of the final earthen cover materials over the site, the site operator shall implement appropriate storm water management controls around the site to prevent washout of sediment and debris from the closure activities.
- 4. A native grass seed or other shallow-rooted vegetation must be planted and maintained over the covered site in order to hold the final cover in place and minimize soil erosion. Other appropriate erosion control measures shall be installed where a vegetative cover alone is not adequate to prevent erosion.

land surveyor, also be filed with the notation indicating the location and dimensions of the actual filled area.

. .

13. MDEQ reserves the right to enter upon all closed disposal sites for the purpose of inspecting and monitoring closure and post-closure conditions and future impacts of the site. Site owners and operators shall provide access to MDEQ or its assigns as necessary for these compliance and monitoring purposes. In addition, where the property owner and the site operator are different, the owner shall provide access as necessary to the site operator to conduct necessary monitoring or post closure corrective actions.



### STATE OF MISSISSIPPI HALEY BARBOUR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY GOVERNOR TRUDY D. FISHER, EXECUTIVE DIRECTOR

### <u>MEMORANDUM</u>

TO: FILE

. .

FROM: Trent Jones, Solid Waste Policy, Planning and Grants Branch

July 24, 2008 DATE:

SUBJECT: Inspection of closed Delancy (Fore) Emergency Structural Debris Disposal Site

On May 20, 2008, Mark Williams and I conducted an inspection of the closed Delancy Emergency Structural Debris Disposal Site operated by W.C. Fore for the disposal of Hurricane Katrina related debris and located on Wolf River Road in Harrison County. At the time of the inspection it appeared that the site had upon closure received an adequate earthen cover. However, many areas of the final cover were only sparsely covered in vegetation and many large erosion channels had formed on the side slopes. These channels were observed to be anywhere from a few inches to more than 1-2 feet in depth with the majority of the erosion occurring on the northern and southern most slopes of the disposal area. Many of the channels were deep enough to begin exposing waste materials. Additionally, two separate leachate outbreaks were observed originating from channels on the northern slope leading to the large retention pond.

See attached photographs.











### STORM WATER INSPECTION

January 17, 2008

Chris Sanders OPC/ECED Solid Waste and Mining

RE: Delancey Mine (AI 19151)

On December 6, 2007 I inspected the Delancey Mine AI 19151 (W.C. Fore P04-043A) in Harrison County. Storm water flows off this site to the west. A dam has failed on the west side of the permit. Sediment loss appears to be minimal. Vegetation is poor. The debris burial is exposed in places throughout the site. There are several sink holes on this site. There is no office, etc. at this location.

> James Matheny Environmental Scientist Mining and Reclamation Division EXT 5527

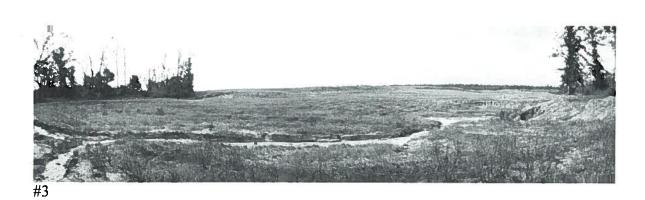
Enclosure

### MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEO....GY - MINING AND RECLAMATION VISION

### **INSPECTION REPORT**

-	W. C. Fore True			Copy to Operator: Yes
Application/Permit #:	<u>P04-043A</u>	Acres: <u>46.17</u>	Inspection Type:	Annual
Inspected By:	J.Matheny		Date:	<u>12-06-2007</u>
Location of Operation:	SW 1/4 of Section 8	, Township 7 South, Ra	nge 12 West <mark>, Harrison Co</mark>	unty, Mississippi
Mining Status:	Reclamation		AIK	9151 21377
Within Permit Limits?	Yes		MAR R	1207
Mining Without Permit?	<u>No</u>		MSR S	
Mining Within 300 Feet of Occupied Dwelling?	<u>No</u>			
Mining Within 100 Feet of Right of Way?	No			
dentification Sign:	<u>Absent</u>			
Monitor or Location Marker:	Absent			
Water Control:	Adequate			
Sediment Pond:	Adequate			
Sediment Runoff:	Not Excessive	<u>The dam material w</u>	ashed off site. Otherwise s	ediment loss appears to be minimal.
Dam(s) to Pond(s) Present:	<u>Appear</u> Inadequate	<u>Dam Failure</u>	0	
RECLAMATION				
Progress:	<u>Inadequate</u>	December, 2007		
Plan Filed:	Pond; 3:1 slopes; gra	ass		
lan Implemented:	same as filed; eroded	l slopes; poor vegetatio	<u>n</u>	
Debris Disposal:	<u>Proper</u>			
ilopes:	3 Horizontal to 1	Vertical		
ilope Condition:	<u>Unstable</u>	gully erosion throug	out site	
egetative Cover:	Poor			
Comments:	erect and mainta	•	ters prior to any bond	bond release. The operator must d release. The operator must submit
BR Status:				
R Recommendation:				



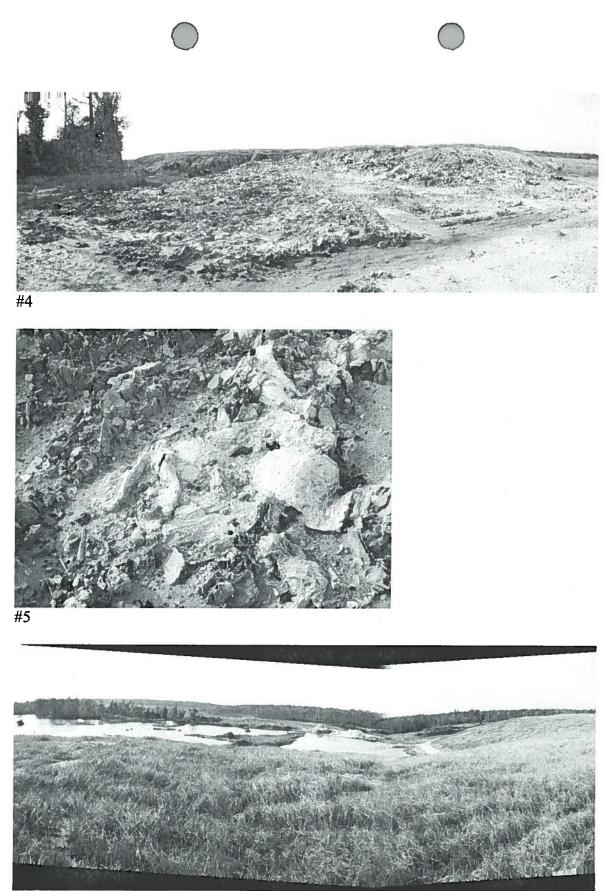


W.C. Fore P04-043A

#2

A120607JM

page 2 of 8



#6

W.C. Fore P04-043A

A120607JM

page 3 of 8



W.C. Fore P04-043A

A120607JM

page 4 of 8



#10



#11





W.C. Fore P04-043A

A120607JM

page 5 of 8



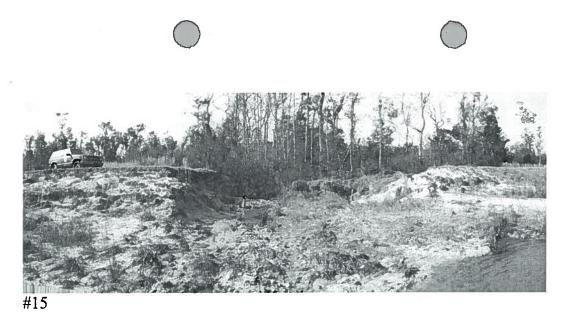
#13



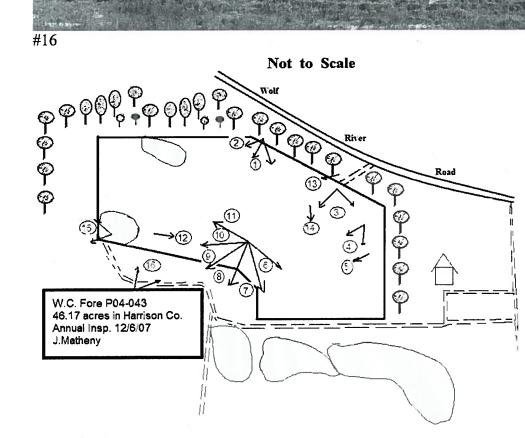
W.C. Fore P04-043A

A120607JM

page 6 of 8







W.C. Fore P04-043A

A120607JM

page 7 of 8

### STATE OF MISSISSIPPI Haley Barbour Governor MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY Trudy D. Fisher, Executive Director

January 17, 2008

Mr. Wallace C. Fore W. C. Fore Trucking, Inc. P. O. Box 3058 Gulfport, MS 39505

Dear Mr. Fore:

Enclosed is a copy of the annual inspection report for the area covered by Surface Mining Permit P04-043A in Harrison County Mississippi.

The operator must repair the eroded areas prior to any bond release. The operator must erect and maintain a permit sign and boundary markers prior to any bond release. The operator must submit an amended reclamation schedule.

Sincerely,

James Matheny Environmental Scientist Mining and Reclamation Division

Enclosure





### Permit Action Form W C Fore Trucking Inc, Delancey Sand Mines 1 2 2008 11139 Wolf River Road Harrison County Gulfport, MS 39503

# Branch Manager: Billy Warden SIC: 1442

### **Recommendations**

	<b>Io Activity Type</b> 001 - Recoverage - Mining	Permit No. MSR321377		DEQ Contact Charity Rockingham
Action:	<ul> <li>Issue</li> <li>Modification</li> <li>Transfer</li> <li>Terminate</li> <li>Revoke</li> </ul>	☑ Reissue □ Name Change □ Deny	By:	☑ Division Chief □ Permit Board
Program Mostor File				

Master File

Program	Sub Program	Start Date	End Date	Delete
Water	Mining Stormwater	10/12/2004		
Monlind submustance at a	111 11 10 10			

Marked subprograms should be deleted from the master file by the Master File Administrator

### **Permit Application**

Program	Sub Program	Start Date	End Date
Water	Mining Stormwater	10/12/2004	

### Air Use Only:

Emissions data entered in enSite

Emissions data prepared using Lotus 1-2-3 (Attached)

□ Permitting action did not change emissions inventory.

### TMDL Use Only:

'Y' indicates conformance with published TMDLs, 'N' indicates non	-conformance.
Published TMDL	FLAG

### Basis: The applicant has submitted a complete mining storm water recoverage form.

### Coordination

Comments: The recoverage only covers mining storm water discharges from the site.

### **Relationships**

Pe	opie				
Name	Address	City	State	Zip	Relationship
W. Fore	PO Box 3058	Gulfport	MS	39505	Is General





Department of Environmental Quality **Office of Pollution Control** State of Mississippi

# **Certificate of Permit Coverage**

under Mississippi's Mining Storm Water General NPDES Permit

Be it known

W C Fore Trucking, Inc. Gulfport, Mississippi having submitted an acceptable Mining Notice of Intent, is hereby granted this Certificate of Permit Coverage in order to discharge storm water in association with the operation of

W C Fore Trucking, Inc., Delancey Sand Mine

**Receiving Stream: Wolf River** 

Harrison County

Date General Permit Expires: September 30, 2012 Date of Coverage: January 04, 2008 Date of First Inspection: July 28, 2008 Coverage No: MSR321377

19151 GNP20070001

Juchonis Chief, General Permits Branch



### STATE OF MISSISSIPPI HALEY BARBOUR GOVERNOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY TRUDY D. FISHER, EXECUTIVE DIRECTOR

January 4, 2008

### CERTIFIED MAIL 7006 0100 0000 8225 5406

Mr. W. C. Fore W C Fore Trucking, Inc. PO Box 3058 Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: W C Fore Trucking, Inc., Delancey Sand Mine Harrison County General Mining Stormwater Coverage. No. MSR321377

Enclosed is a Certificate of Coverage granting you coverage under the Mining Storm Water General NPDES permit, copy enclosed. The Storm Water Mining General Permit was reissued on October 1, 2007, by the Permit Board on Environmental Quality. There are several significant changes in the new permit which are summarized on the attached addendum. This is a summary and does not negate the need for the coverage recipient to carefully read and be familiar with the permit and its conditions. In addition, several forms that were part of the previous permit and required for submittals and recordkeeping, are now enclosed in a separate document called the "Mining General Permit Forms Package."

The submitted Storm Water Pollution Prevention Plan (SWPPP) appears to meet permit requirements and will be further reviewed during compliance inspections.

This permit coverage is issued in accordance with the provisions of the Mississippi Air and Water Pollution Control Law (Sections 49-17-1, et seq., Mississippi code of 1972), and the regulations and standards adopted and promulgated thereunder and under the authority granted to the Mississippi Environmental Quality Permit Board pursuant to Section 402(b) of the Federal Water Pollution Control Act. Any appeal of this action must be made within the 30-day period provided for in Section 49-17-29(4)(b) Mississippi code of 1972.

Sincerely,

Jim Morris, Chief General Permits Branch

Enclosures

19151 GNP20070001

ISSISSIPPI DEPARTMENT C



### **RE-COVERAGE FORM**

### MINING STORM WATER, DEWATERING AND NO DISCHARGE GENERAL PERMIT

GENERAL PERMIT: MSR32 1377. This coverage number must be completed for the referenced mining activity or this form will be considered incomplete and will be returned. The coverage number can be found at the bottom left corner of your previous Certificate of Coverage.

The submittal of this form is required to receive coverage under the reissued Mining Storm Water, Dewatering and No Discharge General Permit. This form must be completed and returned to MDEQ at the address printed at the bottom of this form within 30 days of the date of the Letter of Instruction for **Re-Coverage.** 

Please indicate the activities to be covered by this Re-Coverage Form (check all that apply).

K Storm Water Discharges Associated with Mining

AI # 19

\_\_\_ Mine Dewatering

Wastewater Recirculation System with No Discharge

The appropriate section of this form must be completed if the applicant proposes to operate a wastewater recirculation system with no discharge and/or discharge impounded mine water (dewatering).

Facilities that operate wastewater recirculation systems with no discharge under a valid "No Discharge" State Operating Permit can check the appropriate box above to request coverage for these operations under the Mining Storm Water, Dewatering and No Discharge General Permit. MDEO will then terminate the existing "No Discharge" State Operating Permit and will extend coverage to these operations for an additional five years (until 2012) under the Mining Storm Water, Dewatering and No Discharge General Permit. Facilities discharging mine dewatering under a valid National Pollutant Discharge Elimination System (NPDES) Permit can follow the same procedure to request coverage under the Mining Storm Water, Dewatering and No Discharge General Permit.

### ALL INFORMATION MUST BE COMPLETED (indicate "N/A" where not applicable)

APPLICANT INFORMATION **√** OPERATOR WNER (Check one or both) APPLICANT IS THE OPERATOR CONTACT PERSON: WC FOR Or JUDI VIEWDUL OPERATOR COMPANY NAME: WC FOR Trucking, Inc. Box 3058 OPERATOR STREET (P. O. BOX): STATE: MS ZIP: 39505 OPERATOR CITY: 6 1 toort OPERATOR TELEPHONE NUMBER (INCLUDE AREA CODE): (228) 863 - 1314 OWNER CONTACT PERSON: WC FOR Or JODI VIEDROCK W.C. Fore Trucking, Inc **OWNER COMPANY:** PO BOX 3058 OWNER STREET (P. O. BOX): ZIP: 39505 STATE: MS **OWNER CITY:** OWNER TELEPHONE NUMBER (INCLUDE AREA CODE): (228) 863 - 1314

S M WATER POLLUTION PREVENTION PLAN (SW-P)	1377	
IS A COPY OF THE SWPPP AT THE PERMITTED SITE OR LOCALLY AVAILABLE?	YES	
IS THE SWPPP UP-TO-DATE AND EFFECTIVE IN CONTROLLING STORM WATER POLLUTANTS? If no, please attach required SWPPP amendments.	YES	NO
COMPLETE IF WASTEWATER RECIRCULATION SYSTEM WITH NO DISCHARGE COVE	RAGE IS REQU	ESTED
IS MINE COVERED UNDER VALID "NO DISCHARGE" STATE OPERATING PERMIT?	YES	NO
permit no. MSU		
DISTANCE BETWEEN RECIRCULATION POND(S) AND PROPERTY LINE: (FT) . (MUST BE AT LEAST 150 FEET)		
NUMBER OF RECIRCULATION POND(S):		
STORAGE CAPACITY OF EACH RECIRCULATION POND:		(FT <sup>3</sup> )
COMPLETE IF MINE DEWATERING COVERAGE IS REQUESTED		
IS MINE COVERED UNDER VALID NPDES DISCHARGE PERMIT FOR MINE DEWATERING?	YES	NO NO
permit no. MS		
ESTIMATED DEWATERING VOLUME: (GAL/DAY)		
NAME AND ADDRESS OF THE RECIPIENT OF THE DISCHARGE MONITORING REPORTS (DMRs), IF	DIFFERENT F	ROM SIGNATORY:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Authorized Signature

**Printed Name** 

11-72-07 Date President Title

<sup>1</sup>This application shall be signed according to the General Permit, Act 14, T-4 as follows:

- For a corporation, by a responsible corporate officer.
- For a partnership, by a general partner. -
- For a sole proprietorship, by the proprietor. . -
- For a municipal, state or other public facility, by either a principal executive officer, the mayor, or ranking elected official.
- **Duly Authorized Representative**

Please submit this form to:

**Chief, Environmental Permits Division** MDEQ, Office of Pollution Control P.O. Box 10385 Jackson, Mississippi 39289-0385

# MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEOGY - MINING AND RECLAMATIC VISION

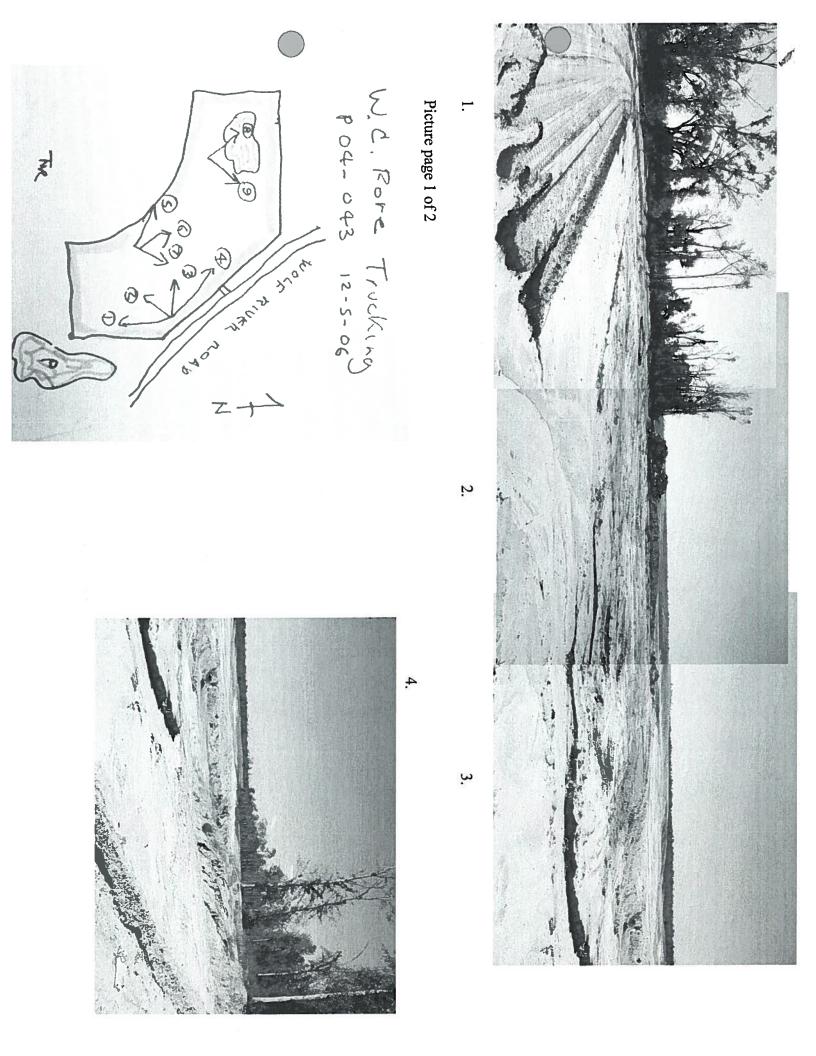
### **INSPECTION REPORT**

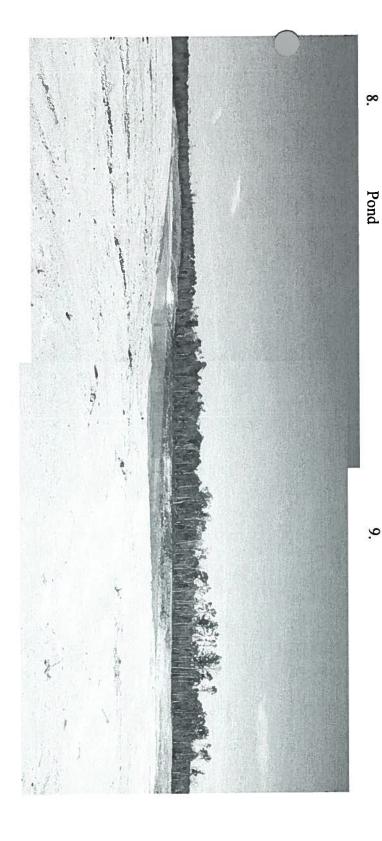
Operator:	W. C. Fore Ti	rucking, In	<u>ic.</u>		Copy to Operator:	Yes
Application/Permit #:	<u>P04-043A</u>	Acre	s: <u>46.17</u>	Inspection Type:	Annual	113
Inspected By:	Tom Ray			Date:	<u>12-05-2</u> 006	
Location of Operation:	SW 1/4 of Section	<u>n 8, Townshi</u>	<u>p 7 South, R</u>	ange 12 West <mark>, Harrison Cou</mark>		
Mining Status:	Inactive			A	ALE I	
Within Permit Limits?	Yes			H1	19151 32 1377	
Mining Without Permit?	No			MSR.	32 1377	
Mining Within 300 Feet of Occupied Dwelling?	<u>No</u>					
Mining Within 100 Feet of Right of Way?	<u>No</u>					
dentification Sign:	Good					
Aonitor or Location Marker:	Good					
Vater Control:	Adequate					
ediment Pond:	Adequate					
ediment Runoff:	Not Excessive					
am(s) to Pond(s) Present:						
ECLAMATION				······································		
rogress:	Adequate	<u>to begin</u>	<u>12/07</u>			
an Filed:	A pond with 3 to 1	grass slopes				
an Implemented:	slopes, no grass					
ebris Disposal:	<u>Proper</u>					
opes:	3 Horizontal to	l Vertical				
ope Condition:	Unstable					
getative Cover:	<u>Very Poor</u>					
mments:	I saw no proble	ms this in	spection			

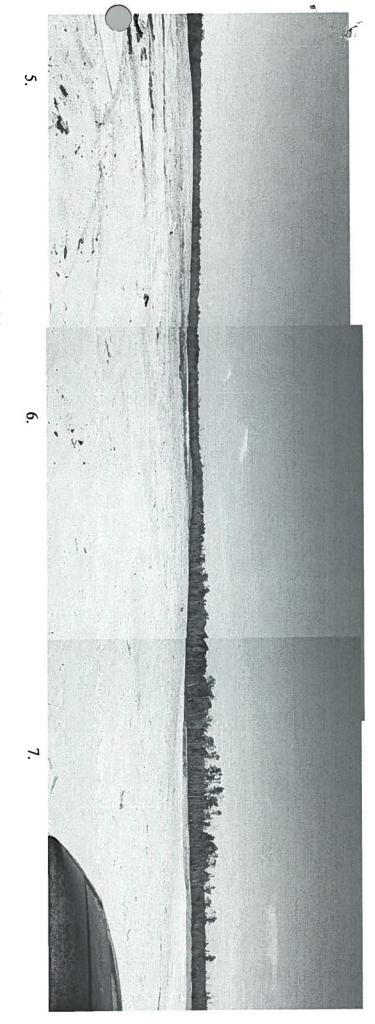
**BR Status:** 

**BR** Recommendation:

P







Picture page 2 of 2 P04-043 12-05-06

# STORMWATER COMMENTS

n. P

W. C. FORE TRUCKING P04-043 "Delancey Sand Mine" 12-05-06 Annual Inspection

water concerns this inspection. Area is sloped and very sandy with no vegetal cover. Drainage is into a pond in the northwest portion of the permit. I saw no storm

TOM RAY, Inspector

### MISSISSIPPI DE RTMENT OF ENVIRONME AL QUALITY OFFICE OF GEOLOGY - MINING AND RECLAMATION DIVISION

### **INSPECTION REPORT**

Operator:	W. C. Fore Truck	king, Inc.	· · · ·		Copy to Operator: <u>Yes</u>
Application/Permit #:	<u>P04-043A</u>	Acres:	<u>46.17</u>	Inspection Type:	Annual
Inspected By:	David Wickens			Date:	<u>12-13-2005</u>
Location of Operation:	SW 1/4 of Section 8,	<u>Township 7</u>	South, Range	12 West, Harrison Co	unty, Mississippi
8					AT IGITI
Mining Status:	Active	<u>"De</u>	elancey Sand I	Mine''	
Within Permit Limits?	Yes				MSR 321 377
Mining Without Permit?	No				Harrison co.
Mining Within 300 Feet of Occupied Dwelling?	<u>No</u>				AI 19151 MSR 321377 Harrison Co. Stormwater
Mining Within 100 Feet of Right of Way?	<u>No</u>				
Identification Sign:	Absent	The operation	ator is require	<u>d to post &amp; maintain a</u>	permit sign for the life of the permit.
Monitor or Location Marker:	Absent	<u>The opera</u> boundary		d to post & maintain lo	cation markers along the permit
Water Control:	Adequate	Donnary	<u>.</u>		
Sediment Pond:	Adequate				
Sediment Runoff:	Not Excessive				
Dam(s) to Pond(s) Present:	Appear Adequate				
RECLAMATION			5597.04		
Progress:	Adequate		ion was to beg	in Dec. 2007. The site	is being used for debris fill from H.
Plan Filed:	Pond w/ 3:1 grass slop	<u>Katrina.</u> Des			
Plan Implemented:			permission fro	om OPC to receive cons	struction & demolition debris as a
Debris Disposal:	<u>result of Hurricane K</u> Proper		as of debris we	ere not covered with di	rt during the inspection.
Slopes:	Vary Horizontal to	Vertical			
Slope Condition:	Unstable	There we	re rills & gulli	es present on some of t	he slopes.
Vegetative Cover:	<u>Poor</u>				
Comments:	The operator is repermit boundary	equired to for the li	o post & m fe of the pe	aintain a permit si	er arriving on site for the inspection. gn & post location markers along the or has stored topsoil in stockpiles. I e inspection.
BR Status:	The operator has posted	i \$46,170 of	a \$350,000 CI	D for reclamation purpos	es of this site.
BR Recommendation:	3			4.012.4	

# Po4-043A Annual Insp. W.C. Fore Trucking Harrison Co. 12-13-2005 djw



#1 Looking Northwesterly from the east side



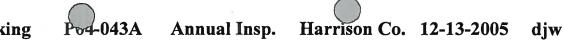
Looking Northerly across the north part of the permit area

W. C. Fore Trucking P04-043A "Delancey Sand Mine" 12-13-2005



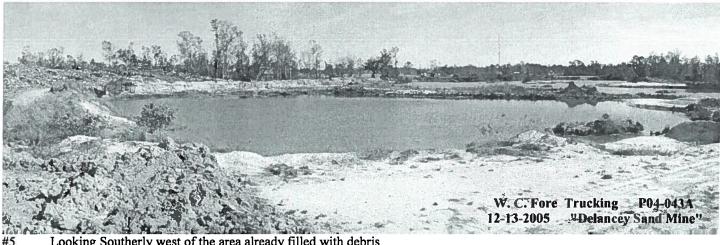
(Telephoto) Looking Northwesterly across the piles of debris from Hurricane Katrina #3

W.C. Fore Trucking





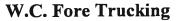
#4 Looking Southwesterly near the center part of the permit area

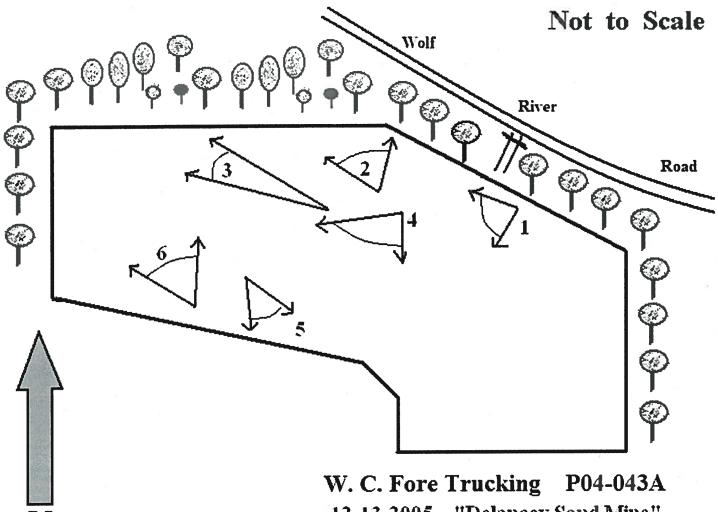


Looking Southerly west of the area already filled with debris



Looking Northerly west of the area already filled with debris #6





12-13-2005 "Delancey Sand Mine" Harrison Co. 46.17 Acres

W.C. Fore Trucking

### **MEMORANDUM**

### **Storm Water Inspection**

January 23, 2006

To: Chris Sanders Office of Pollution Control Compliance & Enforcement Division

From: David Wickens Office of Geology Mining & Reclamation Division

Re: W. C. Fore Trucking – P04-043A ("Delancey Sand Mine")

On December 13, 2005 I conducted a storm water inspection of the above-mentioned site. I found the site to have storm water controls in place. This site was busy receiving debris from the hurricane destruction.

### MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEOGY - MINING AND RECLAMATIC IVISION

.

### **INSPECTION REPORT**

17 Inspection Type: Ini Date: 12- Ith, Range 12 West, Harrison County, C. Fore Truc Delancey Same AT 19151 MGR 321377 Incrison Co. STORMWATER SR	07-2004 Mississippi
1th, Range 12 West, Harrison County, C. Fore Truc DeLancey Sand AE 1915/ MGR 321377 Larrison Co STORMWATER	<u>Mississippi</u>
C. Fore Truc Delancey Sand AT 19151 MGR 321377 Incrison Co STORMWATER	
AT 19151 MGR 321377 Allison Co. STORMWATER	king, Inc. (mare"
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MGR 321377 Allison Co. STORMWATER	
Allison Co. STORMWATER	
Allison Co. STORMWATER	
STO ROW ATER	
JR	
e during this inspection. The F	eclamation Plan is Feasible
not	note during this inspection. The R

# W C Fore Trucking P04-043A Initial Insp. (Haul Road) Harrison Co. 12-7-2004 MA



Pic#1



Pic#2

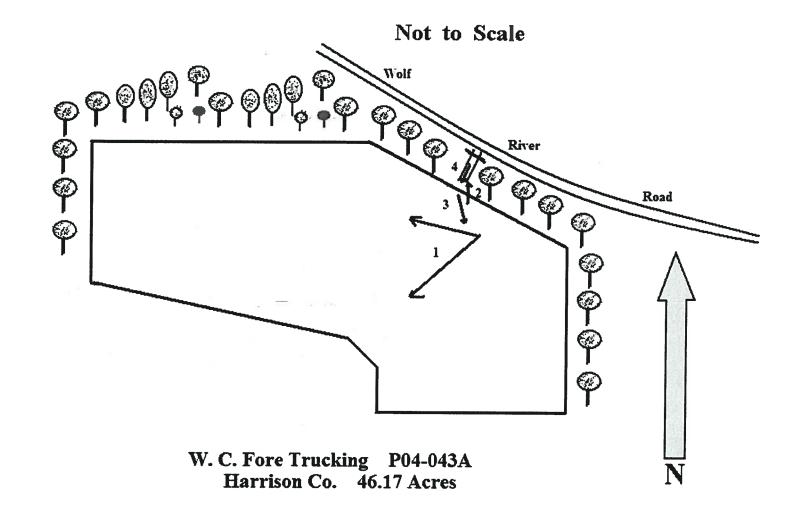


Pic#3



Pic#4

## W C Fore Trucking P04-043A Initial Insp. (Haul Road) Harrison Co. 12-7-2004 MA



W C Fore Trucking P04-043A Initial Insp. (Haul Road) Harrison Co. 12-7-2004 MA

### **MEMORANDUM**

### **Storm Water Inspection**

December 13, 2004

To: Chris Sanders Office of Pollution Control Compliance & Enforcement Division

From: Michael Akin Mining Division-Geology

Re: W. C. Fore Trucking P04-043A Harrison Co.

On December 7, 2004 I conducted a storm water inspection of the above mentioned site. I found that the site was inactive due to the recent rain event. The inspection was of the haul road only due to the amendment to the permitted site. The area did not show signs of storm water discharge.

Lile of Munic Dates 1000 19151 - 1377	) LL
Solution and the second s	10001
W. C. FORE TRUCKING, INC. 08-04	
P.O.BOX 3058 GULFPORT, MS 39505 DATE	Oct 12 - 2054 85-127/842 210
PAY Mill Deportenet of Crept Romental Busi	ty \$ 15000.00
Filteen thousand dalow	
BancorpSouth®	
FORDIder # Permit	C for NP

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### STATE OF MISSISSIPPI HALEY BARBOUR GOVERNOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

### December 15, 2004

Mr. W. C. Fore W. C. Fore Trucking Inc. PO Box 3058 Gulfport, Mississippi 39505

Dear Mr. Fore:

Re:

W C Fore Trucking Inc, Delancey Sand Mine Harrison County General Mining Stormwater Coverage. No. MSR321377

The Department of Environmental Quality (Department) has reviewed your request for modification of the Storm Water Pollution Prevention Plan (SWPPP) for the above referenced Mining Stormwater Coverage. The Department approves storm water management practices for the expansion of the existing mining pit to a total of 46.17 contiguous acres as approved by the Office of Geology.

If you have any questions regarding the application or the permitting process, please contact me at (601) 961-5722.

Sincerely

Charity Rockinghand Solid Waste and Mining Branch, EPD

Form MRS-13 MISSIN PPI DEPARTMENT OF ENVIRONMENAL QUALITY OFFICE OF GEOLOGY Mining and Reclamation Division P. O. Box 20307 Jackson, Mississippi 39289-1307 (601) 961-5515 PUBLIC NOTICE

Public Notice No. 1523 Application No. A1523A Date: November 23, 2004

TO WHOM IT MAY CONCERN:

The office of Geology has received:

an Application for a Surface Mining Permit

pursuant to Section 7 of the Mississippi Surface Mining and Reclamation Act of 1977, as described below:

APPLICANT: W. C. Fore Trucking, Inc. P. O. Box 3058 Gulfport, MS 39505

- LOCATION: SW 1/4 of Section 8, Township 7 South, Range 12 West, Harrison County, Mississippi
- DESCRIPTION: Operator proposes a 1.17 acre expansion to Surface Mining Permit P04-043. The operator proposes to add a 1.17 acre haul road to the previously permitted 45 acres. The new amended Surface Mining Permit Number will be P04-043A, if approved. Sediment and erosion will be controlled using settling ponds. Reclamation of the original 45 acres will consist of a lake with 3 to 1 slopes and establish grass cover.

This public notice is being distributed to interested persons and agencies to assist in developing facts on which a decision by the Office of Geology can be based. You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter. All agencies and persons shall have until December 8, 2004, to submit comments, recommendations, or evaluations to the Office of Geology. Comments by an agency shall include an enumeration of permits or licenses required under the agency's jurisdiction.

If further information is needed, an agency may be furnished a copy of the notice of intent or permit application. Any person may receive a copy of the notice of intent or permit application upon payment of the ten-dollar (\$10.00) fee established in Rule 104 of the Rules and Regulations.

In the event comments are not received by December 8, 2004, the Office of Geology will consider that the agency has no comments, recommendations and/or evaluations that the agency deems necessary and proper based upon the effect of the proposed operation on matters within the agency's jurisdiction.

•	Permit No.	S E OF	MISSISSIP	PI	$\subset$	Application	No. A1523A
-	S U R F A C E	MINI	NG PE	RMIT A	APPLIC	CATION	
				ENVIRONM & RECLAM			
	Other permits required. Y/N Date NPDES State Operating Permit Corps of Engineers	Jac	P. O. Bo kson, Mississ (601) 90 Fax (601) For Offic	ippi 39289-430 51-5515 964-5524	R R C	ity/County approva equired Yes eccived Date outity //2 ( ( ) Ity	No
<b>A</b> .	GENERAL INFORMATION	<b></b>		s "hal			
	1. Name of Applicant: <u>W. C. Fore T</u>	rucking, Inc.	P 8	- / /4			
	Mailing Address: <b>P. O. Box 3</b> E-mail Address:	1 <u>58</u> , Gu	lfport,	<i>~ "/~2%4</i> MS 399	505	$F_{j}$	
	Phone No. (228) 863-1314		Fax No. 🕻	228) 864-0 <u>013</u>			
	Authorized Representative W. C. For 2. Engineering Firm, Consultant, etc.: Mailing Address: E-mail Address: Phone No.		Fax No. 🔒				
	3. Name of Mine: <b>Delancey Sand Mine</b>		Mine Superv	isor: <u>W.C.Fc</u>	)re		
	Phone No (228) 863-1314		Fa	x No. <b>(22</b>	8) 864-1314		
	4. Location of Operation (to nearest quarter	r-quarter section	on):				
	www.seePeges SW /2		<u>8</u> Section	<u>7 South</u> Township	12 West Range	Harrison County	
	5. Type of Application		6.	Method of Operation	ation		
	Initial Permit for Operation XX Amendment to Expand Operation				eration, if so	Dredge	
	Amendment to an Existing Operat (not involving acreage change)	on		Water Sou Wash System Ty Closed sys	ype	Open system	
	7. Number of Acres to be Permitted:		8.	Is the Permit Are	ea located:	Yes	s No
	Excavation Haul roads, plant site, ponds, storage piles, etc.	<u>45.00</u>		a. within 100 fe b. within 100 fe c. within 300 fe d. within 25 fee	eet of a cemeter eet of an occupi	y?	XX XX XX
	If this application is an amendment to expand an existing permit, number of additional acres to be permitted			Office giving	permission fro	er must be filed w om the owner or r se distances to th	maintaining
	TOTAL PERMITTED AREA	46.17 acres	9.	Materials to be	Mined: S	and & Clay	

10. Has the applicant applied for, or have, any other permits or licenses that pertain to this or any other mining operation? Yes XX No \_\_\_\_\_

If "YES," list them in the space provided on page 5, or attach separate pages, and give the current status of each, including any violations or penalties.

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B.	MINING PROCEDURE	AND	ENVIRONMENTAL ANALYS	16
			THE A TRADUCTATION TO THE WIAWFT I ST	10

1.	Description of materials:		2.	Anticipated Schedule	(month/year)
	Thickness of overburden (Topsoil MUST be stockpiled	<u>0.667</u> ft		Begin clearing	<u></u>
	for use during reclamation)			Begin mining	<u>08 / 2004</u>
	Thickness of useable material	.25.00 ft		Complete mining	-12/2007
	Total depth of excavation	25.00 ft		Begin reclamation	12 / 2907
	Estimated annual production	50.000 tons		Complete reclamation	n <u>06</u> / <u>2005</u>
3.	Depth to ground water:	<b>5.00</b> ft	.5,		structures that will be
4.	How will dust be controlled?			utilized.	
	WW Weter on hard and the			XX Settling ponds	Drainage ditches
	_XX Water on haul roads				s Terraced slopes
		······································			
6.	Describe the land to be affected i	sy mining as it presently	y exists:		
	a. Land useMining Area	l	b. Prodominant	vegetationGreen.Sc	tub Pines
7.	Will explosives be used?	es XX No	8.	ls test-boring data avai	labic? Yes XX No
· 9.	Are toxic materials likely to be ca	acountered at any time?	′Ycs <b>∦</b>	X No	
10.	Will there be any discharge to loc	ai streams or other bod	ics of water?	YesXX No	
	ny of questions 7-10 are answered				uate pages.
RE	CLAMATION PLAN	NOTE: It is sugge recommen	sted that the co idations on the	ounty NRCS office be following items.	consulted for specific
1.	Describe the soil handling tech	haique for the reclam	ation phase of	the operation:	
	XX. Topsoil segregated	Mixed strata		ñ	
2.	Describe the protection metho- stockpiled topsoil.	d for the	3	reduced to minim	lls, standing faces, and banks be tize erosion? (All highwalls minimum 3 horizomal to 1 vertical.)
	berm around the storage j	pile		slopes wil	l be terraced
	arass cover on the pile (re	commended)		XX sloped to a	gradient of 2 to 1
				blended w	ith surrounding contours
	ment hereiter			_XX NO HIGHY	VALLS

2

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4.	What is the general plan for reclamation?	5.	What plant, nethod will be used?
	establish grass cover		seeding by manual labor
	_XX pond or lake		
6.			
	XX harrowing XX broadcasting	disking	MAY 16
<b>7</b> .	Quantity of lime and fertilizer to be applied?		16
	a. For initial planting		
	lime: <u>2</u> tons per acre		
	fertilizer: <u>13 - 13 - 13 (type)</u> <u>400</u> pound	ls per acre	
	b. For successive years prior to 100% release		
	fertilizer: <u>13</u> - <u>13</u> - <u>13</u> (type) 200 pound	s per acre	
	when: <u>April</u> (month)		
8.	France Frances		
	Tree or Seed Species Or Ibs./acre		Planting Season
	<u>Bahia</u> 30		. <u> </u>
		_	
		_	
<b>9</b> .	Will the area be mulched? YesXX No If yes, rate per a	cre	
	Method of holding in place: crimped		
10.	How will the vegetation be maintained until the final bond release?		
	watering		
	mowing		
	times per year		
	approximate month(s),,		(
	<b>XX</b> repairing gullies		
	replanting eroded areas		
11.	How will debris be disposed of when the mine is finally closed?		
	burying burning	hauling a	away
12.	Will a soil analysis be submitted for this site? Yes No NOTE: available from the Cooperative Extension Service through the a	pplicant's Co	unty Agent
13.	Estimated cost per acre for reclamation of this site: <b>1,000</b> (minim	um of \$500 p	per acre)
		4. Flod	

### D. NAMES AND ADDRESSES OF PERSONS AFFECTED BY THIS OPERATION

1. ]	Landowner(	s)	of	area	to	be	mined/leased
------	------------	----	----	------	----	----	--------------

	Name:	Dollie Bell	Name:	
	Address:	<u>, Р. О. Вох 2141</u>	Address:	
		. Gulfport, MS 39501	<u>.</u>	
	Phone:	. None	Phone:	
2. Landowne	er(s) within 500 fee	t of the area		
	Name:	. H. Voekel	Name:	NUV IC
	Address:	3189 Gleneeden Way	Address:	16
		San Jose, CA 95117	ł,	
	Phone:	<u></u>	Phone:	
	Name:	Arthur and Sandra Pulitzer	Name:	
	Address:	201 North Line	Address:	
		Metalrie, LA 70005	<u></u>	
	Phone:	5. 	Phone:	
3. Person(s)	living on permit are	ca		
	Name:	. None	Name:	
	Address:	<u></u>	Address: ,	
		L	<u></u>	
	Phone:	<u>!</u>	Phone:	

I declare that I have knowledge of the facts presented in the preceding pages and in all of the items attached

to this application; furthermore, I certify that they are true to the best of my knowledge.

September 24, 2004 date

signature

W. C. Fore printed name

President title

2.5 900

#### L. ADDITIONAL COMMENTS

	ltena Number	Space for de	tailed answers to any	of the previous items.	Indicate item number to which the answers apply.				
	10	Permit <b>P87-027</b>	28 Acres	Harrison County					
	10	Permit P93-048	29 Acres	Hencock County					
	10	Permit P87-045	35 Acres	Jackson County					
_	10	Permit PSS-027	38 Acres	Harrison County					
-	10	Permit P92-024	22 Acres	Hancock County					
-	10	Permit P02-027	40 Acres	Hencock County					
-	<u>A4</u>	NW 1/6 of the SW1/4	less north 513.75' (	for a distance of 1281.	50'				
		Thence SE 967.50' in	the SW ½ of the N	E ¼ of the SW ¼					
-	· · · · · · · · · · · · · · · · · · ·	Thence South 763.0'	in the NW ¼ of the	SE 14					
-	·····	Thence West 908.00'	to the NE ¼ of the	SW 1/4	2				
		Thence North 293,67	' to a point						
-	- <b></b>	Thence North 293.67' to a point							
		Thence 947.85' in a Northeasterly direction in the NW ¼ of the SW ¼							
		Thence North 653.00'	to POB						
-									
_			<u></u>	2					
	00			<i>.</i>					
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-			<u></u>	72					
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5-m									

If more space is required, use full sheets of paper the same size as this page. Attach all sheets to this application.

Mr.	Wallace C.	Fore							T + CBEE	MATERIAL
			ADD INFO	COUNTY	SECTION	TWN	RNG E		T. ACRES	dirt and sand
ERMIT	APP.#	%REL		Hancock	22 and 23	75	16W	37.25	40	
P02-027	A1394		annual		21	7N	12W	38.2	40	dirt and sand
P03-010	A1290		annual	Harrison			11W	53.6	55.53	dirt and sand
	A1454		annual	Harrison	33	7S			28	sand and clay
PO3-021			annual	Harrison	13	7S	13W	28		sand and clay
P87-027	A261		10	Harrison	1	7S	11W	30	38	
P88-027	A309		annual	- 1/2	24	<b>7</b> \$	16W	20	22	borrow/soil
P92-024	A490		annual	Hancock		75	16W	29	29	fill dirt
P93-048	A614			Hancock	24 and 8			10	10	sand and sandy clay
			annual	Hancock	34	8S	15W			
P95-047T	A783T							Total:	262.53	
8	8								<u></u>	
L	L		_			~			$\leq$	Gulfport, MS 19505-2
<u> </u>			$+ \bigtriangledown$		P. O. Box 23	~ ~	` ۲	$\succ$	$\rightarrow$	$\prec$
Fore Cons	< /	$\sim$			(228) 891-51	48		/	$\checkmark$	$\checkmark$ $\checkmark$
Pat	FORT		$\sim$	$\sim$		$\boldsymbol{\succ}$	-		T. ACRES	MATERIAL
		$\sim$		COUNTY	SECTION	TWN	BING E	XCAVAD	I. ACKES	X

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#### F. ADDITIONAL REQUIREMENTS

The following described fee, documents and information, as required by the Mississippi Surface Mining and Reclamation

Act, must be submitted to the Office of Geology before the application can be processed.

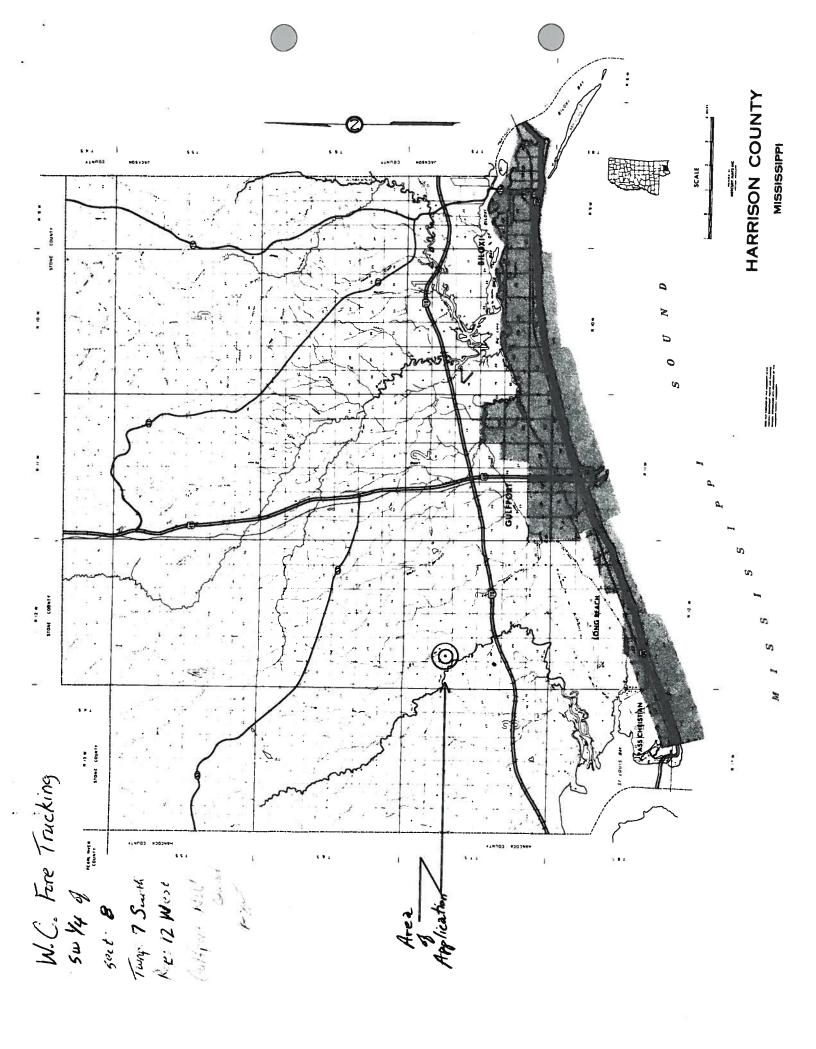
- 1. APPLICATION FEE: \$100 plus \$10 per acre. Maximum fee is \$500.
- 2. CERTIFICATE OF INSURANCE: Must indicate that the applicant has sufficient liability insurance in an amount not less than \$100,000/300.000 for Bodily Injury and \$100,000 for Property Damage.
- 3. PERFORMANCE BOND: Must be at least \$500/acre and not more than \$2500/acre and is based on the applicant's estimate of the reclamation cost. The "TOTAL PERMITTED AREA" in A-7, page 1, is the number of acres to be bonded. A Certificate of Deposit may be substituted.
- 4. PROOF OF THE APPLICANT'S LEGAL RIGHT TO MINE: A lease, deed, or agreement that includes a legal description of the permit area. This includes city or county approval, if applicable. This must be notarized.
- 5. COMPLETED ORGANIZATION REPORT FORM MRD-1.
- 6. MAPS, AERIAL PHOTOGRAPHS, OR DRAWINGS of the mine area:
  - A. On a USGS Topographic Map (8 1/2" x 11" photocopy of applicable portion of topographic map):

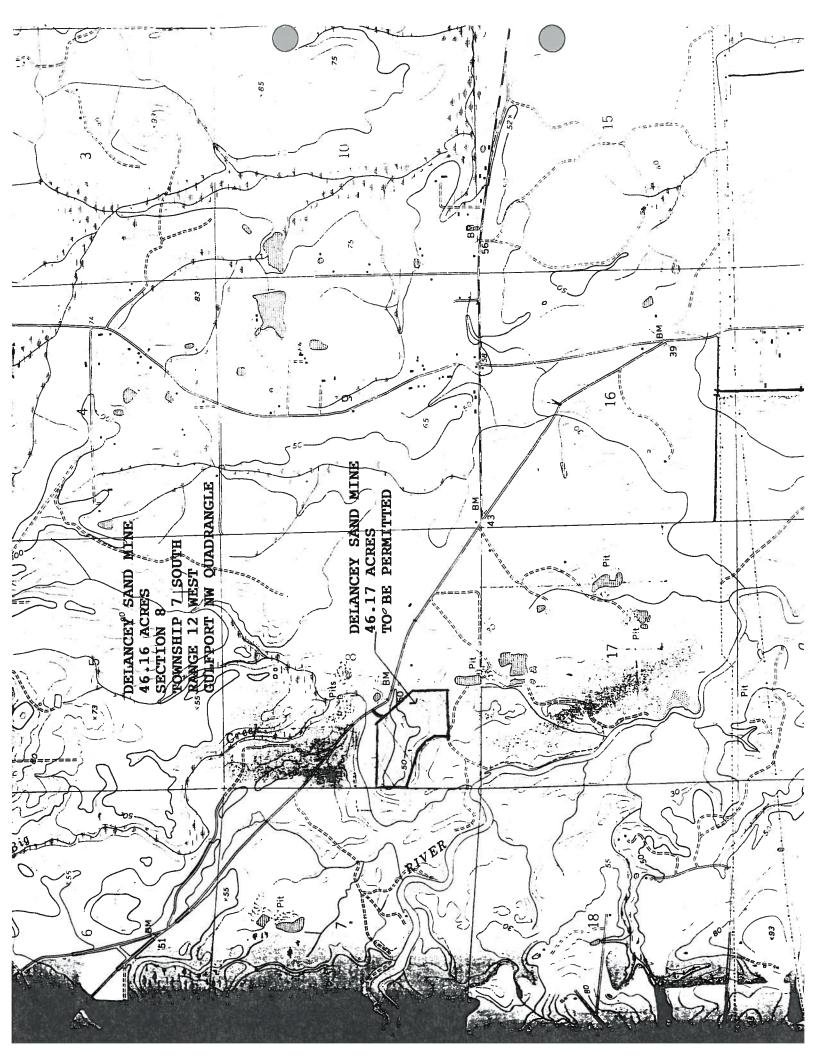
Name of Topographic Map \_ Gulfport North West Oundrangle, Herrison County

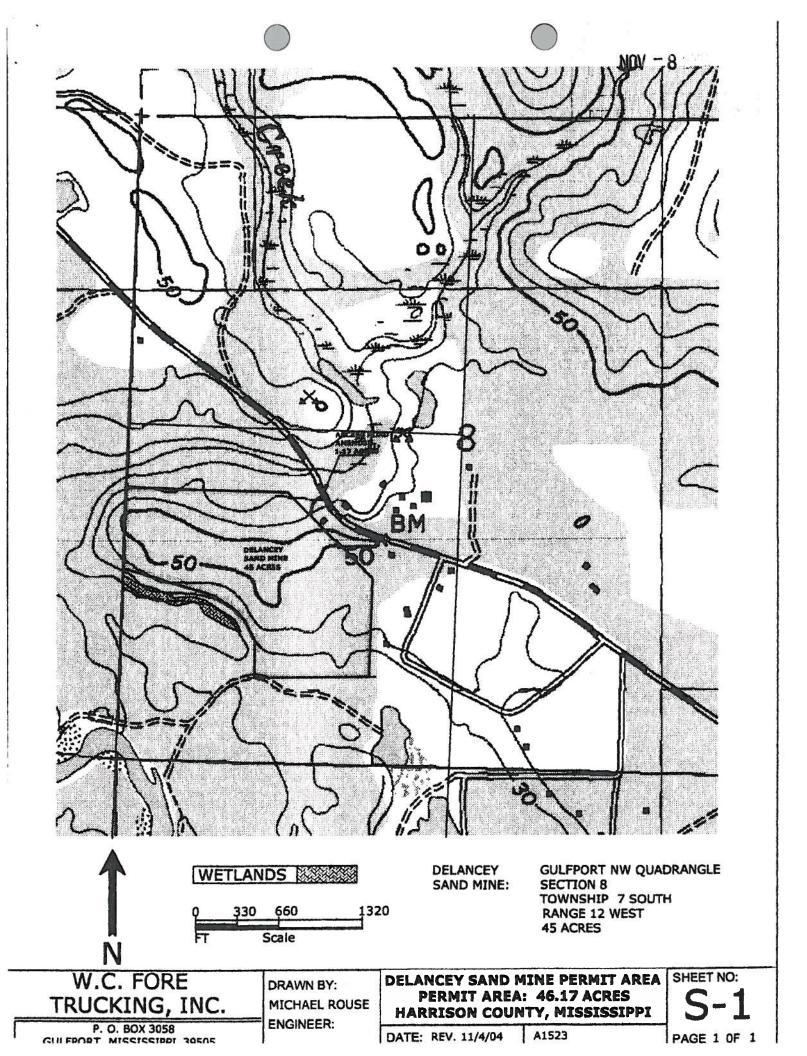
1. Locate water wells within 0.5 mile of the permit area.

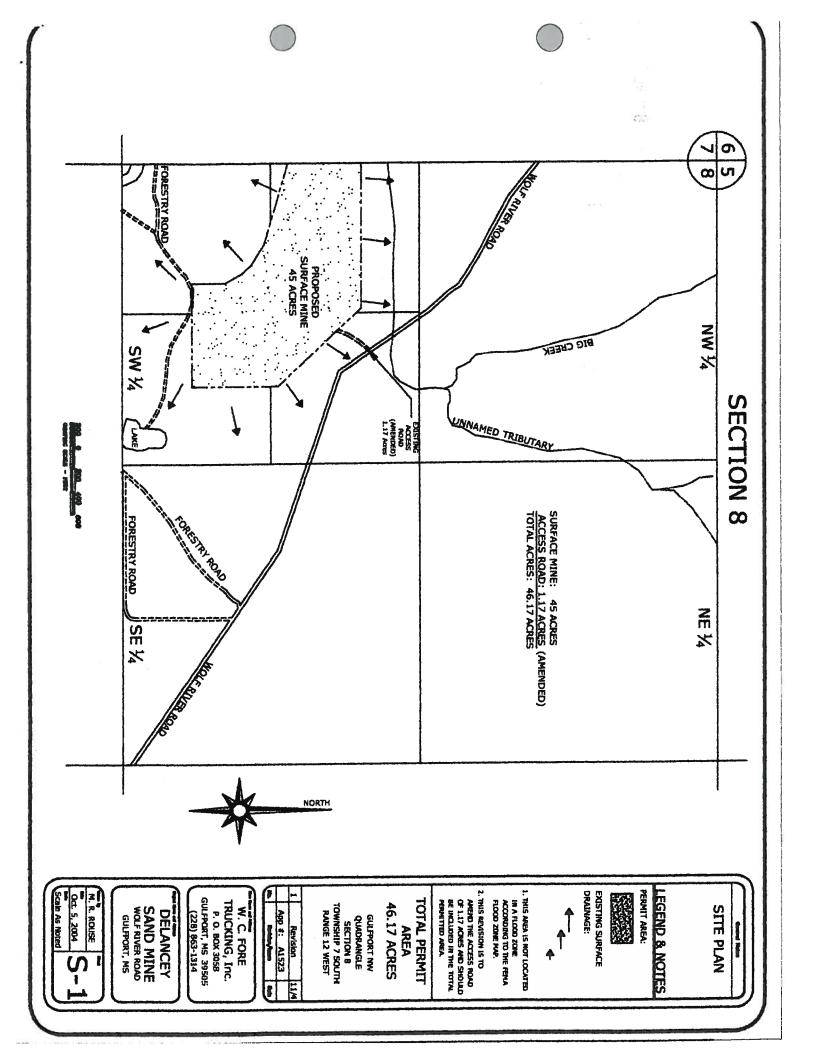
- 2. Outline boundaries of both the permit area and the entire mine area (if different).
- Draw access to the nearest public road from the mine.
- 4. Illustrate how surface drainage will be conducted or changed.
- B. Additional Drawings or Maps

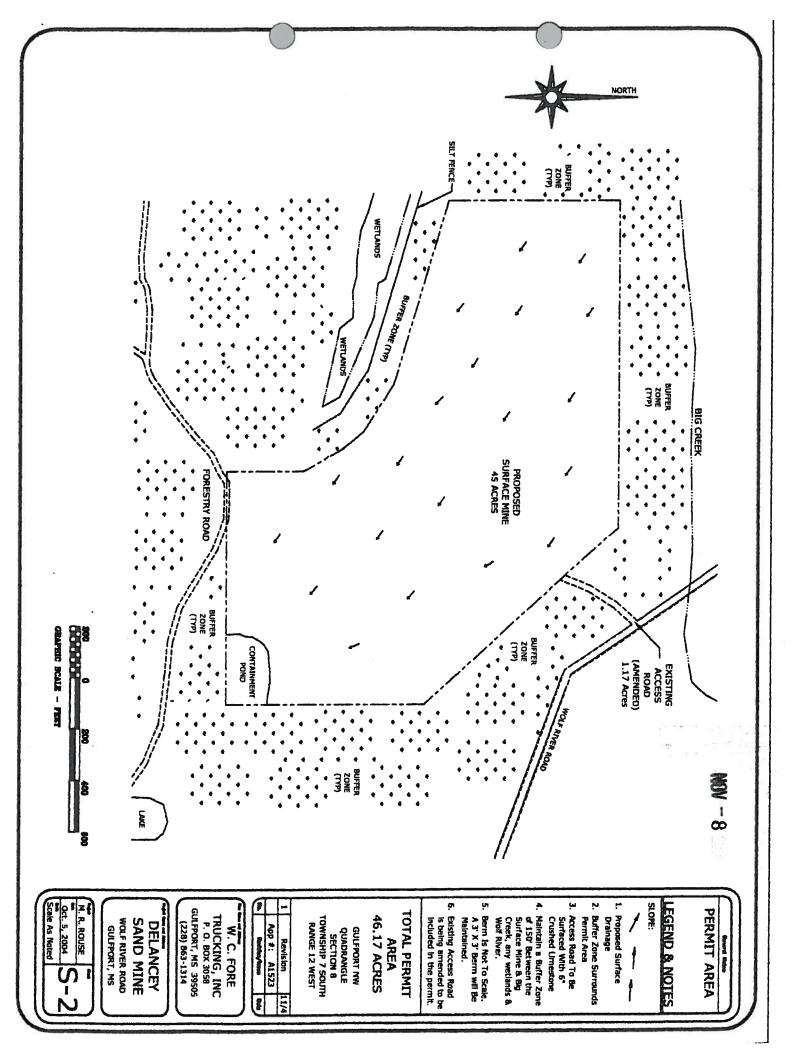
General site plan showing location of excavations, spoil piles, settling ponds, plant, etc. (8 1/2" x 11")

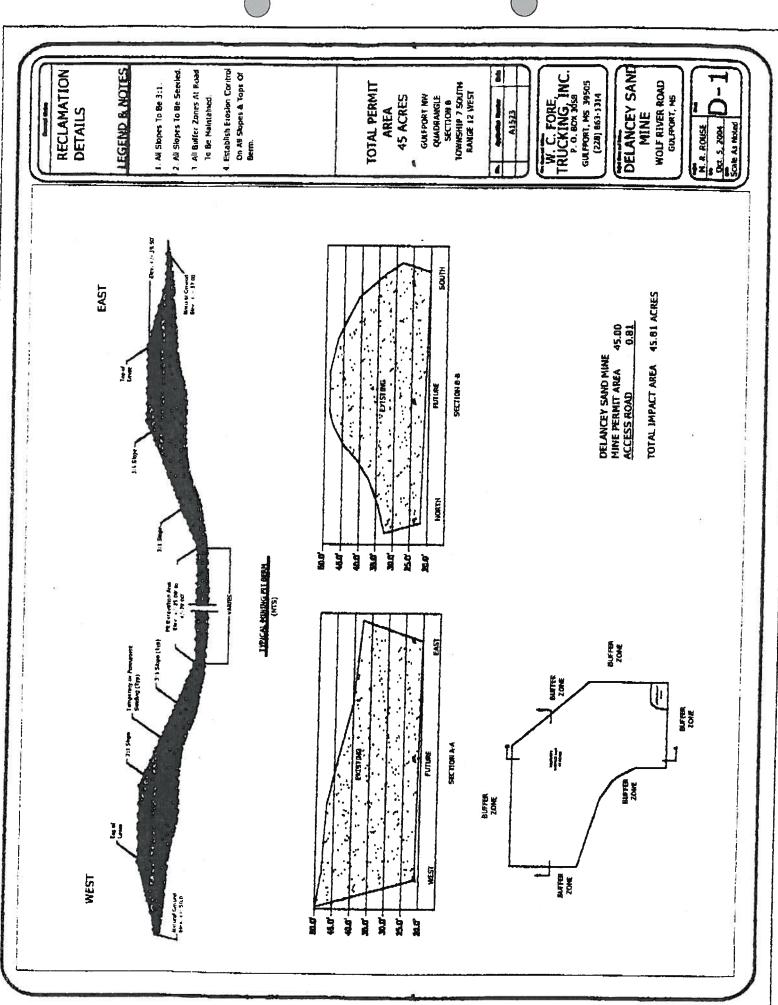




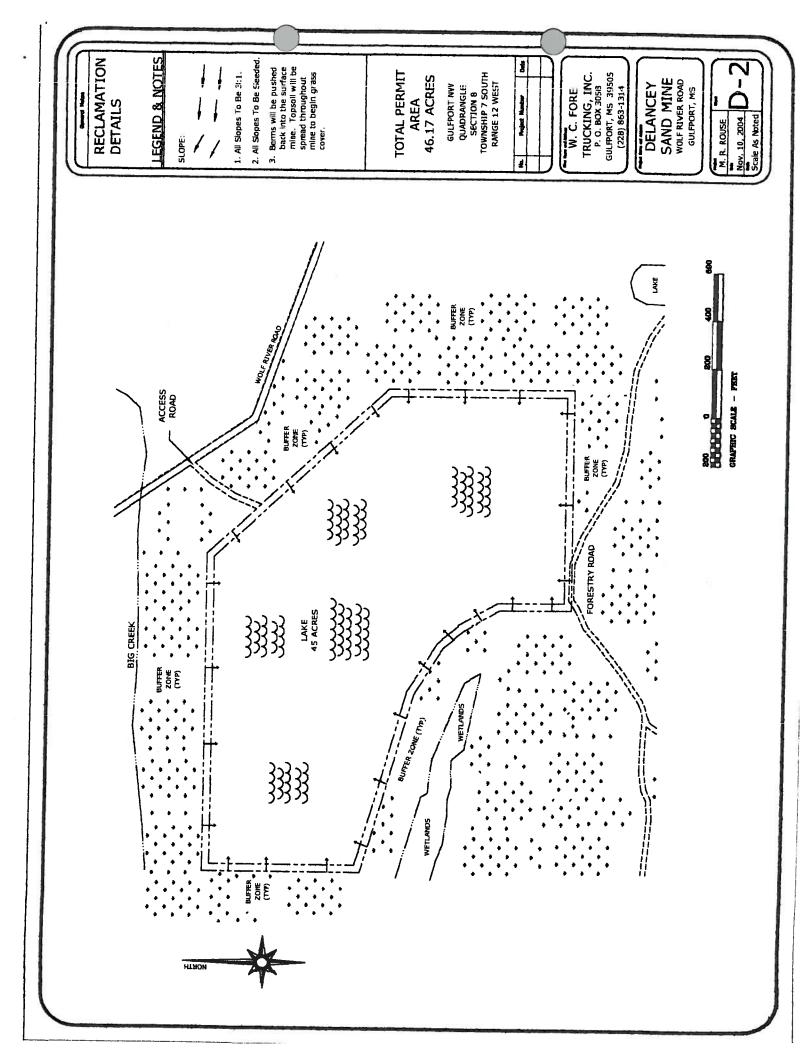




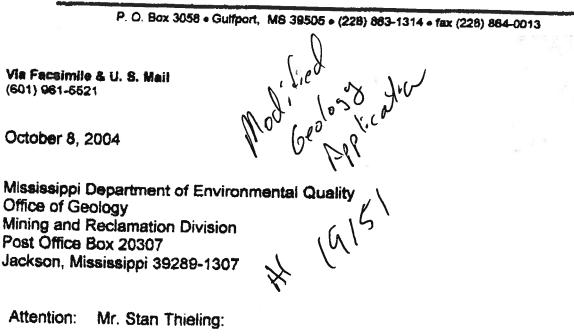




FAX NU. 20040013



## W. C. FORE TRUCKING, INC.



Reference: Surface Mining Permit Application (Revised) Application Number A1523, Surface Mining Application (Reconfigured) Delancey Pit, 45 Acres, Harrison County, Mississippi

Dear Mr. Thieling,

Pursuant to our on-site meeting of September 21, 2004 regarding the above captioned mining pit, please find attached a revised copy of the permit area f

Please note that the configuration and size of the mining pit has been changed so that there will not be any encroachment or disturbance of any wetlands. Also note that with this new configuration, the proposed mining site is outside the 100 and 500-year storm lines and does not impact any wetlands.

If you have any questions at all, please do not hesitate to call our office.

Sincerely,

encl. As Noted

25

<ol> <li>Has the applicant applied for, or have, any other permits or licenses that pertain to this or a mining operation? Yes XX. No</li> </ol>	any othe
--	----------

If "YES," list them in the space provided on page 5, or attach separate pages, and give the current status of each, including any violations or penalties.

2 5 2003

÷., 10000

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B. MINING PROCEDURE AND ENVIRONMENTAL ANALYSIS

	1. Description of materials:		2. Anticipated Schedule (month/year)
	Thickness of overburden (Topsoil MUST be stockpiled	<u>0,667</u> ft	Begin clearing 08 / 2004
	for use during reclamation)		Begin mining08 / 2004
	Thickness of useable material	.25.00 ft	Complete mining12 / 2007
	Total depth of excavation	<b>25.00</b> A	Begin reclamation 12 / 2007
	Estimated annual production	50.000 tons	Complete reclamation06 / 2008
3	3. Depth to ground water:	î	5. Types of crosion control structures that will be
4	4. How will dust be controlled?		utilized.
	5ma 111		XX Settling ponds Drainage ditches
	XX Water on haul roads		Diversion berms Terraced slopes
	&		
6.	Describe the land to be affected	by mining as it presently	/ cxists;
	a. Land use Mining Ana	<b>a</b> ī	b. Predominant vegetationGrass. Scrub Pines
7.	. Will explasives be used?		8. Is test-boring data available? Yes _XX No
9.	Are toxic materials likely to be e	mountered at any time?	
			es of water?YesNo
			wal information on page 5, or attach separate pages.
2. <b>R</b> i	ECLAMATION PLAN	NOTE: It is sugger recommen	sted that the county NRCS office be consulted for specific dations on the following items.
1.	Describe the soil handling tec	haique for the reclam	ation phase of the operation:
	XX. Topsoil segregated	Mixed strata	
2.	Describe the protection methors stockpiled topsoil.	xd for the	3. How will highwalls, standing faces, and banks be reduced to minimize erosion? (All highwalls must be sloped, minimum 3 horizontal to 1 vertical
	berm around the storage	pile	slopes will be terraced
	XX grass cover on the pile (r	ecommended)	JOK sloped to a gradient of 1 to 1
	stored under a cover		blended with surrounding contours
		w	XX NO HIGHWALLS

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	reforestation			-	XX broadcast seed	
	XX establish grass cover			-	seeding by manual	mechanical seeding
	s pond or lake			-		
				-		
•	How will fertilizer and lime be a	pplied and incorpor	Rted?			l and a second second second
	XX harrowing	XX broadcasting	s disl	king		
	Quantity of lime and fertilizer to	be applied?				
	a. For initial planting					25
	lime: <u>2</u> tons per acre					
	fertilizer: <u>13</u> - <u>13</u> - <u>13</u> (	type)	_400_ pounds pe	r acre		
	b. For successive years prior	r to 100% release				
	fertilizer: 13 - 13 - 13 (ty	/pe)	200_ pounds per	r acre		
	when: April (month)					
	Describe the planting schedule:					
	Tree or Seed Species		Tree spacing or lbs./acre		Planning Season	
					1 1011018 248200	
-	Bahia	£	· <b>30</b>		Asril ,	
	Vill the area be mulched? Yes	XX No	30			
M	Vill the area be mulched? Yes	XX crimped	If yes, rate per acre_			
M	Vill the area be mulched? Yes	XX crimped	If yes, rate per acre_	• 		
M	Vill the area be mulched? Yes dethod of holding in place: How will the vegetation be mainta	XX crimped	If yes, rate per acre_	• 		
M	Vill the area be mulched? Yes dethod of holding in place. How will the vegetation be mainta watering	XX crimped	If yes, rate per acre_	• 		
M	Vill the area be mulched? Yes Acthod of holding in place. How will the vegetation be mainta watering s mowing s mowing s times per year	.KK crimped ained until the final	If yes, rate per acre_ 			
M	Vill the area be mulched? Yes Acthod of holding in place. How will the vegetation be mainta watering s mowing times per year approximate month(s)	.KK crimped ained until the final	If yes, rate per acre_			Э
M	Vill the area be mulched? Yes Acthod of holding in place. How will the vegetation be mainta watering mowing times per year approximate month(s) KK_ repairing gullies	.KK crimped ained until the final	If yes, rate per acre_ 			2
M	Vill the area be mulched? Yes Acthod of holding in place. How will the vegetation be mainta watering s mowing times per year approximate month(s)	.KK crimped ained until the final	If yes, rate per acre_ 			5
~	Vill the area be mulched? Yes Acthod of holding in place. How will the vegetation be maintain 	.XX. crimped ained until the final	If yes, rate per acre bond release?			
м н	Vill the area be mulched? Yes Acthod of holding in place. How will the vegetation be mainta watering mowing times per year approximate month(s) KK_ repairing gullies	.XX. crimped ained until the final	If yes, rate per acre bond release?			
м н	Vill the area be mulched? Yes Acthod of holding in place. How will the vegetation be maintain watering mowing times per year approximate month(s) repairing gullies replanting eroded areas  low will debris be disposed of whe	.XX. crimped ained until the final ained until the final ained until the final ained until the final ained until the final	If yes, rate per acre bond release?			

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1. Landowner(s) of area to be mined/leased

FHX NU. 4 4640013

## D. NAMES AND ADDRESSES OF PERSONS AFFECTED BY THIS OPERATION

00125101

	Name:	Dollin Bell	Name:	
	Address:	P. O. Box 2141	Address:	
		. Gulfport, MS 39501	ða	
	Phone:		Phone:	
2.	Landowner(s) within 500 feet	of the area		
	Name:	Nate	Name:	
	Address:		Address:	
	Phone:	4	Phone:	
	Name:	8	Name:	
	Address:	£	Address:	
			·	
	Phone:	<u>*</u>	Phone:	
3.	Person(s) living on permit area			
	Name:	None	Name:	
تى	Address	A	Address:	
	8	<u></u>	1	
	Phone.	8	Phone:	

I declare that I have knowledge of the facts presented in the preceding pages and in all of the items attached to this application; furthermore, I certify that they are true to the best of my knowledge.

September 24, 2004	
data	-

gnature C. Fore w.

printed name

title

2 5 204

#### L. ADDITIONAL COMMENTS

	ltem Number	Space for d	ctailed answers to any	y of the previous items.	Indicate item number to which the answers apply.					
<u>ب</u>	10	Permit P87-027	28 Acres	Harrison County						
	10	Permit P93-048	29 Acres	Mancock County						
	10	Permit P87-045	35 Acres	Jackson County						
	10	Permit P88-027	38 Acres	Harrison County						
	10	Parmit P92-024	22 Acres	Hancock County						
	10	Permit P02-027	40 Acres	Hencock County						
	<u>A4</u>	NW 1/4 of the SW1/4	ees north \$13.75' fi	or a distance of 1281.	50'					
		Thence SE 967.50' in	the SW ½ of the Ni	E 1/4 of the SW 1/4						
		Thence South 763.0'	n the NW ¼ of the	9E 14						
-	• •	Thence West 908.00"	to the NE ¼ of the	<u>SW 1/4</u>						
•		Thence North 293.67' to a point								
Thence North 293.67' to a point										
14		Thence 947,85' in a N	ortheasterly directi	on in the NW ¼ of the	5W 14					
-		Thence North 653.00'	to POB							
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-					······································					
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<u></u>				S.						

If more space is required, use full sheets of paper the same size as this page. Attach all sheets to this application.

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#### F. ADDITIONAL REQUIREMENTS

The following described fee, documents and information, as required by the Mississippi Surface Mining and Reclamation

Act, must be submitted to the Office of Geology before the application can be processed.

- 1. APPLICATION FEE: \$100 plus \$10 per acre. Maximum fee is \$500.
- 2. CERTIFICATE OF INSURANCE: Must indicate that the applicant has sufficient liability insurance in an amount not less than \$100,000/300,000 for Bodily Injury and \$100,000 for Property Damage.
- 3. PERFORMANCE BOND: Must be at least \$500/acre and not more than \$2500/acre and is based on the applicant's estimate of the reclamation cost. The "TOTAL PERMITTED AREA" in A-7, page 1, is the number of acres to be bonded. A Certificate of Deposit may be substituted.
- 4. PROOF OF THE APPLICANT'S LEGAL RIGHT TO MINE: A lease, deed, or agreement that includes a legal description of the permit area. This includes eity or county approval, if applicable. This must be notarized.

## 5. COMPLETED ORGANIZATION REPORT FORM MRD-1.

- 6. MAPS, AERIAL PHOTOGRAPHS, OR DRAWINGS of the mine area:
  - A. On a USGS Topographic Map (8 1/2" x 11" photocopy of applicable portion of topographic map):

Name of Topographic Map Guillout North West Constrangle, Herrison County

1. Locate water wells within 0.5 mile of the permit area.

- 2. Outline boundaries of both the permit area and the entire mine area (if different).
- 3. Draw access to the nearest public road from the mine.
- 4. Illustrate how surface drainage will be conducted or changed.
- B. Additional Drawings or Maps

General site plan showing location of excavations, spoil piles, settling ponds, plant, etc. (8 1/2" x 11")



FILE COPY

#### STATE OF MISSISSIPPI

HALEY BARBOUR GOVERNOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

September 30, 2004

Mr. W. C. Fore, President W C Fore Trucking Inc, Delancey Sand Mine PO Box 3058 Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: W C Fore Trucking Inc, Delancey Sand Mine Gulfport, Harrison County

Enclosed please find an Agreed Order that reflects our understanding of agreements reached in order to resolve certain environmental issues with your company.

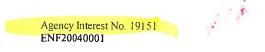
If you concur with this Agreed Order, please sign as provided for and return it to me.

If you have any questions, please contact me at (601) 961-5155.

Sincerely,

Don Watts, Chief Environmental Compliance and Enforcement Division

Enclosure cc: Bob Fairbank, Wolf River Conservation Society



### BEFORE THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

#### MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

#### COMPLAINANT

VS.

1.1

ORDER NO.

# W. C. FORE TRUCKING INC, DELANCEY SAND MINE GULFPORT, HARRISON COUNTY

#### RESPONDENT

#### AGREED ORDER

COME NOW THE Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and W. C. Fore Trucking Inc, Delancey Sand Mine, Respondent, in the above captioned cause and agree as follows:

1.

In a meeting on August 25, 2004, Respondent was advised by Complainant of the following violation(s):

A. An investigation by MDEQ staff revealed that Respondent mined an area in excess of four acres without a required surface mining permit in Section 8, Township 7 South, Range 12 West, Harrison County, Mississippi in violation of Miss. Code Ann. §§ 53-7-7 (1), 53-7-21 (1), and 53-7-27 (Rev. 2003). MDEQ staff observed Respondent mining without a surface mining permit during inspections conducted on April 6, 2004; April 19, 2004; May 6, 2004; May 19, 2004; May 26, 2004; June 9, 2004; and July 7, 2004. MDEQ did not receive a complete application for a surface mining

permit from Respondent prior to conducting surface mining operations covering the referenced lands as required by Miss. Code Ann. § 53-7-27 (Rev. 2003).

- B. Respondent was operating without a required stormwater National Pollutant Discharge Elimination System (NPDES) permit for this mining operation on the inspection dates specified in paragraph 1.A. in violation of Miss. Code Ann. § 49-17-29 (2)(a) and (b), Commission Regulation WPC-1, and parallel federal water pollution control regulations.
- C. Respondent further operated in violation of Mississippi Commission on Environmental Quality Order No. 4746-04 dated April 30, 2004, which was received by Respondent on May 12, 2004. The Order required Respondent to "[I]mmediately cease and desist all mining operations in or adjacent to the area described above until Respondent obtains all required permits...". MDEQ staff observed Respondent operating in violation of the Order on May 19, 2004; May 26, 2004; June 9, 2004; and July 7, 2004.
- D. The penalty discussed below was calculated pursuant to the Mississippi Air and Water Pollution Control Law, Miss. Code Ann. §§ 49-17-1, et seq.

2.

In lieu of a formal enforcement hearing concerning the violation(s) listed above, Complainant and Respondent agree to settle this matter as follows:

> A. An administrative penalty in the amount of \$100,000 is assessed by the Commission in settlement of the violations listed above. \$15,000 of this amount shall be paid to the Commission by Respondent within thirty (30) days of issuance of this Agreed Order and \$85,000 of this amount shall be conditionally offset by Respondent's implementation of the Supplemental Environmental Project ("SEP") described in the following paragraph.

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- B. The SEP shall consist of Respondent donating property totaling approximately 90 acres, generally described as located on the east side of the Wolf River beginning at I-10 and continuing north about 2.5 miles, to the Wolf River Conservation Society ("Society") for purposes of establishing a conservation easement on the property in perpetuity to support the Society's ongoing efforts to preserve and protect the Wolf River basin from the impact of pollution, including that caused by stormwater runoff. Respondent's contribution under this SEP shall be made in full within ninety (90) days of issuance of this Agreed Order. Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon making the contribution of the property identified herein.
- C. Any public statement, oral or written, in print, film, or other media, made by the Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an environmental enforcement action taken by the Mississippi Commission on Environmental Quality."

3.

A. Upon completion of the SEP described in Section 2.B. of this Agreed Order, but no later than 45 days after entry of this Agreed Order, the Respondent shall submit to MDEQ a SEP Completion Report containing the following information:

- 1. A detailed description of the SEP as implemented.
- 2. A certified copy of a warranty deed and plat in favor of the Society properly recorded in Harrison County land records of the County Chancery Clerk's Office.
- 3. Certification, signed by a responsible corporate official or Respondent's legal counsel, that the Respondent has fully implemented the SEP pursuant to the provisions of this Agreed Order.

All submissions should be directed to the following address:

Chief, Environmental Compliance & Enforcement Division Office of Pollution Control Post Office Box 10385 Jackson, MS 39289

B. Following receipt of the SEP Completion Report, MDEQ will within sixty (60) days either:

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Page 3 of 5

- 1. Accept the SEP Completion Report; or
- 2. Reject the SEP Completion Report and notify the Respondent, in writing, of deficiencies in the SEP and/or the SEP Completion Report and grant the Respondent an additional reasonable time in which to correct any deficiencies and submit a revised SEP Completion Report if the SEP as performed or the SEP Completion Report as drafted did not satisfy the requirements of the Agreed Order. MDEQ shall not reasonably withhold approval of the SEP Completion Report so long as the report is consistent with the SEP proposal and the terms of this Agreed Order.

4.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

#### 5.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

#### 6.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. Section §§ 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

, ' , ORDERED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

## MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY:\_\_\_\_

CHARLES H. CHISOLM EXECUTIVE DIRECTOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

AGREED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

W. C. FORE TRUCKING INC

,•``**`** 

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named \_\_\_\_\_\_ who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the \_\_\_\_\_\_ of \_\_\_\_\_ and is authorized by that Corporation to sign this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the \_\_\_\_ day of \_\_\_\_\_, 2004.

NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

AT 19151 W.C. Fore Delancey Sand MAR





P.O. Box 447 • Pass Christian, Mississippi 39571 • 228-435-9191

December 27, 2004

Ms. Cindy Sloan Alexander, Van Loon, Sloan, Levens, & Farve, PLLC. 9490 Three Rivers Road Gulfport MS 39503

Dear Cindy:

Please find enclosed tax information to support the donation of land on the Wolf River by W. C. Fore Trucking, Inc. to the Wolf River Conservation Society (WRCS). This information includes documentation confirming our tax exempt status, our 2003 tax return, and a copy of the Resolution by the Board of Directors of the WRCS acknowledging permission to accept this donation.

The Warranty Deed has been prepared by our attorney, Jennifer Signs, and is awaiting Mr. Fore's signature. Upon execution of this warranty deed at the offices of Jennifer Signs at Balch and Bingham Attorneys LLC., the WRCS will acknowledge this gift for conservation purposes. We are very grateful for the support of Mr. W. C. Fore and if you have any questions, please contact Joe Feil, Jennifer Signs or me.

Yours truly,

Joh

Bob Fairbank President

RF/vll

Enclosure(s)

Cc: W. C. Fore, w/enclosures Don Watts, MS DEQ, w/enclosures Sharon Woodfield, Chairman Joe Feil, Vice President

#### RESOLUTION BY THE WOLF RIVER CONSERVATION SOCIETY INC. BOARD OF DIRECTORS December 20, 2004

The special meeting of the Board of Directors of Wolf River Conservation Society, Inc., (the

"Corporation") was held at G & SI Railroad building in Gulfport, MS at 5:00 p.m. on the 20<sup>th</sup> day of

December, 2004, pursuant to call of the President of the Corporation in accordance with the By

Laws of the Corporation. Present at the meeting were Chairman, Sharon Woodfield and Directors:

Tina Knoll, Tommy Milner, Earline Sawyer, Linda Watts, Frank DiGeorge, Walter Morton, and Jerry

Ladner, being a quorum as required by said By Laws.

The Chairman called the meeting to order, and upon motion made, seconded, and

unanimously carried the following resolutions were adopted:

RESOLVED that the Board of Directors has determined that it is in the best interest of the Corporation to accept the following donations of interests in real property:

Donation by W. C. Fore Trucking, Inc., (or any related party holding title) of a fee simple interest in approximately 90 acres of land located in the First Judicial District of Harrison County, Mississippi, generally described as being located on the east side of the Wolf River beginning at I-10 and continuing north about 2.5 miles and more particularly described by survey.

FURTHER RESOLVED that either the President or Vice-President of the Corporation is authorized, empowered and directed to execute the certifications of Corporate documents and incumbency, gift acknowledgment letters, and any and all other documents reasonably necessary to effectuate the donation described hereinabove.

There being no further business to come before the special meeting of the Board of Directors, on

motion duly made the meeting was adjourned by unanin	nous vot <del>e.    </del>	- () - () - () - () - () - () - () - ()
Chi	Dry 1	Keihle
Secretary	04	
Dated:	12.7	20-04

#### INCUMBENCY CERTIFICATE

The undersigned officer of Wolf River Conservation Society, Inc., (the "Corporation") hereby certifies that the following are duly elected, qualified and acting officers of the Corporation and that the signatures set opposite their names are true specimens of the signatures of such officers, respectively:

Robert E. Fairbank, Jr., President

Joe Feil Vice President

Judy Steckler Secretary

Dated:

Signature Signature Signature

Secretary

I, Robert E. Fairbank, Jr., President, of Wolf River Conservation Society, Inc., DO HEREBY CERTIFY that Judy Steckler, whose signature appears above, has been duly elected or appointed and qualified as Secretary of the Corporation and that the signature set forth above is the genuine signature of such officer.

IN WITNESS WHEREOF, the undersigned has executed this Certificate this \_\_\_\_ dayofDecember, 2004.

Robert E. Fairbank President

#### **OFFICER'S CERTIFICATE**

The undersigned officer of Wolf River Conservations Society, Inc., (the "Corporation") hereby certifies that the following documents attached to this certificate are true, correct, and complete copies of such corporate documents; that such documents are in full force and effect as of this date; and that there have been no amendments thereto:

- 1. Articles of Incorporation
- 2. By Laws
- 3. Minutes of the Special Meeting of the Directors dated December 20, 2004

IN WITNESS WHEREOF, the undersigned has executed this Certificate this <u>200</u> dayofDecember, 2004.

Robert E. Fairbank, Jr., President

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE DISTRICT DIRECTOR P. O. BOX 2508 CINCINNATI, OH 45201

Date: JAN 15 1999

WOLF RIVER CONSERVATION SOCIETY INC C/O BRENDA VANOVER ZNACHKO 1310 25TH AVENUE GULFPORT, MS 39501

Employer Identification Numbe	r:	
64-0902034		
DLN:		
17053350019028		
Contact Person:		
D. A. DOWNING	ID#	31505
Contact Telephone Number:	•	
(877) 829-5500		
Accounting Period Ending:		
December 31		
Foundation Status Classificat:	ion:	
509(a)(1)		
Advance Ruling Period Begins:		
November 30, 1998		
Advance Ruling Period Ends:		
December 31, 2002		
Addendum Applies:		
No		

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a) (1) or 509(a) (2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make a final determination of your foundation status.

If we publish a notice in the Internal Revenue Bulletin stating that we

Letter 1045 (DO/CG)

#### WOLF RIVER CONSERVATION SOCIETY INC

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will no longer treat you as a publicly supported organization, grantors and contributors may not rely on this determination after the date we publish the notice. In addition, if you lose your status as a publicly supported organization, and a grantor or contributor was responsible for, or was aware of, the act or failure to act, that resulted in your loss of such status, that person may not rely on this determination from the date of the act or failure to act. Also, if a grantor or contributor learned that we had given notice that you would be removed from classification as a publicly supported organization, then that person may not rely on this determination as of the date he or she acquired such knowledge.

If you change your sources of support, your purposes, character, or method of operation, please let us know so we can consider the effect of the change on your exempt status and foundation status. If you amend your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, let us know all changes in your name or address.

As of January 1, 1984, you are liable for social security taxes under the Federal Insurance Contributions Act on amounts of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the private foundation excise taxes under Chapter 42 of the Internal Revenue Code. However, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Internal Revenue Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Donors may deduct contributions to you only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, gives guidelines regarding when taxpayers may deduct payments for admission to, or other participation in, fundraising activities for charity.

You are not required to file Form 990, Return of Organization Exempt From Income Tax, if your gross receipts each year are normally \$25,000 or less. If you receive a Form 990 package in the mail, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return. Because you will be treated as a public charity for return filing purposes during your entire advance ruling period, you should file Form 990 for each year in your advance ruling period that you exceed the \$25,000 filing threshold even if your sources of support do not satisfy the public support test specified in the heading of this letter.

Letter 1045 (DO/CG)

#### WOLF RIVER CONSERVATION SOCIETY INC

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$20 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$10,000 or 5 percent of your gross receipts for the year, whichever is less. For organizations with gross receipts exceeding \$1,000,000 in any year, the penalty is \$100 per day per return, unless there is reasonable cause for the delay. The maximum penalty for an organization with gross receipts exceeding \$1,000,000 shall not exceed \$50,000. This penalty may also be charged if a return is not complete. So, please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You are required to make your annual return available for public inspection for three years after the return is due. You are also required to make available a copy of your exemption application, any supporting documents, and this exemption letter. Failure to make these documents available for public inspection may subject you to a penalty of \$20 per day for each day there is a failure to comply (up to a maximum of \$10,000 in the case of an annual return).

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, we will assign a number to you and advise you of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

If we said in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help us resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

-3-

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

land. 0. lalles District Director

Enclosure(s): Form 872-C

Letter 1045 (DO/CG)

UNDER THE NEW LAW, CHARITIES WILL NEED TO PRO-VIDE NEW KINDS OF INFORMATION TO DONORS. Failure to do so may result in denial of deductions to donors and the imposition of penalties on charities.

Legislation signed into law by the President on August 10, 1993, contains a number of significant provisions affecting tax-exempt charitable organizations described in section 501(c)(3) of the Internal Revenue Code. These provisions include: (1) new substantiation requirements for donors, and (2) new public disclosure requirements for charities (with potential penalties for failing to comply). Additionally, charities should note that donors could be penalized by loss of the deduction if they fail to substantiate. THE SUBSTANTIATION AND DISCLOSURE PROVISIONS APPLY TO CONTRIBUTIONS MADE AFTER DECEMBER 31, 1993.

Charities need to familiarize themselves with these tax law changes in order to bring themselves into compliance. This Publication alerts you to the new provisions affecting tax-exempt charitable organizations. Set forth below are brief descriptions of the new law's key provisions. The Internal Revenue Service plans to provide further guidance in the near future.

#### Donor's Substantiation Requirements

Documenting Certain Charitable Contributions. — Beginning Januiry 1, 1994, no deduction will be allowed under section 170 of the Internal Revenue Code for any charitable contribution of S250 or more uness the donor has contemporaneous written substantiation from the charity. In cases where the charity has provided goods or services to the lonor in exchange for making the contribution, this contemporaneous written acknowledgement must include a good faith estimate of the value of such goods or services. Thus, taxpayers may no longer rely olely on a cancelled check to substantiate a cash contribution of \$250 r more.

The substantiation must be "contemporaneous." That is, it must be obained by the donor no later than the date the donor actually files a reirm for the tax year in which the contribution was made. If the return is led after the due date or extended due date, then the substantiation sust have been obtained by the due date or extended due date.

he responsibility for obtaining this substantiation lies with the door, who must request it from the charity. The charity is not required record or report this information to the IRS on behalf of donors.

he legislation provides that substantiation will <u>not</u> be required if, in cordance with regulations prescribed by the Secretary, the charity ports directly to the IRS the information required to be provided in the ritten substantiation. At present, there are no regulations establishing ocedures for direct reporting by charities to the IRS of charitable conbutions made in 1994. Consequently, charities and donors should be epared to provide/obtain the described substantiation for 1994 contritions of \$250 or more.

ere is no prescribed format for the written acknowledgement. For ample, letters, postcards or computer-generated forms may be acceptle. The acknowledgement does not have to include the donor's social unity or tax identification number. It must, however, provide suffint information to substantiate the amount of the deductible contribun. The acknowledgement should note the amount of any cash contriion. However, if the donation is in the form of property, then the nowledgement must describe, but need not value, such property. luation of the donated property is the responsibility of the donor. The written substantiation should also note whether the donee organization provided any goods or services in consideration, in whole or in part, for the contribution and, if so, must provide a description and good-faith estimate of the value of the goods or services. In the new law these are referred to as "quid pro quo contributions."

Please note that there is a new law requiring charities to furnish disclosure statements to donors for such quid pro quo donations in excess of \$75. This is addressed in the next section regarding Disclosure By Charity.

If the goods or services consist entirely of intangible religious benefits, the statement should indicate this, but the statement need not describe or provide an estimate of the value of these benefits. "Intangible religious benefits" are also discussed in the following section on Disclosure By Charity. If, on the other hand, the donor received nothing in return for the contribution, the written substantiation must so state.

The present law remains in effect that, generally, if the value of an item or group of like items exceeds \$5,000, the donor must obtain a qualified appraisal and submit an appraisal summary with the return claiming the deduction.

The organization may either provide separate statements for each contribution of S250 or more from a taxpayer, or furnish periodic statements substantiating contributions of S250 or more.

Separate payments are regarded as independent contributions and are not aggregated for purposes of measuring the \$250 threshold. However, the Service is authorized to establish anti-abuse rules to prevent avoidance of the substantiation requirement by taxpayers writing separate smaller checks on the same date.

If donations are made through payroll deductions, the deduction from each paycheck is regarded as a separate payment.

A charity that knowingly provides false written substantiation to a donor may be subject to the penalties for aiding and abetting an understatement of tax liability under section 6701 of the Code.

## Disclosure by Charity of Receipt of Quid Pro Quo Contribution

Beginning January 1, 1994, under new section 6115 of the Internal Revenue Code, a charitable organization must provide a written disclosure statement to donors who make a payment, described as a "quid pro quo contribution," in excess of \$75. This requirement is separate from the written substantiation required for deductibility purposes as discussed above. While, in certain circumstances, an organization may be able to meet both requirements with the same written document, an organization must be careful to satisfy the section 6115 written disclosure statement requirement in a timely manner because of the penalties involved.

A quid pro quo contribution is a payment made partly as a contribution and partly for goods or services provided to the donor by the charity. An example of a quid pro quo contribution is where the donor gives a charity \$100 in consideration for a concert ticket valued at \$40. In this example, \$60 would be deductible. Because the donor's payment (quid pro quo contribution) exceeds \$75, the disclosure statement must be furnished, even though the deductible amount does not exceed \$75.

Separate payments of \$75 or less made at different times of the year for separate fundraising events will not be aggregated for purposes of the \$75 threshold. However, the Service is authorized to develop anti-abuse rules to prevent avoidance of this disclosure requirement in situations such as the writing of multiple checks for the same transaction.

The required written disclosure statement must:

(1) inform the donor that the amount of the contribution that is de-

(Rev. April 1996)

#### Consent Fixing Period of Limitation Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code

OMB No. 1545-0055

To be used with Form 1023. Submit in duplicate.

Department of the Treasury Internal Revenue Service

(See instructions on reverse side.)

Under section 6501(c)(4) of the Internal Revenue Code, and as part of a request filed with Form 1023 that the organization named below be treated as a publicly supported organization under section 170(b)(1)(A)(vi) or section 509(a)(2) during an advance ruling period,

WOLF	RIVE	R CON	SERVA!	FION	SOCIET	Y, II	NC.	
(Exact legal name of organization as shown in organizing document)								
P. 0	Вох	447,	Pass	Chri	stian,	MS	39571	
(Number, street, city or town, state, and ZIP code)								

and the District Director of Internal Revenue, or Assistant Commissioner (Employee Plans and Exempt Organizations)

Consent and agree that the period for assessing tax (imposed under section 4940 of the Code) for any of the 5 tax years in the advance ruling period will extend 8 years, 4 months, and 15 days beyond the end of the first tax year.

However, if a notice of deficiency in tax for any of these years is sent to the organization before the period expires, the time for making an assessment will be further extended by the number of days the assessment is prohibited, plus 60 days.

Name of organization (as shown in organizing document)	Date
WOLF RIVER CONSERVATION SOCIETY, INC.	12/3/23
Officer or trustee having authority to sign ROBERT, FAIREANK, JR,	Title > President
Signature > Calt Manballe.	
For IRS use only	
District Director or Assistant Commissioner (Employee Plans and Exempt Organizations) C. Ashley Bullard District Director	Date JAN 13 1999
By > Joseph Harping Group Manager	
For Paperwork Reduction Act Notice, see page 1 of the Form 1023 Instructions.	Cat. No. 16905Q

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE P. O. BOX 2508 CINCINNATI, OH 45201

Date: MAY 09 2003

WOLF RIVER CONSERVATION SOCIETY INC PO BOX 447 PASS CHRISTIAN, MS 39571

Employer Identification Number 64-0902034	er:	
DLN:		
17053081735033		
Contact Person:		
MICHAEL A LUDWIG	ID#	31470
Contact Telephone Number:		
(877) 829-5500		
Our Letter Dated:		
Janaury 1999		
Addendum Applies:		
No		

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Letter 1050 (DO/CG)

WOLF RIVER CONSERVATION SOCIETY INC

2.2

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours, Dis J. Sernen

Lois G. Lerner Director, Exempt Organizations Rulings and Agreements

Letter 1050 (DO/CG)

June 23, 2004

Wolf River Conservation Society, Inc. P.O. Box 447 Pass Christian, MS 39571

Dear Board of Directors,

Enclosed is the 2003 U.S. Form 990-EZ, Return of Organization Exempt from Income Tax, for Wolf River Conservation Society, Inc.. The return should be signed and dated by an authorized officer or fiduciary and mailed on or before August 16, 2004 to:

Internal Revenue Service Center Ogden, UT 84201-0027

We very much appreciate the opportunity to serve you. If you have any questions regarding this return, please do not hesitate to call.

Sincerely,

and y David Blakeslee

(December 2000)	Exempt Organization Return		ie an	
Department of the Treasury Internal Revenue Service				OMB No. 1545-1709
	File a separate ap	plication for each return.	a 21	
<ul> <li>If you are filling for an i</li> </ul>	Automatic 3-Month Extension, complete ani	Beach I and I and a state of		•
Note: Do not complete Ba	Additional (not automatic) 3-Month Extension	n, complete only Part II (on p	age 2 of this form).	F
Form 8868.	t II unless you have already been granted an	automatic 3-month extensio	n on a previously filed	/
				2
Note: Form 990-T compared	B-Month Extension of Time - Only su	bmit original (no copies need	ed)	
	end requesting an automatic o-month extension	SiOn — check this hox and cou	molata Dart Lealu	<sup>®</sup> ► Γ
REMICs and trusts must us	e Form 990-C filers) must use Form 7004 e Form 8736 to request an extension of time	to request an extension of til to file Form 1065 1066 or 1	me to file income tax r	eturns. Partnerships,
Name of Exempt	Drganization Contract Contra			identification number
print				aguarcehon unubel
File by the Wolf Rive	r Conservation Society, Inc		64.00	
filing your	to room or suite number. If a P.O.box, see instructions		64-09	02034
return. See [P.O. Box	447			
instructions. City, town or post	office. For a foreign address, see instructions.			
Pass Chri	stian		state	ZIP code
Check type of return to be fil	ed (file a separate application for each return	n):	MS	39571
Form 990	Form 990-T (corporation)	<i></i>	<b>-</b> -	
Form 990-BL	Form 990-T (Section 401		Form 4720	
X Form 990-EZ	Form 990-T (Section 401 Form 990-T (trust other ti	(a) or 408(a) trust)	Form 5227	
Form 990-PF	Form 1041-A	han above)	Form 6069	-
If the organization does n	ot have an office or place of husiness in the		Form 8870	
check this box . ► 🦳 . If	it is for part of the group, check this box	-xemption Number (GEN)	If this is for t	he whole group,
the extension will cover.			e names and EINs of a	all members
1   request an automatic 3	-month (6-month, for 990-T corporation) exte			
to file the exempt organi	zation return for the organization named abo	ension of time until <u>Aug</u>	<u>16</u> ,20 <u>04</u> ,	
X calendar year 20	03 or	ve. The extension is for the o	organization's return fo	r:
tax year beginnin				
			•	
		i return 🔄 Finai return	Change in acc	counting period
b If this application is for For include any prior year over	orm 990-PF or 990-T, enter any refundable cr	edits and estimated tax paym	nents made.	
c Balance Due. Subtract line coupon or, if required, by	3b from line 3a. Include your payment with using EFTPS (Electronic Federal Tax Payme	this form, or, if required, dep	osit with FTD	
		Britication		0.
Under penalties of perjury, I declare that I complete, and that I am authorized to prep	have examined this return, including accompanying schedu pare this form.	ules and statements, and to the best o	of my knowledge and belief, it	is true, correct, and
Signature > 7	1 0111		-	
- RI IAA HAI	Delanelle Title > Ac	countant	Date 🏲 ()	4/11/04
BAA For Paperwork Reduction	act Notice, see instructions.			m 8868 (12-2000)

Date > 04/11/04 Form 8868 (12-2000)

01/05/04

Part Revenue, Expenses, and Changes in Net Assets or Fund Balances (See Instructions)			Short	Form		Šą:	OMB No. 1545-1150
Under section SD(c), SZ, pr.847(s/c)) of the internal Revenue Code         2003           Provide starts         The organization starts in Status (bits of the internal Revenue Code that assets ites the start is disclosed state reporting requirements.         The organization status (bits of the internal Revenue Code that assets ites the start is disclosed state reporting requirements.         The organization status (bits of the internal Revenue Code that asset ites the organization requirements.         The organization status (bits of the internal Revenue Code that asset ites the organization requirements.         The organization status (bits of the internal Revenue Code that asset ites the organization requirements.         The organization status (bits of the internal Revenue Code that asset ites the organization requirements.         The organization status (bits of the internal Revenue Code that asset ites the organization requirements.         The organization status (bits of the internal Revenue Code that asset ites the organization requirements.         The organization requirements.           In the organization requirements of the organization requirements.         P. O. Box 447         P. O. Box 447         Revenue Reven	3	Form 990-EZ Retur	n of Organization E	xempt From Ir	ncome Tax		
Provide the factors         ** For organization may in gross receipt less than \$100,000 and total assets less         Comparison of the factors           A         For the 2008 calendar year, of tax year beginning         2008, and anding         D         Environment of the factors         Environment of the factors         D         D <td></td> <td>Unde</td> <td>r section 501(c), 527, or 4947</td> <td>a)(1) of the Internal Re</td> <td>evenue Code</td> <td></td> <td>2003</td>		Unde	r section 501(c), 527, or 4947	a)(1) of the Internal Re	evenue Code		2003
Interview Sector 2         Interview Sector 2          Sector 2 <t< td=""><td></td><td>► For orga</td><td>except black lung benefit t</td><td>rust or private founda</td><td>tion) d total assets les</td><td>s</td><td></td></t<>		► For orga	except black lung benefit t	rust or private founda	tion) d total assets les	s	
A For the 2003 calendar year, or tax year, brighning       ,2003, and ending       Device diversitient         B Doek inputs       Text       Kinet or equiliation       Device diversitient       64-0902034         Adverse damp       Text       Woll f River       General states (#7-0. box, Fmill in the defeared is sheet adviced)       Provide the states of the	ŗ	Department of the Treasury	than \$250,000 at th	e end of the year.			
B         Desk trapplate         Desk trapplate         Desk trapplate         Desk trapplate         Desk trapplate           Mende drage         Marke drage         C         Number and bend (PA). Soc (P1 x) ITC.         Product         S4 - 9902034           Instruction         Desk trapplate         Section 501(c)(3 programmations and dest[gV(1) nonexempt charitable stated section)         Remfuture         E         Trapplate number desk trapplate           • Section 501(c)(3 programizations and dest[gV(1) nonexempt charitable state         Forup Examplian         Number and dest[gV(1) nonexempt charitable state         Char (pect)         Programization s and dest[gV(1) nonexempt charitable state         Char (pect)         Forup Examplian         Number and dest[gV(1) nonexempt charitable state         Char (pect)         Forup Sector (Sector)         Sector)         Sector)         Sector (Sector)         Sector	1					lirements.	respenden
Address damage       Feature in Vol 1 / R 11 ver C Onservation Society. Inc.       64-0902034         Monitor name       Feature in Version Name and stand of PO. be: 1 mult in and otherwite is stand address.       Feature in Version Name       C22 3932         Monitor name       Feature in Version Name and stand of PO. be: 1 mult in and otherwite is stand address.       Feature in Version Name       C22 3932         * Section Strict(X) organizations and 454764(X) nonesempt charatable forusts must attach a completed Schedule A (Parm 990 or 589.62.)       C Accounting method: 2 Cash _ Accoun	Å			, 2003, and en		_	9
Add lines B, B, D. and S. Starting and Starting P 4         Models damage         Formation         E Treestone market           Add lines B, B, D. and T, Starting P 4         Models damage         Models damage         Formation           Add lines B, S. C. S. C. Starting P 4         MS         39571         Formation           Add lines B, S. C. Starting P 4         MS         39571         Formation           Add lines B, S. C. Starting P 4         MS         39571         Formation           Add lines B, S. C. Starting P 4         MS         39571         Formation           Add lines B, S. C. Starting P 4         MS         MS         Accounting method: Starting P 4           Add lines B, S. C. Starting P 4         MS         MS         Accounting method: Starting P 4           Jorganzidan Caccular Starting P 4         MS         MS         MS         MS           Jorganzidan Caccular Starting P 4         MS         MS         MS         MS           Jorganzidan Caccular Starting P 4         MS         MS         MS         MS         MS           Jorganzidan Caccular Starting P 4         MS         MS </td <td>E</td> <td></td> <td></td> <td></td> <td>5.</td> <td></td> <td></td>	E				5.		
Indicate name       Part of any and the provide the first of the second of the provide the second of the provide the provector provide	•	Address change use IRS WOLT KIVET	Conservation Socie	ety, Inc.			
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→ Amended mean       Set Chr is tian       MS       39571       F Group Exemption <ul> <li>Section SOI(c)(2) organizations and 4967(c)(1) nonexempt charitable runts must attach a completed Schedule A (Form 900 or 994-E2).</li> <li>Charlow Line (and completed Schedule A (Form 900 or 994-E2).</li> <li>Web site: * N/A</li> <li>Charlow Line (and completed Schedule A (Form 900 or 994-E2).</li> <li>Charlow Line (and completed Schedule A (Form 900 or 990-E7).</li> <li>Charlow Line (and completed Schedule B (Form 990)</li> <li>Organization rescience the (form 990).</li> <li>Songanization rescience (and completed Schedule B (Form 990)</li> <li>Charlow Line (and completed Schedule B (Form 990)</li> <li>Songanization rescience (and completed Schedule B (Form 990).</li> <li>Songanization (and completed Schedule B (Form 990).</li> <li>Songanization (and completed Schedule B</li></ul>		See P.O. BOX 4				(228)	452-3932
↓ Jeptidelin. pendig       P2SS Christian       MS       39571       Number       ►         • Section SD1(C5R) organizations and dSD2(V) conserving charteline trusts must attach a completed Schedule A from 990 or S90-E22.       G Accounting methods: [C cah ]       Accual Other (specify) ►         1       Web site: ► N/A       H Check ► [] if the organization is not required to attach Schedule B (Form 990, 990-E2, or 990-P7).       H Check ► [] if the organization set required to attach Schedule B (Form 990, 990-E2, or 990-P7).         K       Check ► [] if the organization set organization set of the aretum with the IRS; but if the organization received a Form 990 Package In the mail, it should file a return without financial data. Some states require a complete return.       50, 313.         1       Contributions, gifts, grants, and similar amounts received       1       15, 500.         2       7       Songan service revue including overment fees and contracts.       1       15, 500.         3       34,719.       4       94.       94.         5       G coss amount from sale of assets other than inventory       51       3       34,719.         4       Investment income required a latitude schedule.       1       15,500.       94.         5       G coss amount from sale of assets other than inventory.       51       94.       94.         5       G coss another onine list asset alse sequenes.	[	Amended return instruc-				F Group E	xemption
Other ciperity -         1       Oth	T	Application pending Pass Chris	tian		571	Number	<u> </u>
I Web site: + N/A       If the organization is not.         J Organization type (deck only end)		<ul> <li>Section 501(c)(3) organizations a</li> </ul>	nd 4947(a)(1) nonexempt chai				Cash Accruai
I       Web site: Y M/A       regulard to attach Schedule B (Form 990, 100 - 20, 100 -	_	must attach a completed s	Schedule A (Form 990 or 990-L				· · · · · · · · · · · · · · · · · · ·
J       Organization type (disk mit) end (missing gross receipts are normally not more than \$25,000. The organization need not file a return with the IRS; built the organization tectived a Form S90 Package in the mail, it should file a return with the IRS; built the organization received a Form S90 Package in the mail, it should file a return without financial data. Some states require a characterized for the set of form S90. EX.         L       Add lines 5b, 5b, and 7b, to line 9 to determine gross receipts; if \$100,000 or more, file Form 990       ►\$ \$0,313.         Partial and Revenue, Expenses, and Changes in Net Assets or Fund Balances (See Instructions)       1       15,500.         2       Program service revenue including goverment tees and contracts.       1       1       15,500.         3       Membership dues and assessments       3       34,719.       4       94.         5a       5b       5a       5b       5c       5c       5c         6       Special events and activities (attach schedule).       6       5c       5c       5c         6       Special events and activities (attach schedule).       6b       5c       <	1	Website: ► N/A			H Check ► [	If the on	ganization is <b>not</b> dule B (Form 990
K       Check ► [X] if the organization's gross receipts are normally not more than \$25,000. The organization need not file a return with the (RS; but if the organization needword a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.         L       Add lines 50, 6b, and 7b, to line 9 to determine gross receipts; if \$100,000 or more, file Form 990       ► \$ \$00,313.         Particles 50, 6b, and 7b, to line 9 to determine gross receipts; if \$100,000 or more, file Form 990       ► \$ \$00,313.         1       Contributions, gifts, grants, and similar amounts received       1       15,500.         2       Program service revenue including government fees and contracts.       3       34,719.         3       Membership dues and assessments       5       5.       5.         4       Investment income       5       5.       5.         5 a Gross amount from sale of assets other than inventory       5       5.       5.         6 and (tas) from sale of assets other than inventory (line 5 less line 50) (attan tsheldul)       5.       6.       6.         6 and reus in the industing expenses			(c) $(-3) \triangleleft (insert no.)$	1947(a)(1) or 527	990-EZ, or 9	90-PF).	
but if the organization received a Form 990 Package in the mail, it should file a return without financial data. Some states require a complete return.         L       Add lines 5b, 6b, and 7b, to line 9 to determine gross receipts; if \$100,000 or more, file Form 990       > \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	ĸ				ganization need	not file a r	eturn with the IRS;
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Instead of Form 950-EZ       50, 913.         Partie       Faverue, Expenses, and Changes in Net Assets or Fund Balances (See Instructions)         1       Contributions, gifts, grants, and similar amounts received       1         2       Program service revence including government fees and contracts       2         3       Membership dues and assets other than inventory       5a         5a       Gross amount from sale of assets other than inventory (line 5a less line 5b) (attach schedule)       5c         6       Special events and activities (attach schedule). If any amount is from gaming, check here       5c         6       Special events and activities (attach schedule). If any amount is from gaming, check here       5c         7a       Gross arowerne (not including \$\$	7			000			·
Revenue, Expenses, and Changes in Net Assets or Fund Balances (See Instructions)         1       Contributions, gitts, grants, and similar amounts received       1       15,500.         2       Program service including government tees and contracts       3       34,719.         3       Membership dues and assessments       3       34,719.         5       Gross mount from sale of assets other than inventory       5a       5a         6       She cities (set or tother basis and assets other than inventory       5a       5c         6       Special events and activities (stach schedule). If any amount is from gaming, check here       5c         6       Special events and activities (stach schedule). If any amount is from gaming, check here       6a         6       Cores revenue (not including S	Ľ	instead of Form 990-EZ	armine gross receipts; if \$100,	000 or more, file Form	1990	►\$	50,313.
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b Less: direct expenses other than fundralsing expenses       6b       6c         7a       7a       6c         7a       7b       7c         b Less: cost of goods sold       7c         c Gross pails of inventory, less returns and allowances       7a         b Less: cost of goods sold       7c         c Gross profit or (loss) from sales of inventory (line 7a less line 7b)       7c         8 Other revenue (dad lines 1, 2, 3, 4, 5c, 6c, 7c, and 8)       9         9 Total reverue (add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8)       9         10 Grants and similar amounts paid (attach schedule)       10         11 Benefits paid to or for members       11         12 Salarles, other compensation, and employee benefits       12         13 Professional fees and other payments to independent contractors       13         14 Occupancy, rent, utilities, and maintenance       14         15 I, 1,114.       16       6,264.         17 Total expenses (add lines 10 through 16)       17       17       22,878.         18 Excess or (deficit) for the year (line 9 less line 17)       18       27,435.         18 Excess or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year       19       33,831.         20 Other changes in net assets or fund balances (attach explanation) <t< td=""><td>U</td><td>reported on line 1)</td><td></td><td></td><td></td><td></td><td></td></t<>	U	reported on line 1)					
7a Gross sales of inventory, less returns and allowances       7a         7b Less: cost of goods sold       7c         7b Other revenue (describe >       7c         8 Other revenue (describe >       9         9 Total revenue (add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8)       9         10 Grants and similar amounts pald (attach schedule)       10         11 Benefits paid to or for members       11         12 Salarles, other compensation, and employee benefits       12         13 Professional fees and other payments to independent contractors       13         14 Occupancy, rent, utilities, and maintenance       14         15 Printing, publications, postage, and shipping       16         16 Other expenses (describe > See Other Expenses Statement       )         17 Total expenses (describe > See Other Expenses Statement       )         18 Excess or (deficit) for the year (line 9 less line 17)       18         18 Excess or (deficit) for the year (trom line 27, column (A)) (must agree with end-of-year       19         19 Net assets or fund balances at beginning of year (trom line 27, column (A)) (must agree with end-of-year       19         19 Net assets or fund balances at end of year (combine lines 18 through 20)       20         20       17       16 1, 266.         21 Other assets (describe >							
b Less: cost of goods soid       7b         c Gross profit or (loss) from sales of inventory (line 7a less line 7b)       7c         8 Other revenue (describe >       9         9 Total revenue (add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8)       9         10 Grants and similar amounts paid (attach schedule)       10         11 Benefits paid to or for members       11         12 Salarles, other compensation, and employee benefits       12         13 Professional fees and other payments to Independent contractors       13         14 Occupancy, rent, utilities, and maintenance       14         15 Printing, publications, postage, and shipping       15         16 Other expenses (add lines 10 through 16)       17         17 Total expenses (add lines 10 through 16)       17         18 Excess or (deficit) for the year (line 9 less line 17)       18         19 Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)       19         21 Other changes in net assets or fund balances (attach explanation)       20         21 Net assets or fund balances at end of year (combine lines 18 through 20)       21         22 Cash, savings, and investments       (See Instructions)         23 Land and buildings       0. [22         24 Other assets (describe >       )						6c	
c Gross profit or (loss) from sales of inventory (line 7a less line 7b)       7c         8 Other revenue (describe ►       )       8         9 Total revenue (add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8)       )       8         10 Grants and similar amounts paid (attach schedule)       10       15, 500.         11 Benefits paid to or for members       11       12         12 Salarles, other compensation, and employee benefits       11         13 Professional fees and other payments to independent contractors       13         14 Occupancy, rent, utilities, and maintenance       14         15 Printing, publications, postage, and shipping       15       1,114.         16 Other expenses (destribe ► See Other Expenses Statement       )       18       27,435.         18 Excess or (deficit) for the year (line 9 less line 17)       18       27,435.       18         19 Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's refurm)       10       33,831.         20       21       61,266.       20       21       61,266.         21       Net assets or fund balances at end of year (combine lines 18 through 20)       20       21       61,266.         22       Cash, savings, and investments       0       12       0,23       0.							
8       Other revenue (describe ►       )       8       9       50, 313.         9       Total revenue (add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8)       9       50, 313.         10       Grants and similar amounts paid (attach schedule)       10       15, 500.         11       Benefits paid to or for members       11       11         12       Salarles, other compensation, and employee benefits       12         13       Professional fees and other payments to independent contractors       13         14       Occupancy, rent, utilities, and maintenance       14         15       Printing, publications, postage, and shipping       15       1,114.         16       6,264.       17       70tal expenses (describe ► See Other Expenses Statement       )       16       6,264.         17       Total expenses (add lines 10 through 16)       17       22,878.       18       27,435.         18       Excess or (deficit) for the year (line 9 less line 17)       18       27,435.       19       Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year       19       33,831.       20         21       Net assets or fund balances at end of year (combine lines 18 through 20)       E1       61,266.       12       61,266.         22		-					
9       Total revenue (add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8)       9       50, 313.         10       Grants and similar amounts paid (attach schedule)       10       15, 500.         11       Benefits paid to or for members       11       12         12       Salarles, other compensation, and employee benefits       12       13         12       Salarles, other compensation, and employee benefits       12       13         14       Occupancy, rent, utilities, and maintenance       14       14         15       Printing, publications, postage, and shipping       15       1,114.         16       Other expenses (destribe ► See Other Expenses Statement       )       16       6,264.         17       Total expenses (add lines 10 through 16)       17       22,878.       18       27,435.         18       Excess or (deficit) for the year (line 9 less line 17)       18       27,435.       19       33,831.       20         20       Other changes in net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)       20       21       61,266.         21       Net assets or fund balances at end of year (combine lines 18 through 20)       21       61,266.         22       Cash, savings, and investments       0<			iventory (line /a less line /b)	•••••			
10       Grants and similar amounts paid (attach schedule)       10       15,500.         11       Benefits paid to or for members       11         12       Salarles, other compensation, and employee benefits       12         13       Professional fees and other payments to independent contractors       13         14       Cocupancy, rent, utilities, and maintenance       14         15       Printing, publications, postage, and shipping       15       1,114.         16       0.224,878.       17       22,878.         17       Total expenses (describe + See Other Expenses Statement       )       16       6,264.         17       Total expenses (deficit) for the year (line 9 less line 17)       18       27,435.         18       Excess or (deficit) for the year (line 9 less line 17)       18       27,435.         19       Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)       19       33,831.         20       0       21       61,266.       20         21       Net assets or fund balances at end of year (combine lines 18 through 20)       21       61,266.         22       Cash, savings, and investments       0.22       0.       0.         22       Cash, savings, and			- C- 7 10		)	· · ·	E0 212
In Benefits paid to or for members       In Example to or for members       In Example to or for members         In Benefits paid to or for members       In Example to or for members       In Example to or for members         In Benefits paid to or for members       In Example to or for members       In Example to or for members         In Benefits paid to or for members       In Example to or for members       In Example to or for members         In Benefits paid to or for members       In Example to or for members       In Example to or for members         In Benefits paid to or for members       In Example to or for members       In Example to or for members         In Benefits paid to or for members       In Example to or for members       In Example to or for members         In Benefits paid to or for members       In Example to or for members       In Example to or for members         In Other expenses (describe > See Other Expenses Statement       )       In Example to or for the year (line 9 less line 17)         In Benefits reported on prior year's return)       In Example to or for year's return)       In Example to or for year's return)         In Example reported on prior year's return)       In Example to or for year's return)       In Example to or for year's return)         In Example reported on prior year's return)       In Example to or for year's return)       In Example to or for year's return)         In Example to the balances or fund balan						<del></del>	
12       Salarles, other compensation, and employee benefits       12         13       Professional fees and other payments to independent contractors       13         14       Occupancy, rent, utilities, and maintenance       14         15       Printing, publications, postage, and shipping       15       1,114.         16       0.ccupancy, rent, utilities, and maintenance       14       15         17       Total expenses (describe ►       See Other Expenses Statement       )       16       6,264.         17       Total expenses (add lines 10 through 16)       17       22,878.       18       27,435.         18       Excess or (deficit) for the year (line 9 less line 17)       18       27,435.       19       Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)       20       20         20       Other changes in net assets or fund balances (attach explanation)       20       21       61,266.         21       Net assets or fund balances at end of year (combine lines 18 through 20)       20       21       61,266.         22       Cash, savings, and investments       0.122       0.       23       0.         22       Cash, savings, and investments       0.22       0.       25       0.							15,500.
s       15       Finding, policiatoris, postage, and shipping       13       1,114.         16       Other expenses (describe ► See Other Expenses Statement       )       16       6,264.         17       Total expenses (add lines 10 through 16)       17       22,878.         18       Excess or (deficit) for the year (line 9 less line 17)       18       27,435.         19       Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)       19       33,831.         20       Other changes in net assets or fund balances (attach explanation)       20       21       61,266.         21       Net assets or fund balances at end of year (combine lines 18 through 20)       20       21       61,266.         22       Cash, savings, and investments       0.22       0.       23       0.         22       Cash, savings, and investments       0.23       0.       23       0.         23       Land and buildings       0.24       0.       25       0.       25         26       Total assets       0.26       0.       25       0.       25         26       Total assets       0.26       0.       0.       26       0.         27       Ne	EX						
s       15       Finding, policiatoris, postage, and shipping       13       1,114.         16       Other expenses (describe ► See Other Expenses Statement       )       16       6,264.         17       Total expenses (add lines 10 through 16)       17       22,878.         18       Excess or (deficit) for the year (line 9 less line 17)       18       27,435.         19       Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)       19       33,831.         20       Other changes in net assets or fund balances (attach explanation)       20       21       61,266.         21       Net assets or fund balances at end of year (combine lines 18 through 20)       20       21       61,266.         22       Cash, savings, and investments       0.22       0.       23       0.         22       Cash, savings, and investments       0.23       0.       23       0.         23       Land and buildings       0.24       0.       25       0.       25         26       Total assets       0.26       0.       25       0.       25         26       Total assets       0.26       0.       0.       26       0.         27       Ne	P						<u></u>
s       15       Finding, policiatoris, postage, and shipping       13       1,114.         16       Other expenses (describe ► See Other Expenses Statement       )       16       6,264.         17       Total expenses (add lines 10 through 16)       17       22,878.         18       Excess or (deficit) for the year (line 9 less line 17)       18       27,435.         19       Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)       19       33,831.         20       Other changes in net assets or fund balances (attach explanation)       20       21       61,266.         21       Net assets or fund balances at end of year (combine lines 18 through 20)       20       21       61,266.         22       Cash, savings, and investments       0.22       0.       23       0.         22       Cash, savings, and investments       0.23       0.       23       0.         23       Land and buildings       0.24       0.       25       0.       25         26       Total assets       0.26       0.       25       0.       25         26       Total assets       0.26       0.       0.       26       0.         27       Ne	N S						
17       Total expenses (add lines 10 through 16)	E S						
17       Total expenses (add lines 10 through 16)			penses Statement		)	16	
19       Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)       19       33,831.         20       Other changes in net assets or fund balances (attach explanation)       20         21       61,266.         22       0.         23       0.         24       0.         25       0.         26       0.         27       Net assets or fund balances (line 27 of column (B) must agree with line 21)         23       0.         24       0.         25       0.         26       0.         27       Net assets or fund balances (line 27 of column (B) must agree with line 21)			16)	<u></u>	<u></u>	► <u>17</u>	
figure reported on prior year's return)       19       33,831.         20       Other changes in net assets or fund balances (attach explanation)       20         21       Net assets or fund balances at end of year (combine lines 18 through 20)       21       61,266.         21       61,266.       21       61,266.         (See Instructions)         (A) Beginning of year         (B) End of year         (Cash, savings, and investments		<b>18</b> Excess or (deficit) for the year (line 9	less line 17)	• • • • • • • • • • • • • • • • • • •	• • • • • • • • • • • • • • • •	18	27,435.
1       20       Other changes in net assets or fund balances (attach explanation)       20         21       Net assets or fund balances at end of year (combine lines 18 through 20)       21       61, 266.         21       8alance Sheets – If Total assets on line 25; column (B) are \$250,000 or more, file Form 990 instead of Form 990-EZ.       (A) Beginning of year       (B) End of year         22       Cash, savings, and investments       0. 22       0.         23       Land and buildings       0. 23       0.         24       Other assets (describe ►       )       0. 24       0.         25       0.       25       0.       25         26       Total labilities (describe ►       )       0. 26       0.         27       Net assets or fund balances (line 27 of column (B) must agree with line 21)       33, 831. 27       61, 266.	NS	19 Net assets or fund balances at begin	ning of year (from line 27, colu	umn (A)) (must agree v	with end-of-year		77 071
3       21       Net assets or fund balances at end of year (combine lines 18 through 20)       ▶       21       61, 266.         21       61, 266.       21       61, 266.         22       0.       (See Instructions)       (A) Beginning of year       (B) End of year         22       Cash, savings, and investments       0. 22       0.         23       Land and buildings       0. 23       0.         24       Other assets (describe ▶       )       0. 24       0.         25       Total assets       25       0.       0. 26       0.         26       Total Ilabilities (describe ▶       )       0. 26       0.       0.         27       Net assets or fund balances (line 27 of column (B) must agree with line 21)       33, 831. 27       61, 266.	Ę	ingure reported on prior year 5 realing					33,831.
Balance Sheets – If Total assets on line 25; column (B) are \$250,000 or more, file Form 990 instead of Form 990-EZ.         (See instructions)       (A) Beginning of year       (B) End of year         22       Cash, savings, and investments       0. 22       0.         23       Land and buildings       0. 23       0.         24       Other assets (describe >       )       0. 24       0.         25       Total assets       25       0.         26       Total Ilabilities (describe >       )       0. 26       0.         27       Net assets or fund balances (line 27 of column (B) must agree with line 21)       33, 831. 27       61, 266.	s						61 265
(See Instructions)       (A) Beginning of year       (B) End of year         22       Cash, savings, and investments       0. 22       0.         23       Land and buildings       0. 23       0.         24       Other assets (describe ►       )       0. 24       0.         25       Total assets       25       25         26       Total Ilabilities (describe ►       )       0. 26       0.         27       Net assets or fund balances (line 27 of column (B) must agree with line 21)       33,831. 27       61,266.							
22       Cash, savings, and investments       0. 22       0.         23       Land and buildings       0. 23       0.         24       Other assets (describe ►       )       0. 24       0.         25       25       25       25       25         26       Total assets (describe ►       )       0. 26       0.         27       Net assets or fund balances (line 27 of column (B) must agree with line 21)       33,831. 27       61,266.							
23       Land and buildings       0. 23       0.         24       Other assets (describe ►       )       0. 24       0.         25       Total assets       25         26       Total llabilities (describe ►       )       0. 26       0.         27       Net assets or fund balances (line 27 of column (B) must agree with line 21)       33,831. 27       61,266.	22				y are gaining of y		
24       Other assets (describe ►       )       0. 24       0.         25       25       25         26       Total llabilities (describe ►       )       0. 26       0.         27       Net assets or fund balances (line 27 of column (B) must agree with line 21)       33,831. 27       61,266.		Land and buildings			. <u> </u>		
25       25         26       Total liabilities (describe ►         27       Net assets or fund balances (line 27 of column (B) must agree with line 21)	24					0.24	
27 Net assets or fund balances (line 27 of column (B) must agree with line 21)	25	Total assets				25	
	26						
BAA For Paperwork Reduction Act Notice, see the separate instructions. TEEA0812 12/23/03 Form 990-EZ (2003)	_27	Net assets or fund balances (line 27 of col	umn (B) must agree with line	21)	33,83	1.27	61,266.
	BAA	For Paperwork Reduction Act Notice, see	the separate instructions.	TEEA0812	12/23/03	I	Form <b>990-EZ</b> (2003)

he separate instructions.	TEEAOB
CLIENTS	COPY

Form	990-EZ (2003) WOLT RIVE	r conservat	ion society,	Inc.	64	1-09	02034 Page :
	III Statement of Progra	am Service Ac	complishments	(See Instructions)			Expenses
Descri	the organization's primary exempt purp ibe what was achieved in carry be the services provided, the n m title	ose? Protect ing out the organiz	ation's exempt pu	ronment of the poses, in a clear and c	Wolf River	- and	(4) organizations and (4) organizations and 7(a)(1) trusts; optional
progra	am title.	umber of persons	benefitted, or other	relevant information for	r each	494.	/(a)(1) trusts; optional others.)
28 -	Natural resource ac	tivities: De	ocumentation	of flora and		100	//////////////////////////////////////
-	fauna in the Wolf R	iver Buffer	area.			·	
-						·	
-		~~_		(Grants \$	15,500.)	28a	15,500.
29 Î	Public education and	d outreach:	Held meetin	gs. produced			15,500.
ī	newsletters and part	ticipated in	public mee	tings, interact	ted		
Ī	with other conservat	tion groups.	etc.				
~				(Grants \$	0.)	29 a	4,209.
30 ]	and, wildlife and w	ater qualit	y analysis.	preformed			4,205.
	vater quality testin	ng and relat	ed engineer	ing and survey		1	
a	ctivities.						
				(Grants \$	0.)	30.a	2,055.
<u>31 0</u>	ther program services (attach s	schedule)		(Grants \$	)	31 a	
	otal program service expenses			••••••	•	32	21,764.
	List of Officers, Direc	ctors, Trustees	, and Key Emp	ovees (List each one	even if not compe	nsate	d. See Instructions.)
		(B) Title a	and average hours	(C) Compensation (If	(D) Contributions	to	(E) Expense account
	(A) Name and address	perv	veek devoted	not paid, enter -0)	employee benefit plan	s and	and other allowances
Roher	rt Fairbank, Jr.	Presid			deferred compensat	ion	
	Box 4079		ent				
	bort, MS 39502	 4 hrs i	hor uk				•
	501 0 1 1 5 5 5 5 6 2			0.		0.	0.
See List	t of Officers, Etc. Statement						
200-013				0.		0.	0
Part	Other Information (No	to the attachment	roguiroment in the		<u> </u>	0.1	0.
	d the organization engage in an	v activity not previ	ously reported to t	Instructions)	a datailad daarrist	Han	Yes No
of	each activity			ne ins: il res, attacri	a detailed descript	uon	<b>x</b>
<b>34</b> Wer	re any changes made to the organizing o	r governing documents	but not reported to the	IRS7 If Ves ' attach a conform	ed conv of the changes	•••••	
35 lftl	he organization had income from busines	s artivities such as the	se reported on lines 2	F and 7 (among athore) but n	et copy of the changes	· · · · · · ·	
Stat	tement explaining your reason for not rep	porting the income on Fi	nm 990-1.				
<b>a</b> Did	the organization have unrelated busines	s gross income of \$1,00	)0 or more or 6033(e) n	otice, reporting, and proxy tax	requirements?		X
b if "	Yes,' has it filed a tax return on	Form 990-T for th	is year?				N/A
36 Was	there a liquidation, dissolution, termination	ation, or substantial con	ntraction during the year	r? (If 'Yes,' attach a statement.	)		X
3/a Ent	ter amount of political expenditu	ires, direct or indir	ect, as described i	n the instructions	► <u>37a</u>		0.
	the organization file Form 1120	<b>J-POL</b> for this year	?	•••••		• • • • •	X
38a Did ma	the organization borrow from, o	or make any loans id at the start of th	to, any officer, dir	ector, trustee, or key er	nployee <b>or</b> were a	ny suo	ch loans
b if Y	es,' attach the schedule specified in the l	ine 38 instructions and	enter the amount immi		38Ы	••••	X
39 501	(c)(7) organizations. Enter: a In	itiation fees and c	apital contributions	included on line 9	39 a	۲	N/A
	ess receipts, included on line 9,						N/A
	(c)(3) organizations. Enter: Ame						
		; section 4		ion during the year under section 4			
	c)(3) and (4) organizations. Did the orga						
benet	fit transaction from a prior year? If Yes,	' attach an explanation	Section 4908 excess Den	etit transaction during the yea	r or did it become awar	e of an	excess X
c Amou	unt of tax imposed on organization mana	oers or disqualified ner	sons during the year un	der 4912 4955 and 4952		▶	······[
d Ente	er: Amount of tax on line 40c, al	bove, reimbursed l	ov the organization	TOTEL TOOD AND 4000	• • • • • • • • • • • • • • • • • • •	▶	· · · · · · · · · · · · · · · · · · ·
41 List t	he states with which a copy of this return	n is filed ► N/A					····
	ooks are in care of 🕨 Robert F		•		Telephone no. ►	(228	) 452-3932
Locati	ed at ► P.O. Box 447 P	ass Christi	an. MS				
<b>43</b> Sect	tion 4947(a)(1) nonexempt chari	table trusts filing F	orm 990-EZ in lieu	of Form 1041 - Check	here		<u> </u>
and	enter the amount of tax-exempt	interest received	or accrued during t	the tax vear	► 43	:   <sup>`</sup>	N/A
	Under penalties of perjury, I declare the true, correct, and complete. Declaration	at I have examined this i	return, including accomp	anying schedules and statemer	nts, and to the best of m	y know	ledge and belief, it is
Please	writes, and complete. Deciaration	i or hishaisi fomet man	uncery is based on all	mormation of which preparer h	as any knowledge.		
Sign	8	020	1.				
Here	Signature of officer		Date		sident		
Paid	Preparer's	547		Date	Check if	Prenar	er's SSN or PTIN (See
Pre-	signature			06/25/04	self-	Genera	er's SSN or PTIN (See I Instruction W)
parer's	Firm's name (or Blakeslee	& Blakeslee		100/25/04	employed		
Use	$i$ employed). $\blacktriangleright$ 84 - 48th		<u>,                                    </u>				
Önly	address, and ZIP + 4 Gulfport	JUILL		MC 20507	EIN Phane as A (2)	28)	862-27/2
BAA		and the second	FI CARLANE PROPERTY	<u>MS 39507</u>			863-3248 orm 990-EZ (2003)
•	3) <sup>17</sup>	(C)	<b>HEAPTOO</b>	MANAN	TEEA0812 12/23/	us r'	UNI 330-EZ (2003)
1983	20 2						

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## Form 990-EZ, Part I, Line 16 Other Expenses Statement Other expenses (describe)

Public Education & Outreach Expenses	4,209.
Engineering & Research Expenses	2,055.
Total	6,264.

Form 990-EZ, Page 2, Part IV List of Officers, Etc. Statement

(A) Name and address	<b>(B)</b> Title and average hours per week devoted to position	(C) Compensation (if not paid, enter -0-)	(D) Contributions to employee benefit plans and deferred compensation	<b>(E)</b> Expense account and other allowances
Joe Feil 21640 Tucker Road Long Beach, MS 39560 Earline Sawyer P.O. Box 490	Vice President 1 hr per wk Treasurer	0.	0.	0.
Gulfport, MS 39501 Judy Steckler P.O. Box 486 Biloxi, MS 39530	<u>1 hr per wk</u> <u>Secretary</u> 1 hr per wk	<u>0.</u> 0.	0.	<u>0.</u> 0.

Total

0. 0. 0.

LENT 10 

SCHEDULE A (Form 990 or 990-EZ) Department of the Treasury Interpal Revenue Service	(Except Priva 501(n), or Supplement	Section 501(c)(a ate Foundation) and Section 5 Section 4947(a)(1) Nonexempti tary Information — (See sepa te above organizations and att	01(e), 501(f), 501(k), t Charitable Trust trate instructions.)	90 or 990-EZ.	2003
Name of the organization	\$			Employer Identificatio	n number
<u>Wolf River Cons</u>	ervation Society, I	inc.		64-0902034	
Part Compen	isation of the Five Highe	st Paid Employees Othe	er Than Officers, I	Directors, and	Trustees
(See instru	uctions. List each one. if there	are none, enter 'None.')			
(a) Name and employe than	d address of each ee paid more \$50,000	(b) Title and average hours per week devoted to position	(c) Compensation	(c) Contributions to employee benefit plans and deferred compensation	(e) Expense account and ot allowances
None		-			
			A		
				.9	
12					
		•			
otal number of other empl ver \$50,000	<u></u>	None	1		
Compensa (See instruct	ation of the Five Highest ions. List each one (whether in	Paid Independent Contr dividuals or firms). If there are	ractors for Profes e none, enter 'None.')	sional Service	5
(a) Name and address	of each independent contractor	r paid more than \$50,000	<b>(b)</b> Type of	service (	c) Compensation
	si				
8					
<u> </u>	2				
l number of others received of the service of the s	ing over	None			

CLIENT'S COPY

Schedule A (Form 990 or 990-EZ) 2003

NOV-09-2004 TUE 03:21 PM W C FORE TRUCKING INC

FAX NO. 2288640013

A	ECE <sup>P.01</sup>	12
	NUV 1 U 2004	
	MDEG	-

## W. C. Fore Trucking, Inc.

14270 Creosote Road P. O. Box 3058 Gulfport, MS 39505 PHONE: (228) 863-1314 FAX: (228) 864-0013 E-MAIL: Mrouse4@Isu.edu

Letter of	Transmittal
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. . . . . . . . .

DATE:	November 9, 2004	TIME:	1:45 PM
TO:	Ms. Charity Rockingham MDEQ – Office of Pollution Control	OFFICE: FAX:	(601) 961-5722 (601) 961- <del>6612</del> 5703

FROM: Michael Rouse

CC:

#### RE: Additional 1.17 Acres to be included With SWPPP Delancey Sand Mine General Mining Stormwater Coverage No.: MSR321377

W. C. Fore Trucking, Inc. is writing in response to the November 4, 2004 letter concerning an additional 1.17 acres to be added to the already covered 45 acre sand mine.

We have recently been issued a Certificate of Permit Coverage, Coverage Number MSR321377 under Mississippi's Mining Storm Water General NPDES Permit beginning October 12, 2004. The permit provides coverage for 45 acres, and we are requesting The Office of Pollution Control to incorporate the additional 1.17 acres to the existing 45 acre to a total of 46.17 acres for us to be within Mississippi State Law.

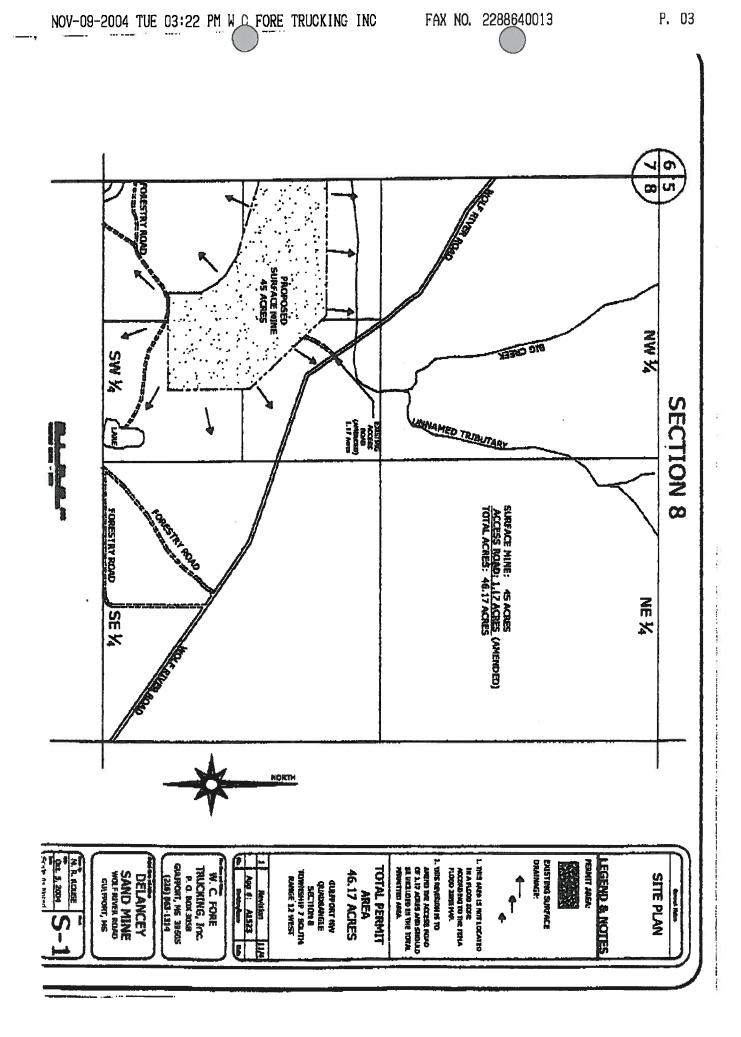
This letter is to inform you that the additional 1.17 acres will follow the same Storm Water Pollution Prevention Plan guidelines as the 45 acre sand mine.

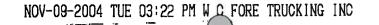
Please find attached the items as delineated below:

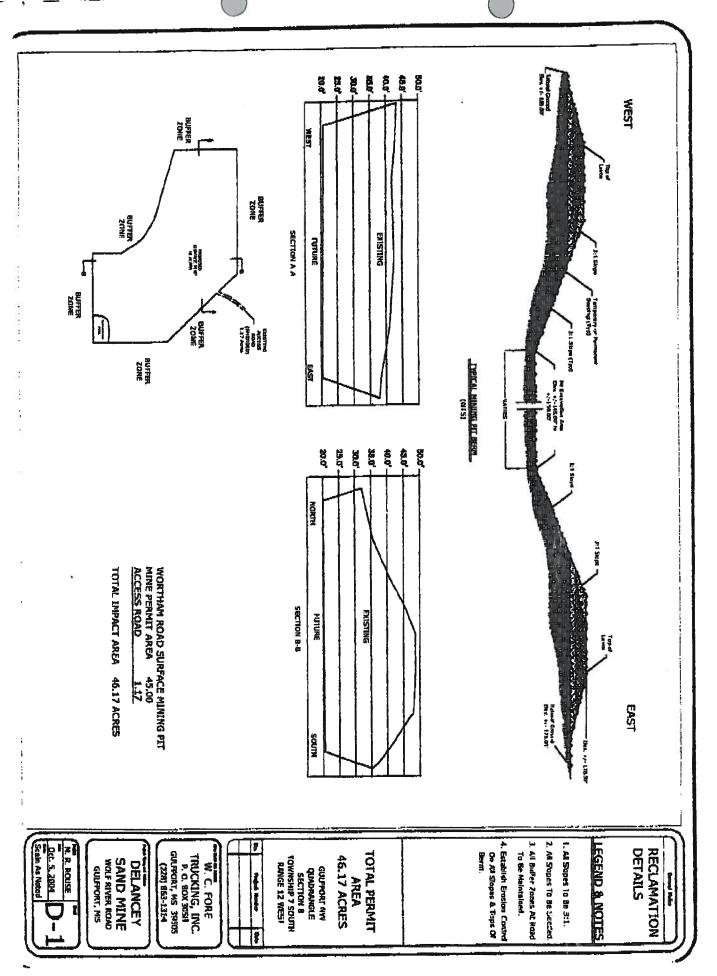
- ∂ USGS Quadrangle Map (S-1)
- ∂ Site Plan (S-1)
- ∂ Permit Ares (S-2)
- a Reclamation Details (D-1).

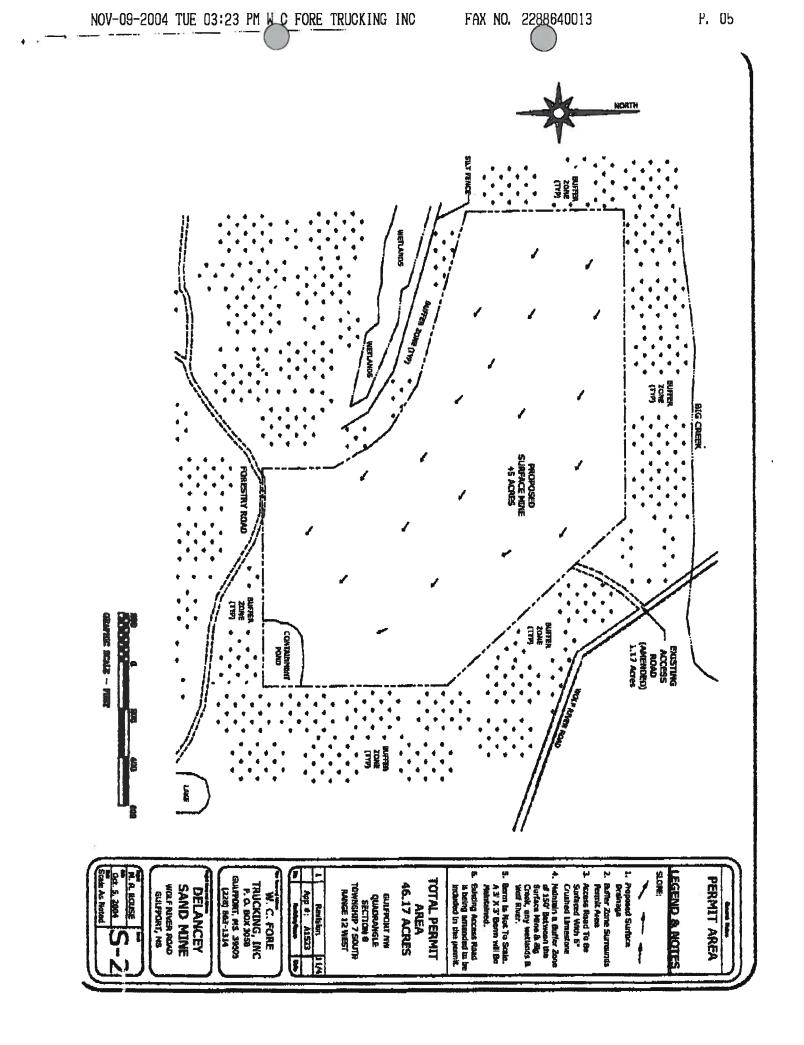
If you have any questions at all, please do not hesitate to call our office.

There are 5 page(s) to this Facsimile transmission including cover sheet.













#### STATE OF MISSISSIPPI

HALEY BARBOUR GOVERNOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

November 4, 2004

Mr. W. C. Fore W C Fore Trucking Inc. PO Box 3058 Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: W C Fore Trucking Inc, Delancey Sand Mine Harrison County General Mining Stormwater Coverage. No. MSR321377

The Office of Geology has informed us that you have filed an application with them to expand the existing site to include additional acreage. Please be advised that the present stormwater coverage for this site does not include the proposed mining expansion area. In order to gain stormwater coverage for this expansion area a request in writing needs to be received in our office that will incorporate the additional acreage. In making the request it will be necessary to mention adherence to the stormwater pollution prevention plan (SWPPP) that has been approved for the existing site and/or make any additional modifications to the SWPPP in order to be in compliance with the Mining Stormwater General Permit.

Upon receipt of this information, the Environmental Permits Division will continue the permitting process for your project. Please be advised the discharge of storm water from the additional acreage, without written notification of coverage of an individual National Pollutant Discharge Elimination System (NPDES) Storm Water Permit is a violation of state law.

If you have any cuestions regarding the application or the permitting process, please contact me at 601-961-5722.

Sincerely,

Charity Rockingham Solid Waste and Mining Branch, EPD

OFFICE OF POLLUTION CONTROL POST OFFICE BOX 10385 • JACKSON, MISSISSIPPI 39289-0385 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • www.deq.state.ms.us 19151 GNP20040001 AN EQUAL OPPORTUNITY EMPLOYER

	OCT-25-2004 MON 08:54 AM W	FORE TRUCK	LING INC FAX NO	P. 03
P	emit No. S	TATE OF MISS	SISSIPPI	Application No. A 15 23 A
	SURFACE	MINING	PERMIT APP	LICATION
\ <b>د</b>	9151 MISSISSIPP	I DEPARTMEN GEOLOGY / M	IT OF ENVIRONMENT. INING & RECLAMATION	AL QUALITY ON DIVISION
<i>ب</i>	Other permits required: V/N Date NPDES State Operating Parmit Corps of Engineers	Jackson, 1 ( Fio	: O. Box 20307 Mississippi 39289-1307 601) 961-5515 x (601) 961-5521 ar Office use only	City/County approval Required Yes No Received Date: County City
A. G	ENERAL INFORMATION			
1.	Name of Applicant: W. C. Fore Tru	ching. Inc.		
	Mailing Address: <b>P. O. Box 305</b> E-mail Address:	8		OCT 2 5 1991
	Phane No. (228).863-1314 Authorized Representative W. C. Form	Fax	No. (228) 864-0013	nearest town
2.	Engineering Firm, Consultant, etc.: Mailing Address:			De hisle MA
	E-mail Address:	Fax d		19151
3y 	Name of Mine: Delancey Sand Mine	Mine	Supervisor: W.C.Fore	8
_	Phone No		Fax No. (228) 864	-1319
4.	Location of Operation (to nearest quarter-o	•	سالاله مغلالية المان المان	Nost Harrison Inge County
5.	Type of Application		6. Method of Operation	
	XX Initial Permit for Operation		XX Open Pit	Strip Dredge
	Amendment to Expand Operation Amendment to an Existing Operation (not involving acreage change)	2	Wash Operation Water Source Wash System Type Closed system	uf so Open system
· 7,	Number of Acres to be Permitted:		8. Is the Permit Area loca	tod: Yes No
	Excavation Haul roads, plant site, ponds,	45.00	a. within 100 feet of a b. within 100 feet of a c. within 300 feet of a d. within 25 feet of a	n occupied building?
-	storage piles, etc. If this application is an amendment to expand an existing permit, number of additional acres to be permitted		Office giving permi	d, a letter must be filed with the ssion from the owner or maintaining thin these distances to the subject
1000 <b>- 1</b> 00	TOTAL PERMITTED AREA	46.17 acros	9. Materials to be Mine	d: <u>Sand &amp; Clav</u>

	Statements About Activities (See instructions.)		Yes	
1 Du	ring the year, has the organization attempted to influence national, state, or local legislation, including any attempt Influence public opinion on a legislative matter or referendum? If 'Yes,' enter the total expenses paid	X 923	1	T
or	incurred in connection with the lobbying activities > \$0.			
(M	ust equal amounts on line 38, Part VI-A, or line i of Part VI-B.)	. 1		
Or or lob	ganizations that made an election under section 501(h) by fillng Form 5768 must complete Part VI-A. Other anizations checking 'Yes,' must complete Part VI-B AND attach a statement giving a detailed description of the bying activities.			
sut tax	ring the year, has the organization, either directly or indirectly, engaged in any of the following acts with any ostantial contributors, trustees, directors, officers, creators, key employees, or members of their families, or with any able organization with which any such person is affiliated as an officer, director, trustee, majority owner, or principal neficiary? (If the answer to any question is 'Yes,' attach a detailed statement explaining the transactions.)			
a Sal	e, exchange, or leasing of property?	2a		)
b Ler	ding of money or other extension of credit?	2Ь		<u>)</u>
c Fur	nishing of goods, services, or facilities?	2c		<u>&gt;</u>
d Pay	ment of compensation (or payment or reimbursement of expenses if more than \$1,000)?	2d		<u>×</u>
e Tra	nsfer of any part of its income or assets?	2e		х
3a Dow	ou make grants for scholarships, fellowships, student loans, etc? (If 'Yes' attach an			
	anation of how you determine that recipients qualify to receive payments.)	3a		<u>X</u>
	rou have a section 403(b) annulty plan for your employees?	Зb		X
on t	you maintain any separate account for participating donors where donors have the right to provide advice ne use or distribution of funds?	4		X
ar v	Reason for Non-Private Foundation Status (See instructions.)			
ne organ	ization is not a private foundation because it is: (Please check only ONE applicable box.)			
5 🔲 /	A church, convention of churches, or association of churches. Section 170(b)(1)(A)(i).			
	A school. Section 170(b)(1)(A)(ii). (Also complete Part V.)			
	A hospital or a cooperative hospital service organization. Section 170(b)(1)(A)(iii).			
	Federal, state, or local government or governmental unit. Section 170(b)(1)(A)(v).			
9 🗍	medical research organization operated in conjunction with a hospital. Section 170(b)(1)(A)(iii). Enter the hospital's na	ame, ci	ty,	
• []4	nd state ►	<u>70(ъ)(1</u>	 )(A)(iv	).
	in organization that normally receives a substantial part of its support from a governmental unit or from the general pub ection 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.)	olic.		
	community trust. Section 170(b)(1)(A)(vi). (Also complete the Support Schedule in Part IV-A.)			
រា	n organization that normally receives: <b>(1) more than 33-1/3%</b> of its support from contributions, membership fees, and g om activities related to its charitable, etc, functions — subject to certain exceptions, and <b>(2) no more than 33-1/3%</b> of its om gross Investment income and unrelated business taxable income (less section 511 tax) from businesses acquired b ganization after June 30, 1975. See section 509(a)(2). (Also complete the Support Schedule in Part IV-A.)	s sliddo	ceipts ort	
A A A	n organization that is not controlled by any disqualified persons (other than foundation managers) and supports organiz escribed in: <b>(1)</b> lines 5 through 12 above; or <b>(2)</b> section 501(c)(4), (5), or (6), if they meet the test of section 509(a)(2). ( ection 509(a)(3).)	ations See		
	Provide the following information about the supported organizations. (See instructions.)			
		Line r from al		• <b>r</b>
	4) 280 	<u> </u>		
<u></u>				
∩	organization organized and operated to test for public safety. Section 509(a)(4). (See instructions.)			

	Chedule A (Form 990 (	or 990-EZ) 2003 Wol	f River Conserv	Vation Society, Inc.	Contraction of the Contraction o	
·			JULE OF DERIZATION that I	Vation Society, Ind harities (See instructions.) filed Form 5768)		12034 Páge
		S S S S S S S S S S S S S S S S S S S	i anniated group.	heck + b lift you about	ad lat and the state	
	•	Limits on Lobby	ing Expenditures	T T T TOU CITECT	ted 'a' and 'limited con (a)	
		term 'expenditures' mea	ans amounts paid or in	curred.)	Affiliated group totals	(b) To be completed for ALL electing organizations
	37 Total lobbying expe	nditures to influence a le	Dislative body (direct i	(ODDying) 36		0.
	<b>39</b> Other exempt purpo				13	0.
			unt from the following	table		0.
	Over \$500,000 but not over					
	Over \$17,000,000	er \$17,000,000 \$22	25,000 plus 5% of the excess	over \$1,500,000		<u> </u>
	42 Grassroots nontaxable	••••••••••••••••••••••••••••••••••••••	,000,000	·····		
	44 Subtract line 41 from 1	line 36. Enter -0- if line 4	12 is more than line 36			0.
	Caution: If there is an	line 38. Enter -0- if line 4	I is more than line 38.			0.
		amount on either line 4	or line 44, you must f	file Form 4720.		<u> </u>
	(Some orga	<b>4 -Year</b> anizations that made a s	Averaging Period ection 501(h) election of ee the instructions for l	Under Section 501(h) do not have to complete all ines 45 through 50.)	of the five columns bel	ow.
<u> </u>				iditures During 4 -Year Aver		
	Calendar year	(a)			aging Feriod	
	(or fiscal year beginning in) ►	2003	<b>(b)</b> 2002	(c)	(d)	
			2002	2001	2000	<b>(e)</b> Total
45	Lobbying nontaxable amount					
46	Lobbying ceiling amount (150% of line 45(e))		·		·	
47	Total lobbying expenditures	1				
48	Grassroots non- taxable amount					
49	Grassroots ceiling amount					
	(150% of line 48(e))					
	Grassroots lobbying expenditures					
	(For reporting only	vity by Nonelectina	Public Chariting			
Ouring	(For reporting only	by organizations that di	d not complete Part VI	-A) (See instructions)		
attemp	ot to influence public opinio	on a legislative matter	national, state or loca	l legislation, including any	N/A	·
a V	olunteers		and and any amoug	h the use of:	Yes No	Amount
b P	aid staff or management (	Include compensation in	AVDODGOG FOR and			
CIV	legia advertisements			ines c through h.)		
d M	allings to members, legisla	ators or the public	• • • • • • • • • • • • • • • • • • • •			
e Pi	ublications, or published or	broadcast statements				
r Gi a Di	ants to other organizations	s for lobbying purposes .	*****	•••••••		
9 UI 6 D-	ect contact with legislators	s, their staffs, governmer	t officials, or a legiciet	live body	··	
	mes, demonstrations, sem	inars, conventions, spee	ches, lectures or any	tive body other means	·	
i ∦0] J≉ N	Vacion of the second se	add lines c through h.)	······································	other means		
	tes to any of the above, a	lso attach a statement o	iving a detailed decori-	otion of the lobbying activitie		
				such of the loobying activitie	S	

AA

CLIENT'S COPY

Schedule A (Form 990 or 990-EZ) 2003

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Schedule A	(Form 990 or	990-EZ) 2003	Wolf Rive	er Conser	vation Sc	ociety, Inc	可以進於这個語語的	4-0902034	Page
Pattvil	Informatio	n Regarding	Transfers T	o and Tran	sactions a	nd Relations	hips With No	ncharitable	C. A. S. S. S.
	Exempt'Or	ganizations	(See Instruction	s) the state	EA MENTANIA	shir de Dh	hips With No	全部合于这中心的变形	
and the second	a starting of the starting of the starting of the		and the second	Contract the second	Sector All States of the sector	AND RECEIPTION PROPERTY AND INCOME.	the second second second second second	The second se	and the second s

51 Did the reporting organization directly or indirectly engage in any of the following with any other organization described in section 501(c) of the Code (other than section 501(c)(3) organizations) or in section 527, relating to political organizations?

a Transfers from the reporting organiz	ation to a noncharitable exempt organization of	1. 未一·2015年(1918年	1 10 14:10	Yes	No
(i)Cash			51a (i)		X
(li)Other assets			a (ii)	20	X
b Other transactions:			Contraction of the second		
(i)Sales or exchanges of assets wi	th a noncharitable exempt organization		b (i)		X
(ii)Purchases of assets from a none	charitable exempt organization		b (ii)	4	X
(iii)Rental of facilities, equipment, o	r other assets		b (iii)		X
(iv) Relmbursement arrangements .	•		b (iv)		X
(v)Loans or loan guarantees			b (v)		X
(vi)Performance of services or mem	bership or fundraising solicitations		b (vi)		X
c Sharing of facilities, equipment, mail	ng lists, other assets, or paid employees		c		X

d if the answer to any of the above is 'Yes,' complete the following schedule. Column (b) should always show the fair market value of the goods, other assets, or services given by the reporting organization. If the organization received less than fair market value in any transaction or sharing arrangement, show in column (d) the value of the goods, other assets, or services received:

(a) Line no.	(b) Amount involved	(c) Name of noncharitable exempt organization	(d) Description of transfers, transactions, and sharing arrangements
		8	5
		12	
		<u>n</u>	
			-
		·····	

52a Is the organization directly or indirectly affiliated with, or related to, one or more tax-exempt organizations described in section 501(c) of the Code (other than section 501(c)(3)) or in section 527?
---

CH IED FEAMOS 09/05/09

**b** If 'Yes,' complete the following schedule:

(a) Name of organization	<b>(b)</b> Type of organization	(c) Description of relationship
3		
		· · · · · · · · · · · · · · · · · · ·
5		
	······································	ь х

► Yes X No

Schedule B (Form 990, 990-EZ, - or 990-PF)	Schedule of Contribu	tors
Department of the Treasury Internal Revenue Service	Supplementary information fo line 1 of Form 990, 990-EZ and 990-PF (see	0000
Name of organization		Employer identification number
Wolf River Conservat	ion Society, Inc.	64-0902034
Organization type (check one):		
Filers of:	Section:	
Form 990 or 990-EZ	X 501(c)( <u>3</u> ) (enter number) org 4947(a)(1) nonexempt charitable to 527 political organization	ganization rust <b>not</b> treated as a private foundation
Form 990-PF	501(c)(3) exempt private foundation 4947(a)(1) nonexempt charitable true 501(c)(3) taxable private foundation	rust treated as a private foundation

Check if your organization is covered by the General Rule or a Special Rule. (Note: Only a section 501(c)(7), (8), or (10) organization can check box(es) for both the General Rule and a Special Rule – see instructions.)

#### General Rule -

For organizations filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. (Complete Parts i and II.)

#### Special Rules —

X For a section 501(c)(3) organization filing Form 990, or Form 990-EZ, that met the 33-1/3% support test of the regulations under sections 509(a)(1)/170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of \$5,000 or 2% of the amount on line 1 of these forms. (Complete Parts I and II.)

For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, aggregate contributions or bequests of more than \$1,000 for use *exclusively* for religious, charitable, scientific, literary, or educational purposes, or the prevention of crueity to children or animals. (Complete Parts I, II, and III.)

For a section 501(c)(7), (8), or (10) organization filing Form 990, or Form 990-EZ, that received from any one contributor, during the year, some contributions for use *exclusively* for religious, charitable, etc, purposes, but these contributions did not aggregate to more than \$1,000. (If this box is checked, enter here the total contributions that were received during the year for an *exclusively* religious, charitable, etc, purpose. Do not complete any of the Parts unless the **General Rule** applies to this organization because it received nonexclusively

religious, charitable, etc, contributions of \$5,000 or more during the year.)...... ► \$

**Caution:** Organizations that are not covered by the General Rule and/or the Special Rules do not file Schedule B (Form 990, 990-EZ, or 990-PF) but they **must** check the box in the heading of their Form 990, Form 990-EZ, or on line 1 of their Form 990-PF, to certify that they do not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

BAA For Paperwork Reduction Act Notice, see the Instructions for Form 990 and Form 990-EZ.

Schedule B (Form 990, 990-EZ, or 990-PF) (2003)

S hiệdule B (Form 990, 990 EZ, 990 FT) (2003) N. e of organization Employer identification number

Wolf River Conservation Society, Inc.

. •

64-0902034

Contributors (See Specific Instructions.)

Mississippi Power Company 2992 West Beach Blvd. Gulfport MS 39502 (b) Name, address, and ZIP + 4 Mississippi Power Foundation, Inc 2992 West Beach Blvd. Sulfport MS 39502 (b) Name, address, and ZIP + 4 arrison County (MS CIAP Grant) 720 23rd Avenue	<pre></pre>	(Complete Part II if ther is a noncash contribution (d) Type of contribution Person X Payroll
Name, address, and ZIP +4         1ississippi Power_Foundation, Inc         2992 West_Beach_Blvd.         Sulfport       MS_39502         (b)         Name, address, and ZIP +4         arrison County (MS_CIAP_Grant)	Aggregate contributions	Type of contribution         Person       X         Payroll       Image: Second sec
2992 West_Beach_Blvd. SulfportMS_39502 (b) Name, address, and ZIP + 4 arrison_County_(MS_CIAP_Grant)	(c) Aggregate contributions	Payroll Noncash (Complete Part II if there is a noncash contribution (d) Type of contribution Person X Payroll
Name, address, and ZIP + 4 arrison County (MS_CIAP_Grant)	Aggregate contributions	Type of contribution Person X Payroll
*	<b>\$</b> 15,500.	Payroll
ulfportMS_39501		(Complete Part II if there is a noncash contribution.)
(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
	\$	Person Payroll Noncash (Complete Part II if there is a noncash contribution.)
(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
	\$	Person Payroll Noncash (Complete Part II if there is a noncash contribution.)
(b) Name, address, and ZIP + 4	(c) Aggregate contributions	(d) Type of contribution
	\$	Person Payroli Noncash (Complete Part II if there a noncash contribution.)
	(b) Name, address, and ZIP + 4 (b) Name, address, and ZIP + 4	contributions           (b)         (c)           Name, address, and ZIP + 4         Aggregate contributions           (b)         (c)           Name, address, and ZIP + 4         Aggregate contributions           (b)         (c)           (b)         (c)           (c)         Aggregate contributions           (b)         (c)           (b)         (c)           (b)         (c)           (b)         (c)           Name, address, and ZIP + 4         Aggregate contributions           (b)         (c)           Name, address, and ZIP + 4         Aggregate contributions

Information Regarding Transfers Associated with Personal Benefit Contracts Form 990-EZ 2003 Name as Shown on Return Employer Identification No. 18 64-0902034 Wolf River Conservation Society, Inc. 1. Did the organization, during the year, receive any funds, directly or indirectly, to pay premiums on a personal benefit contract? ...... Yes X No N/A 2. Did the organization, during the year, pay premiums, directly or Yes X No indirectly, on a personal benefit contract? ..... N/A

TEEW2101.SCR 11/21/03

## Fòrm 990-EZ, Part I, Line 16 Other Expenses Statement

2.055.
4,209.

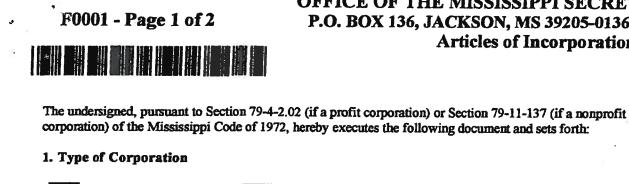
Form 990-EZ, Page 2, Part IV List of Officers, Etc. Statement

	1/50			
<b>(A)</b> Name and address	<b>(B)</b> Title and average hours per week devoted to position	(C) Compensation (if not paid, enter -0-)	(D) Contributions to employee benefit plans and deferred compensation	(E) Expense account and other allowances
Joe Feil				
21640 Tucker Road Long Beach, MS 39560	Vice President 1 hr per wk	0.	0.	<u>0.</u>
Earline Sawyer P.O. Box 490	Treasurer		5	
Gulfport, MS 39501	<u>1 hr per wk</u>	0.	0.	0.
Judy Steckler P.O. Box 486	Secretary			
Biloxi, MS 39530	1 hr per wk	0.	0.	0.

Total

<u> 0. 0. 0. 0. </u>

8



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Profit

	2. Name of the Corporation				
⇒	WOLF RIVER CONSERV	ATION SOCIET	r, INC.		
	3. The future effective date is (Complete if applicable)	N/A			FILED
⇒	4. FOR NONPROFITS ONLY: The p	period of duration is	years or	X perpetual	ERIC CLARK Becretaryof State State of Mississipp

5. FOR PROFITS ONLY: The Number (and Classes) if any of shares the corporation is authorized to issue is (are) as follows

Nonprofit

	Classes	# of Shares Authorized	If more than one (1) class of shares is authorized, the preferences, limitations, and relative rights of each class are as follows;	
⇒				(See Attached)
⇒				

6. Name and Street Address of the Registered Agent and Registered Office is

⇒	Name	BRENDA VANOVER ZNACHKO					
⇒	Physical Address	1310 25TH AVENUE					
⇒	P.O. Box	130	This page conforms with the duplicate original filed with the Secretary of State				
⇒	City, State,	ZIP5, ZIP4 GULFPORT MS 39501-	This page conforms original filed with the				
	7. The name	e and complete address of each incorporator are as follows	lis pag ginal fi				
⇒	Name	ROBERT FAIRBANK, JR.					
⇒	Street	2605 13TH STREET					

#### **OFFICE OF THE MISSISSIPPI SECRETARY OF STAT** P.O. BOX 136, JACKSON, MS 39205-0136 (601) 359-1333 **Articles of Incorporation**

Rev.01/96

•	`F0001 - P	age 2 of 2	OFI P.C	FICE OF THE D. BOX 136, JA A	CKSO	N, MS		RY OF STAT (601) 359-133;			
⇒	City, State, ZIP5, ZIP4		GULFPOR	Т		MS	39501-195	i 4			
⇒	Name							7			
⇒	Street							7			
⇒	City, State	, ZIP5, ZIP4						]			
⇒	Name										
⇒	Street						23				
⇒	City, State,	ZIP5, ZIP4					-				
⇒	Name										
⇒	Street							]			
⇒	City, State,	ZIP5, ZIP4					-				
$\Rightarrow$ 8. Other Provisions See Attached											
9. Incorporators' Signatures (please keep writing within blocks)											
	Poter Manstal Je										
								This page conforms with the duplicate original filed with the Secretary of State.			

•

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#### EXHIBIT "A"

#### TO ARTICLES OF INCORPORATION OF THE

#### WOLF RIVER CONSERVATION SOCIETY, INC. ("CORPORATION")

The Wolf River Conservation Society, Inc. is organized exclusively for charitable, religious, educational and scientific purposes, including for such purposes but not limited to, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code or the corresponding section of any future federal tax code. The Corporation's primary purpose is environmental conservation, including acquiring conservation easements.

No part of the net earnings of the Corporation shall inure to the benefit of or be distributable to its members, directors, officers or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in these Articles of Incorporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these Articles of Incorporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

Upon the dissolution of the Corporation, its assets shall be distributed for one of the meaning of Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or to another 501(c)(3) or ganization chosen by the Board of Directors, or shall be distributed to the Federal so disposed of shall be disposed of by a court of competent jurisdiction of the county which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

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# **BY-LAWS**

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# **OF THE**

# **WOLF RIVER**

# **CONSERVATION SOCIETY, INC.**

A Mississippi Non-Profit Corporation

Amended Effective September 6, 2001

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#### Article I

#### THE BOARD OF DIRECTORS

#### Section 1.01 Purpose and General Powers

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The Wolf River Conservation Society ("WRCS") shall be a non-profit organization created for the purpose of protecting the environment, beauty, wildlife, water quality, wetlands and natural resources of the Wolf River and its watershed in south Mississippi. The WRCS will provide educational outreach and outdoor recreational opportunities for the general public in association with the Wolf River and its watershed. The WRCS will operate as a non-profit corporation. To accomplish these and such other purposes as may be adopted by the Wolf River Conservation Society, Inc. in the future, the WRCS shall have all the powers given to a non-profit corporation by law specifically including the power to hold legal title to real property and/or easement. The purposes of the WRCS may be amended by a majority vote of the present and voting members of the WRCS at its annual meeting. However, the purposes of the WRCS shall always be exclusively charitable, educational, and scientific as such purposes are defined in Internal Revenue Code 501(c)(3).

#### Section 1.02 Term of Directors

The property and activities of the WRCS shall be managed by its Board of Directors. The Board of Directors shall consist of thirteen voting members. Twelve members shall serve staggered three-year terms each. One board member shall represent Weyerhaeuser Corporation and shall be elected every three years beginning March 2002. The Board of Directors shall initially consist of the nine persons named in the Organizational Minutes. Three of the initial directors will serve a one-year term. Three will serve a two-year term. The other three directors will serve a full three-year term. All successor directors will serve a three-year term. Replacement directors shall be elected by the membership of the Wolf River Conservation Society, Inc. Directors shall serve staggered terms, one term defined as three years. Directors may be reelected but can serve no more than two successive terms. A director elected to fill an unexpired term will be eligible to serve two successive terms from the date of election. The manner of voting, quorum, number of votes required, and all similar matters with respect to election of the directors shall be in accordance with the Charter, by-laws, and statutes governing the Board of Directors. The number of members of the Board of Directors may be increased or decreased by an amendment in these by-laws as provided for herein but shall not exceed fifteen.

#### Section 1.03 Meetings

The Board of Directors shall meet at least annually on a date and time selected by the President with notice given to all directors. The meeting shall be held at the principal office of the WRCS in Harrison County, Mississippi, or, at such other place within or without the State of Mississippi as may be deemed advisable by the Board. Meetings may be held by telephone conference.

## Section 1.04 Special Meetings

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A special meeting of the Board of Directors may be held at any time, at such place as may from time to time be determined by the President of the WRCS or by the written request of three directors. The purpose of special meeting of the Board need not be stated in the call for or notice of the meeting unless required by law; and unless otherwise indicated in the notice, any and all business may be transacted at a special meeting.

## Section 1.05 Quorum

One-third or five, whichever is greater, directors fixed by these by-laws shall constitute a quorum for the transaction of business. Except in cases in which it is by law, the Articles of Incorporation of the WRCS or these by-laws otherwise provided, the action of a majority of the directors present at a duly constituted meeting at which a quorum is present shall constitute the action of the Board of Directors. In the absence of a quorum, the directors present, by majority vote and without notice other than by announcement at the meeting, may adjourn the meeting from time to time until a quorum shall attend. At any such adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the meeting originally scheduled or called.

## Section 1.06 Notice of Meetings

Notice of the time and place of holding all meetings of the Board of Directors shall be given as the Board shall from time to time determine. The act of a majority of the directors present at any meeting at which there is a quorum shall be the act of the Board of Directors, except that there will be required a two-thirds majority vote of the entire Board for any changes to the by-laws, except as may be otherwise specifically provided by law or by the articles of incorporation of the WRCS, or by these by-laws.

# Section 1.07 Waiver of Notice of Meetings

Whenever any notice is required to be given to any member of the Board of Directors, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be equivalent to the giving of such notice.

# Section 1.08 Action by Consent Without Meeting

Any action required to be taken, or permitted to be taken, by the Board of Directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members of the Board of Directors entitled to vote with respect to the subject matter thereof. Such consent shall have the same force and effect as a unanimous vote of the Board of Directors.

## Section 1.09 Powers of the Board

In addition to the powers and authority in these by-laws expressly conferred upon it, the Board of Directors may exercise all such powers of the WRCS.

## Section 1.10 Vacancies

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Any vacancy in the positions of elected directors on the Board of Directors occurring for any cause, including an increase in the number of directors, may be filled by vote of a majority of the members of the WRCS present and voting at a meeting of such members. A director elected to fill a vacancy caused by any reason other than an increase in the number of directors shall be elected to hold office for the unexpired term of his or her predecessor in office. Directors elected to fill a vacancy or vacancies caused by an increase in the number of directors shall be elected to hold terms of office staggered so that the terms of office of one-third of all of the elected directors shall be due to expire at each annual meeting of the members of the WRCS, and to the extent that total number of elected directors is not evenly divisible by three, the additional directors in excess of the total number of elected directors evenly divisible by three shall be elected for terms of office of one, two or three years from the last annual meeting of the members as may be determined at the discretion of the members of the WRCS.

### Article II

## **OFFICERS**

## Section 2.01 Election of Officers

The officers of the WRCS shall be chosen by the Board of Directors at its annual meeting each year and shall consist of a President, Vice-President, a Secretary, and Treasurer and such other officers and assistant officers as may be deemed necessary.

#### Section 2.02 President

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The President shall be the chief executive officer of the WRCS and shall preside at the annual and special meetings of the Board of Directors. He or she shall exercise general supervision over the property, activities and affairs of the WRCS, and shall perform such other duties as may be prescribed by these by-laws or assigned to him/her by the WRCS and shall coordinate the work of the other officers of the WRCS.

## Section 2.03 Vice-President

The Vice-President, in the case of the death of or absence of the President or his inability to act, shall perform the duties of the President and, in any such event, shall have and exercise all the above specified powers of the President.

#### Section 2.04 Secretary

The Secretary shall record the minutes of the meetings of the Board of Directors and shall perform such other duties as may be delegated to the Secretary by the President or the Board of Directors. The Secretary shall have charge of the seal of the WRCS, and shall have authority to attest documents, contracts, deeds, and other instruments for the WRCS and to affix the corporate seal thereto.

### Section 2.05 <u>Treasurer</u>

The Treasurer shall have charge and custody of the funds, securities, and other like property of the WRCS, and be responsible for the receipt, safeguarding and disbursement of the funds of the WRCS. The Treasurer shall be responsible for the investment of the funds of the WRCS. The Treasurer may endorse checks, drafts, and other instruments for the payment of money for deposit or collection by the WRCS and shall deposit same in such bank or banks as the Board may designate and the same shall not be withdrawn therefrom except by checks, drafts, or orders to be signed in the manner designated here below. The Treasurer also shall have the authority to attest documents, contracts, deeds and other legal documents for the WRCS and affix the corporate seal thereto. The Treasurer shall be subject to the general direction of the President and the Board of Directors.

### Section 2.06 Other Officers

The Board of Directors may appoint such other officers and agents as it shall deem necessary who shall hold their offices by such terms and shall exercise such powers and perform such duties as shall be determined from time to time by the Board of Directors.

## Section 2.07 Removal of Officers

The officers of the WRCS shall hold office until their respective successors are chosen and qualified. Any officer elected or appointed by the Board of Directors may be removed at any time by the affirmative vote of a two-thirds vote of the directors present and voting.

#### Article III

#### **MEMBERSHIP**

Section 3.01 Eligibility

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Membership in the WRCS shall be available to any individual, family, corporation, college, university, trust, club or unincorporated association whose aims and purposes are in harmony with the purposes and objectives of the WRCS as set forth in the Articles of Incorporation, provided that eligibility for participation may be determined or reviewed at any time by the Board of Directors. Members shall make a contribution to the general purposes of the WRCS in accordance with the schedule of annual or one-time contributions hereafter set forth in these by-laws. Any member of the WRCS may be removed by a two-thirds vote of the full voting Board.

## Section 3.02 Classes of Membership

- A. The WRCS shall have classes of membership determined by the making of contributions to the WRCS in amounts as determined from time to time by the Board of Directors.
- B. All contributions may be payable in money or in services or property of equivalent value tendered to and accepted by the WRCS in lieu of monetary contributions. In the case of all contributions of services and of all contributions of property having no readily ascertainable market value, the determination of the Board of Directors of the WRCS as to the value of such services and property and, as a result, the class of membership obtained thereby shall be final.
- C. The Board of Directors of the WRCS may elect to honorary membership in the WRCS such persons as it may deem appropriate who have rendered eminent service to the WRCS or in the fields encompassed by its charitable, educational and scientific purposes. Honorary members shall have all rights and privileges of individual members.

- D. Individual membership in the WRCS shall entitle the member to participate in all functions and meetings of the WRCS, to vote on all matters brought before the WRCS at its annual or other membership meetings, to receive the WRCS's newsletter, and to hold office.
- E. Student memberships shall be open to all individual applicants pursuing a course of study in a recognized school, college or university leading toward the awarding of a degree (including a graduate degree). Student members shall have all rights and privileges of individual members except that students under the age of 18 years of age do not have the right to vote or hold office.
- F. Senior citizen membership shall be open to all individual applicants for membership 65 years of age or older, and such members shall have all the rights and privileges of individual members.
- G. Family membership shall entitle the head of the family, the spouse and children (under 21 years of age) living in the same household to all rights and privileges of individual members, except that the right to vote shall be limited to two members of the family and the right to hold office to the adult members thereof. A membership requiring a higher annual contribution shall automatically constitute a family membership for the family of the member making the contribution thereof.
- H. Business membership shall entitle the business or organization to delegate one person as its representative who shall be entitled to attend all meetings of the WRCS, participate in all functions of the WRCS, and to vote on all matters brought before the WRCS at its annual or other membership meetings, to receive the WRCS's newsletter, and to hold office.

## Section 3.03 Voting Rights of Members

Subject to the provisions of Section 3.02 hereof, each member of the WRCS, whose annual or life contribution shall have been paid not less than thirty days prior thereto, shall be entitled to one vote on all matters submitted to a vote of the membership of the WRCS. In all elections of directors, each member shall have the right to vote for as many persons as there are directors to be elected, and cumulative voting shall not be allowed. A member may vote in person or by proxy executed in writing, dated and subscribed by the member or by his duly authorized attorney-in-fact. Proxies need not be sealed, witnessed or acknowledged. No proxy shall be valid after three days from the date of its execution, unless otherwise provided in the proxy.

## Section 3.04 Privileges of Members

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In addition to the right to vote and subject also to the provisions of Section 3.03 hereof, each member of the WRCS shall be entitled to attend all functions open to the membership of the WRCS and to receive, free of charge, all publications or other items of the WRCS contributed to the general membership. The WRCS may issue to its members such membership cards or certificates of membership as may be prescribed by its Board of Directors.

## Section 3.05 Duration of Membership

Members who have made "lifetime" contributions payable one time to the WRCS shall hold membership for life (in the case of individuals), and for the joint lives of those members of a family who are adults at the time the contribution is made (in the case of a family). Members who have made contributions payable annually to the WRCS shall hold membership until the last day of the month in which ends the 12 month period for which the appropriate contribution is made but may be retained on the membership rolls for the three months after expiration of the membership period, or such lessor period as may be determined by the Board of Directors, to allow time for payment of their annual contributions, during which extended period they shall be entitled to all of the rights and privileges of their immediately preceding membership in the WRCS.

## Section 3.06 Annual Meetings

An annual meeting of the members of the WRCS shall be held during the month of March, commencing with the year 1999, for the election of directors to succeed those whose terms of office will expire in the year of such meeting and for the transaction of any other business that may lawfully be submitted to the membership for a vote. The meeting shall be held at such date and hour as may be determined by the Board of Directors, the President or the Secretary of the WRCS and specified in the notice of the meeting. If the election of such directors shall not be held as so prescribed, then the Board of Directors shall call a special meeting of the membership for that purpose; and until the holding of such a meeting, those directors then in office shall continue to hold office until their successors are elected and qualify.

### Section 3.07 Quorum

A quorum at all meetings of members of the WRCS shall consist of one-fifth of such members entitled to vote at such meeting, present in person or by proxy; and a majority of the votes entitled to be cast by members present in person or by proxy at a meeting at which a quorum is present shall be necessary for adoption of any matter voted upon by the members, unless a great proportion is required by law, the Articles of Incorporation of the WRCS or these by-laws. Notwithstanding the foregoing, if less than one-fifth of the members of the WRCS are present at any meeting or any adjournment thereof, those members entitled to vote that are present in person or by proxy shall constitute a quorum for purposes of adjourning such meeting from time to time and a majority vote of such members present shall be sufficient, without any notice other than by announcement at the meeting, to adjourn the meeting from time to time until a quorum of members is present, any business transacted may be transacted which might have been transacted at the meeting as originally called.

#### Article IV

#### <u>COMMITTEES</u>

#### Section 4.01 Nominating Committee

Not later than the regular meeting of the Board of Directors of each year, the Board shall appoint a nominating committee of not less than three members of the Board whose terms of office shall not expire at the next annual meeting of the members of the WRCS. In the event the Board fails to appoint a nominating committee as directed, the President shall appoint such committee. The Nominating Committee shall prepare a single slate of candidates for election to the Board of Directors of the WRCS to succeed those Directors whose terms of office are due to expire at the time of said annual meeting and shall submit that slate to the Board for consideration by the Board prior to the annual meeting. Other nominations for membership on the Board of Directors may be made by members of the WRCS present at said annual meeting, in which case those nominees receiving the highest number of votes shall be elected to the positions on the Board for which there are then vacancies to be filled by reason of expiration of a term of office. All such nominees must declare in writing submitted to the meeting or by oral statement at the meeting that he or she accepts the nomination and agrees to serve as a member of the Board, if elected.

On those years in which officers of the WRCS are to be elected at the meeting of the Board following the annual meeting of the members of the WRCS, the Nominating Committee shall prepare and submit to the Board a single slate of candidates for election as officers of the WRCS to succeed those officers whose terms of office expire on the date of said meeting of the Board of Directors. Other nominations may be made by directors present.

# Section 4.02 Special Committees

Special Committees may be appointed by the President with the consent of the Board of Directors and shall serve for such periods as designated by the appointing authority.

# Section 4.03 Powers of Committees

No committee may exercise the authority of the Board of Directors except by authority of a resolution adopted by a majority of the directors then in office.

#### Article V

# FINANCIAL AND RELATED PROVISIONS

## Section 5.01 Books and Records

The WRCS shall keep correct and complete books and records of account and minutes of the proceedings of its members, Board of Directors and committees having any authority delegated by the Board of Directors, and it shall keep at its registered or principal office a record of the names and addresses of its members entitled to vote. All books and records of the WRCS may be inspected by any member, or his lawfully designated agent or attorney, for any proper purpose at any reasonable time.

Section 5.02 Contracts

Contracts on behalf of the WRCS shall be executed by the President and one of the following officers: Vice-President, Treasurer or Secretary.

# Section 5.03 Notes and Checks

All checks, drafts or orders for payment of money and all notes shall be signed by those persons so authorized and designated by the Board of Directors.

# Section 5.04 Expenditures, Contributions and Commitments

Except for payments due under contracts, or payroll or payroll taxes, tax deposits and withholdings, and other commitments specifically approved in advance by the Board of Directors, the WRCS shall make no expenditures of its funds, contributions of money, services or property, or any commitments for the same exceeding \$1,000.00 in amount or value without the approval of either its President or Vice-President, nor shall it make any such expenditures, contributions or commitments exceeding \$2,500.00 in amount or value without the approval of its Board of Directors. Except for the regular payroll payments and checks in the amount of less than \$1,000.00, disbursements shall be made by check signed by the President or Vice-President and countersigned by the Treasurer, or their designee; provided that, whenever any such disbursement is to or for the benefit of an officer or employee, the check shall be signed and countersigned by two disinterested officers or employees of the WRCS.

## Section 5.05 Loans, Mortgages and Pledges

No loans shall be contracted on behalf of the WRCS, no negotiable paper shall be executed in its name or behalf, nor shall any of its property be mortgages or pledged in any manner except and to the extent authorized by the Board of Directors of the WRCS; and in no event shall any loans be made by the WRCS to any of its directors or officers.

#### Article VI

#### **MISCELLANEOUS**

Section 6.01 Seal

The WRCS may have a seal, in which case it shall be in the form of a circle bearing the name of the WRCS and the words "Corporate Seal".

#### Section 6.02 Rules of Procedure

Where not inconsistent with the applicable provisions of law, the Articles of Incorporation of the WRCS or these by-laws; the rules contained in the most recent revision of Robert's Rules of Order shall govern all proceedings of the WRCS, its Board of Directors and committees.

#### Section 6.03 Amendment of By-Laws

As set forth in the Articles of Incorporation of the WRCS, these by-laws may be amended in the following manner: the President or other person or persons authorized to call a special meeting of the Board of Directors shall give written notice to all members of the Board, together with a copy of the proposed amendment to the by-laws, which shall state the date, time, and place of the meeting, regular or special, at which the proposed amendment is to be presented for adoption and which meeting shall be held not less than seven nor more than thirty days after said notice shall have been mailed or delivered to the members of the board in the manner required by the by-laws. The amendment shall be adopted upon the affirmative vote of two-thirds of the members of the board present and voting thereon at such meeting.

# Section 6.04 Change of Registered Agent

The WRCS may change its registered agent upon filing in the office of the Secretary of State of Mississippi; a statement setting forth the change to be made and such other information as may be required by law.

## Section 6.05 Purpose

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The WRCS is organized as a non-profit corporation under Mississippi Statutes and is organized exclusively for charitable, educational, and scientific purposes as such terms are defined by and governed by Section 501(c)(3) of the Internal Revenue Code or the corresponding section of any future federal tax code.

Harrison County WC Fore Trucking, Inc. Delancey Sand Mine MSR32, 1377 AI # 19151

# W. C. Fore Trucking, Inc.

14270 Creosote Road P. O. Box 3058 Gulfport, MS 39505 PHONE: (228) 863-1314 FAX: (228) 864-0013 E-MAIL: Mrouse4@Isu.edu

# Letter of Transmittal

DATE:	October 21, 2004	TIME:	12:13 PM	
TO:	Ross Williams MDEQ – Environmental Permits		OFFICE: FAX:	(601) 961-5526 (601) 961-5521

- FROM: Michael Rouse
- CC:
- RE: ARMY CORPS OF ENGINEERS JURISDICTIONAL DETERMINATION DELANCEY SAND MINE

There are 7 page(s) to this Facsimile transmission including cover sheet

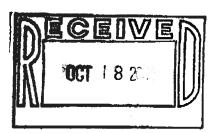
We respectfully submit, as annotated below, the Jurisdictional Determination along with the review letter from the Army Corps of Engineers.

- 1. Department of the Army Corps of Engineers letter
- 2. Notification of Admin Appeal
- 3. Jurisdictional Determination

If you have any questions, please do not hesitate to call.

#### DEPARTMENT OF THE ARMY

MOBILE DISTRICT, CORPS OF ENGINEERS P.O. BOX 2288 MOBILE, ALABAMA 36628-0001



October 13, 2004

REPLY TO ATTENTION OF Regulatory Branch Operations Division

SUBJECT: W. C. Fore Trucking 45-Acre Surface Mining (Sand) Operation, Wolf River Road - Jurisdictional Number MSJ04-02655-T

Covington and Associates Corporation Attention: Mr. Patrick Chubb Post Office Box 177 Pass Christian, Mississippi 39571

Dear Mr. Chubb:

Reference is made to your letter requesting a jurisdictional determination concerning the proposed 45-acre surface mining (sand) operation by W. C. Fore Trucking on property owned by Ms. Dollie Bell adjacent to Wolf River Road near Long Beach, Mississippi. Specifically, the property is located in Section 8, Township 7 South, Range 12 West, Harrison County, Mississippi. Further reference is made to the telecommunication of October 8, 2004, between you and Mr. Frank Hubiak, a member of my staff, concerning the proposed activity.

An in-office review conducted on October 8, 2004, revealed that a Department of the Army permit pursuant to Section 404 of the Clean Water Act will not be required from our office for the proposed surface mining operation. The project site is a nonwetland/upland area based upon the U.S. Army Corps of Engineers' 1987 Wetland Delineation Manual. It is understood that no nearby wetlands will be impacted and that best management practices in accordance with the Mississippi Department of Environmental Quality (Office of Geology) guidelines will be implemented and maintained during all work.

Please be advised that this jurisdictional determination reflects current policy and regulation and is valid for a period of 5 years from the date of this letter. If after the 5-year period this jurisdictional determination has not been specifically revalidated by the U.S. Army Corps of Engineers, it shall automatically expire. Should you disagree with certain terms and/or conditions of this determination, the enclosed Notification of Applicant Options outlines the steps to take to file your objection.



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The statements contained herein do not convey any property rights or any exclusive privileges, and do not authorize any injury to property or obviate the requirements to obtain other local, State, or Federal assent required by law for the activities discussed above.

If the scope of work or project location changes, you are urged to contact this office for a verification of this determination. Thank you for your cooperation with our permit program. If you have any questions concerning this matter, please contact Mr. Frank Hubiak of the Enforcement Section at (251) 690-3186.

Sincerely,

Romald A. Kri Chief, Regulatory Branch Operations Di/vig/ion

Enclosures

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	NOTHER CALLONS OF A DMINISTRATAWE, TEREATE ORTIONS AND TROU REQUESTEE OR APPLICATE	UTSS ND
Appl	icant: W. C. JOAN: Thucking File Number: 15504-02655-7	Date: 10/ 104
Attac	hed is: 5/0 COVINGTON \$ X-55 02. COM-J.	See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission) PROFFERED PERMIT (Standard Permit or Letter of permission)	A B
	PERMIT DENIAL	Б С
	APPROVED JURISDICTIONAL DETERMINATION	D
$\rightarrow$	PRELIMINARY JURISDICTIONAL DETERMINATION	E
decis	ION 1-The following identifies your rights and options regarding an administrative. for. Additional information may be found at http://usace.atmy.mil/inet/functions/cw/ regulations at 53 CER Part 531	
	VITIAL PROFFERED PERMIT: You may accept or object to the permit.	ander ander det versten an einer son hendet mit det in der
au si	CCEPT: If you received a Standard Permit, you may sign the permit document and return it to the distribution of the standard Permit of Permission (LOP), you may accept the LOP and your work is a gnature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entiret appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated appeal the permit.	uthorized. Your y, and waive all rights
th Y to m th	BJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, e permit be modified accordingly. You must complete Section II of this form and return the form to the our objections must be received by the district engineer within 60 days of the date of this notice, or you appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your obj odify the permit to address all of your concerns, (b) modify the permit to address some of your objection e permit having determined that the permit should be issued as previously written. After evaluating your strict engineer will send you a proffered permit for your reconsideration, as indicated in Section B belo	e district engineer. t will forfeit your right ections and may: (a) ons, or (c) not modify ur objections, the
B: P	ROFFERED PERMIT: You may accept or appeal the permit	
aı si	CCEPT: If you received a Standard Permit, you may sign the permit document and return it to the distr athorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is a gnature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entiret appeal the permit, including its terms and conditions, and approved jurisdictional determinations assoc	uthorized. Your y, and waive all rights
m fc	PPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and ay appeal the declined permit under the Corps of Engineers Administrative Appeal Process by complet orm and sending the form to the division engineer. This form must be received by the division engineer ate of this notice.	ing Section II of this
by cor	ERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administration of this form and sending the form to the division engineer. This form must be receiver within 60 days of the date of this notice.	
	PPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the de new information.	approved JD or
• A d	CCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps wi ate of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal t	thin 60 days of the he approved JD.
,A	PPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Er ppeal Process by completing Section II of this form and sending the form to the division engineer. This y the division engineer within 60 days of the date of this notice.	ngineers Administrative is form must be received
regar appr	RELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respon- ding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may oved JD (which may be appealed), by contacting the Corps district for further instruction ide new information for further consideration by the Corps to reevaluate the JD.	request an

# SECHIONHI-BEQUEST FOR APREAL OF OBJECTIONS HOWN INTERPROTEERED RERVILES AND

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

Process you may contact: FRANK ItUBIAK RIGULATOMY BRANCH 251- 690-3186	If you only have questions regarding the appeal process you may also contact: ARTHUR L. MIDDLETON, JR. Regulatory Appeal Review Officer 60 Forsyth Street, SW Room 9M15 Atlanta, GA 30303-8801 Ph: 404-562-5136				
RIGHT OF ENTRY; Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day					

notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
Signature of appellant or agent.		

JURISDICTIONAL DETERMINATION U.S. Army Corps of Engineers

FAX NO. 2288640013

Revised 8/13/04

DI FI	ISTR. LE N	ICT OFFICE: MOBILE (SAMOP-S) IUMBER: MSJOH-02655-T
PI	Sta Con Con Ap Nai	CT LOCATION INFORMATION: te: /M_S unty: JfAAAIJ 0 ~ inter coordinates of site (latitude/longinude): $\int 50 - 36 - 45.0188$ proximate size of area (parcel) reviewed, including uplands: <u>H</u> S acres. me of nearest waterway: B:G CAISISK me of watershed:
JU		DICTIONAL DETERMINATION mpleted: Desktop determination 図 Date: 8 o c7, 3 o o y Site visit(s) ① Date(s):
	Jur	isdictional Determination (JD):
		Preliminary JD - Based on available information, it there appear to be (or) it there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	X	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BA	SIS C A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
		<ul> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):         <ul> <li>(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> </ul> </li> </ul>
		<ul> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a water identified in (1) of the presence of a tributant is a state of the presence of a tributant is a water identified in (1) of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a state of the presence of a tributant is a stributant is a stributant is a state of the presence of a tribu</li></ul>

- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(3, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

P. 06

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Lat	eral Extent of Jurlsdiction: (Reference: 33 CFR parts 328 and 329)         Ordinary High Water Mark indicated by:         clear, natural line impressed on the bank         clear, natural line impressed on the bank         changes in the character of soil         clearuction of terrestrial vegetation         shelving         other:
	Mean High Water Mark indicated by: Survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	<ul> <li>is For Not Asserting Jurisdiction:</li> <li>The reviewed area consists entirely of uplands.</li> <li>Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).</li> <li>Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).</li> <li>The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:</li> <li>Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.</li> <li>Artificially irrigated areas, which would revert to upland if the irrigation ceased.</li> <li>Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.</li> <li>Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.</li> <li>Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).</li> <li>Isolated, intrastate wetland with no nexus to interstate commerce.</li> <li>Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Dither photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Dither information (please specify): Soil SURVEY off ItAAAISon Co.

Wetlands are identified and delineated using the methods and ariteria astablished in the Come Wetland Delineatine Advanta (07 Meruel) (i.e.

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#### STATE OF MISSISSIPPI HALEY BARBOUR GOVERNOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

October 13, 2004

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. W. C. Fore, President W. C. Fore Trucking, Inc., Delancey Sand Mine Post Office Box 3058 Gulfport, MS 39505

Dear Mr. Fore:

In order to settle certain environmental issues regarding environmental issues at the above facility, you have agreed to the conditions of Administrative Order No. 488504. A copy of the order is enclosed.

If you have any questions in this matter, please contact Mr. Don Watts at telephone #601-961-5171.

Sincerely,

Phil Bass, Director

Phil Bass, Director Office of Pollution Control

PB:pl Enclosure cc: Mr. Don Watts

#### BEFORE THE MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

## MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

#### COMPLAINANT

VS.

# ORDER NO. 4885 04

# W. C. FORE TRUCKING INC, DELANCEY SAND MINE GULFPORT, HARRISON COUNTY

#### RESPONDENT

#### AGREED ORDER

COME NOW THE Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and W. C. Fore Trucking Inc, Delancey Sand Mine, Respondent, in the above captioned cause and agree as follows:

1.

In a meeting on August 25, 2004, Respondent was advised by Complainant of the following violation(s):

A. An investigation by MDEQ staff revealed that Respondent mined an area in excess of four acres without a required surface mining permit in Section 8, Township 7 South, Range 12 West, Harrison County, Mississippi in violation of Miss. Code Ann. §§ 53-7-7 (1), 53-7-21 (1), and 53-7-27 (Rev. 2003). MDEQ staff observed Respondent mining without a surface mining permit during inspections conducted on April 6, 2004; April 19, 2004; May 6, 2004; May 19, 2004; May 26, 2004; June 9, 2004; and July 7, 2004. MDEQ did not receive a complete application for a surface mining

permit from Respondent prior to conducting surface mining operations covering the referenced lands as required by Miss. Code Ann. § 53-7-27 (Rev. 2003).

- B. Respondent was operating without a required stormwater National Pollutant
  Discharge Elimination System (NPDES) permit for this mining operation on the inspection dates specified in paragraph 1.A. in violation of Miss. Code Ann. § 49-17-29 (2)(a) and (b), Commission Regulation WPC-1, and parallel federal water pollution control regulations.
- C. Respondent further operated in violation of Mississippi Commission on Environmental Quality Order No. 4746-04 dated April 30, 2004, which was received by Respondent on May 12, 2004. The Order required Respondent to "[I]mmediately cease and desist all mining operations in or adjacent to the area described above until Respondent obtains all required permits...". MDEQ staff observed Respondent operating in violation of the Order on May 19, 2004; May 26, 2004; June 9, 2004; and July 7, 2004.
- D. The penalty discussed below was calculated pursuant to the Mississippi Air and Water Pollution Control Law, Miss. Code Ann. §§ 49-17-1, et seq.

2.

In lieu of a formal enforcement hearing concerning the violation(s) listed above, Complainant and Respondent agree to settle this matter as follows:

> A. An administrative penalty in the amount of \$100,000 is assessed by the Commission in settlement of the violations listed above. \$15,000 of this amount shall be paid to the Commission by Respondent within thirty (30) days of issuance of this Agreed Order and \$85,000 of this amount shall be conditionally offset by Respondent's implementation of the Supplemental Environmental Project ("SEP") described in the following paragraph.

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- B. The SEP shall consist of Respondent donating property totaling approximately 30 acres of an approximately 90 acre tract, generally described as located on the east side of the Wolf River beginning at I-10 and continuing north about 2.5 miles, to the Wolf River Conservation Society ("Society") for purposes of establishing a conservation easement on the property in perpetuity to support the Society's ongoing efforts to preserve and protect the Wolf River basin from the impact of pollution, including that caused by stormwater runoff. Respondent's contribution under this SEP shall be made in full within ninety (90) days of issuance of this Agreed Order. Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon making the contribution of the property identified herein.
- C. Any public statement, oral or written, in print, film, or other media, made by the Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an environmental enforcement action taken by the Mississippi Commission on Environmental Quality."
- D. Respondent further agrees to voluntarily donate the remaining acreage (approximately 60 acres) of the approximately 90 acre tract described in Section 2.B above to the Society within ninety (90) days of issuance of this Agreed Order.

3.

A. Upon completion of the SEP described in Section 2.B. of this Agreed Order, but no later than 100 days after entry of this Agreed Order, the Respondent shall submit to MDEQ an Order Completion Report containing the following information:

- 1. A detailed description of the SEP as implemented.
- 2. A detailed description of the donation described in Section 2.D. as implemented.
- 3. A certified copy of a warranty deed and plat in favor of the Society properly recorded in Harrison County land records of the County Chancery Clerk's Office.
- Certification, signed by a responsible corporate official or Respondent's legal counsel, that the Respondent has fully implemented the requirements of Section 2.B. and Section 2.D. pursuant to the provisions of this Agreed Order.

All submissions should be directed to the following address:

Chief, Environmental Compliance & Enforcement Division Office of Pollution Control Post Office Box 10385

· . ·

Jackson, MS 39289

B. Following receipt of the Order Completion Report, MDEQ will within sixty (60) days either:

1. Accept the Order Completion Report; or

2. Reject the Order Completion Report and notify the Respondent, in writing, of deficiencies in the SEP and/or the Order Completion Report and grant the Respondent an additional reasonable time in which to correct any deficiencies and submit a revised Order Completion Report if the SEP as performed or the Order Completion Report as drafted did not satisfy the requirements of the Agreed Order. MDEQ shall not reasonably withhold approval of the Order Completion Report so long as the report is consistent with the SEP proposal and the terms of this Agreed Order.

4.

Nothing in this Agreed Order shall limit the rights of MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

5.

Nothing contained in this Agreed Order shall limit the rights of MDEQ or the Commission to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

6.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Miss. Code Ann. Section §§ 49-17-31 (Rev. 2003), and that it has made an informed waiver of that right.

• *			)
	1		
	the	/	
ORDERED, this the	<u>12</u> day of _	Oct	, 2004.

MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY

BY:

CHARLES H. CHISOLM EXECUTIVE DIRECTOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

AGREED, this the 12 day of \_\_\_\_\_\_ . 2004.

W. C. FORE TRUCKING INC

1. S. M. M.

BY: W.C. For TITLE: Pres

STATE OF <u>Mississippi</u> COUNTY OF <u>Hinds</u>

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named <u>W. C. Fore</u> who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the <u>President</u> of <u>W. C. Fore</u> Trucking, <u>Inc.</u> and is authorized by that Corporation to sign this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 12th day of October, 2004.

Ashley Rials

My Commission expires: \_

Notary Public State of Mississippi At Large My Commission Expires: March 18, 2008 Bonded Thru Heiden, Brooks & Garland, Inc.



# Transmittal

DATE: October 8, 2004

14270 Creosote Road

P. O. Box 3058 Gulfport, MS 39505 PHONE: (228) 863-1314 FAX: (228) 864-0013 E-MAIL: bgavin44@bellsouth.net

TIME: 9:56 AM

TO: Charity Rockingham DEQ, Jackson, MS

W. C. Fore Trucking, Inc.

PHONE: (601) 961-5722 FAX: (601) 961-5521

FROM: Bob Gavin

RE:

SUBJECT: Delancey Sand Mining Pit

Attached per my letter and fax transmittal to you yesterday October 7, 2004 is the executed copy of the MNOI for the above captioned mining pit.

Please note that the correct pit location has been inserted into this package.

If you have any questions, please do not hesitate to call.

W. C. Fore Trucking, Inc. is an Equal Opportunity Employer and request bids from Small Business, Small Disadvantaged and Woman Owned Businesses. W. C. Fore Trucking, Inc. also has a policy of affirmative action to ensure equal opportunity without regard to race, color, native origin, sex, religion handicap or status as a disabled or Vietnam veteran.

# W. C. FORE TRUCKING, INC.

P. O. Box 3058 . Gulfport, MS 39505 . (228) 863-1314 . fax (228) 864-0013

Via Facsimile & U. S. Mail (601) 961-5521

October 6, 2004

Mississippi Department of Environmental Quality Office of Pollution Control Environmental Permits Division Post Office Box 10385 Jackson, Mississippi 39289-0385

Attention: Ms. Charity Rockingham

#### Reference: Surface Mining Notice of Intent (Amended) Delancey Sand Mining Pit, Harrison County, Mississippi

Dear Ms. Rockingham

Attached for your review and approval is our <u>Mining Notice of Intent (MNOI)</u>, <u>Amended</u> for the above captioned 45 acre reconfigured mining application. This MNOI shall replace the Construction Notice of Intent (CNOI) that has previously been transmitted to Mr. Williams.

The surface mine shall be stripped of overburden and the topsoil segregated for use in plating the slopes of the pit for vegetation. The balance of the spoil material shall be used to construct earthen berms around the perimeter of the pit. The berms will be constructed so as to preclude storm water from entering the pit.

Construction and excavation of the pit will be in such a configuration with grade changes that only the incidental storm water and ground water will flow to a temporary sump at the lowest elevation in the pit. No storm water or ground water shall leave the surface mining pit. All storm water shall be contained within the pit.

Please find enclosed, on behalf of Alton and Vickie Delancey (Property Owners), the required items as delineated below.

Mining Notice of Intent (Amended) USGS Quadrangle Map (Amended) Site-specific Storm Water Pollution Prevention Plan (SWPPP) (Amended) Gulfport NW Quadrangle S8, T7S, R12W Site Plan (S-1) Permit Ares (S-2) Reclamation Details (D-1) If you have any questions at all, please do not hesitate to call our office.

Sincerely R. F. Gavin

encl. As Noted





#### MINING NOTICE OF INTENT (MNOI) FOR COVERAGE UNDER MINING STORM WATER GENERAL NPDES PERMIT MSR32 \_\_\_\_\_\_\_\_\_\_ (Number to be assigned by State)

#### (file at least 30 days prior to the commencement of mining; 15 days if Storm Water Pollution Prevention Plan is already on file)

Applicant must be operator or owner. (Applicant receives coverage and is responsible for operator's compliance with permit)

IS APPLICANT THE OPERATOR OR OWNER? (circle one or both)

<b>OPERATOR CONTACT PERSON:</b>	W. C. Fore
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OPERATOR COMPANY NAME: W. C. Fore Trucking, Inc.

OPERATOR STREET (P. O. BOX): <u>P. O. Box 3058</u>

OPERATOR CITY: Guifport STATE: MS ZIP: 39505

OPERATOR TELEPHONE NUMBER (INCLUDE AREA CODE): (228) 863-1314

None

(List owner if different than operator)

OWNER CONTACT PERSON: Dollie Bell

OWNER COMPANY:

۰.

OWNER STREET (P. O. BOX): P. O. Box 2141

OWNER CITY: Guifport STATE: MS ZIP: 39501

OWNER TELEPHONE NUMBER (INCLUDE AREA CODE): None

NAME OF MINE: Delancey Sand Mine

MINE LOCATION: City <u>Guifport</u> County <u>Harrison</u>

ATTACH A USGS QUAD MAP OUTLINING MINE LOCATION (Maps can be obtained from the Mississippi Office of Geology - 601-961-5523).

RECEIVING STREAM: Wolf River

See Attached 4 of of Section 8 , Township 7 South , Range 12 West Sheet 4 STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: 1442 (if known) MATERIAL TO BE MINED: Sand and Clay **TOTAL ACREAGE:** 45 DOES THIS MINE NEED A CORPS OF ENGINEERS WETLANDS (Sec. 404) PERMIT? No WILL HYDRAULIC DREDGING BE USED? No WASHING OF SAND/GRAVEL? No LIST ANY NPDES PERMIT NO. N/A. STATE OPERATING PERMIT NO. N/A. GEOLOGY PERMIT APPLICATION NO. N/A. OR GEOLOGY PERMIT NO. N/A. HAS A "NOTICE OF EXEMPT OPERATIONS" BEEN FILED WITH GEOLOGY? (Y/N) No A Geology "Notice of Exempt Operations" or "Notice of Intent to Mine Class I or Class II Materials" must be filed before coverage will be granted under the mining storm water NPDES permit. For information on Office of Geology requirements call 601-961-5515. **ESTIMATED START DATE:** October 01, 2004 END DATE: December 01, 2014 **ATTACH A STORM WATER POLLUTION PREVENTION PLAN (SWPPP). (SEE PERMIT)** 

IF USING AN ASSOCIATION OR GENERIC SWPPP ALREADY SUBMITTED, GIVE NAME:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

all Signature

September 24, 2004 Date Signed

W. C. Fore Printed Name

President Title

1 This application shall be signed according to the General Permit, Part V.E., as follows:

- For a corporation, by a responsible corporate officer.
- For a partnership, by a general partner.
- For a sole proprietorship, by the proprietor.
- For a municipal, state or other public facility, by either a principal executive officer, the mayor, or ranking elected official.
- Duly Authorized Representative

# **Reconfigured Location**

Location of Operation (to nearest quarter-quarter section)

NW ¼ of the SW1/4 less north 513.75' for a distance of 1281.50' NW ¼ of the SW1/4 less north 513.75' for a distance of 1281.50' Thence SE 967.50' in the SW ¼ of the NE ¼ of the SW ¼ Thence South 763.0' in the NW ¼ of the SE ¼ Thence West 908.00' to the NE ¼ of the SW ¼ Thence North 293.67' to a point Thence 947.85' in a Northeasterly direction in the NW ¼ of the SW ¼

# STORM WATER POLLUTION PREVENTION PLAN (SWPPP)



Delancey Sand Mine S8, T7S, R12W (Amended) Harrison County, Mississippi

W. C. Fore Trucking, Inc. Post Office Box 3058 Gulfport, MS 39505 (228) 863-1314

# STORM WATER POLLUTION CONTROL PLAN (Amended) Delancey Sand Mine Section 8, Township 7S, Range 12W Harrison County, Mississippi

Ta	ble	of	Co	nte	nts
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Page

Overview Introduction 3 Objective 4 **General Requirements** Implementation 5 **Erosion and Sediment Controls** 5 6 Structural Practices Inspection Requirements 8 9 Maintenance Post Construction 9 Reporting 9 Noncompliance Reporting Anticipated Noncompliance 9 Unanticipated Noncompliance 9 Termination of Reporting and Permit Coverage 10 Pollution Prevention Plan Certification 10

Storm Water Pollution Control Plan W. C. Fore Trucking, Inc.

## Attachment 1

Storm Water Pollution Prevention Plan	11
Site Location Map	11
Reclamation Site Map	11

## **Typical Drawings**

Typical Interceptor Dikes and Swales Filter Fence Details Brush Barrier Typical Sediment Trap Surface Roughening Level Spreaders Figure 1 Figure 2 Figure 3 Figure 4 Figure 5 Figure 6

#### OVERVIEW

#### Introduction

This document is the Storm Water Pollution Prevention Plan (SWPPP) for property owner Dollie Bell, Post Office Box 2141, Gulfport, Mississippi 39501and its operator, W. C. Fore Trucking, Inc., P.O. Box 3058, Gulfport, MS 39505 of the surface (sand) mining pit known as "Delancey Sand Mine", a 45-acre site located off Wolf River Road in Harrison County, Mississippi.

The existing haul road shall be utilized for ingress and egress. This haul road shall be reconstructed to become a stabilized all weather construction entrance for ingress and egress of all construction traffic. The buffer zones shall remain in their natural vegetative state around the periphery of the site. Only those trees and vegetative growth will be removed that will impede the location and excavation processes of this surface mining pit. Storm water in the buffer zones will follow the natural watercourse. Disturbed areas caused by construction or mining activities shall be temporarily or permanently seeded as the circumstances direct. In the interim, sedimentation and erosion controls shall be put in place as needed. Flow of surface water into the mine will be controlled by the use of erosion control structures.

Clearing and excavation of the surface mining pit will be in an east to west direction. The removed topsoil shall be stockpiled and the overburden will be used to construct the perimeter berm of the mined area. The berm will be constructed and elevated above the existing natural ground. This raised levee will preclude storm water outside the mine perimeter from entering the mined area. A temporary sump basin shall be located in the southeast area of the surface mining operation. The purpose of this temporary sump is to collect sediment and stormwater falling into the mining pit. No impounded stormwater or sediment shall leave the mine pit. All storm water and ground surface water shall be contained within the confines of the mining pit. The earthen berms comprised of the stripped overburden around

the periphery of the excavated areas shall preclude the mingling of the storm water outside the pit area and the groundwater/stormwater from the excavation.

Storm water failing outside the pit area shall drain from the area through existing natural watercourses. Ultimately the receiving waters of the State of Mississippi will be Wolf River to the south and south west of the project area through unnamed tributaries. In its undeveloped state the surface mining pit area encompasses the 50-foot elevation, the highest point in the area and stormwater appears to flow to all points of the compass.

The Storm Water Permit shall be displayed in a conspicuous location to enable public review.

This Plan is the criteria for compliance with regulations set forth by the Environmental Protection Agency, 40 CFR, Parts 122, 123 and 124, <u>National Pollutant Discharge Elimination System Application Regulations for Storm Water Management for Construction Activities</u>.

### **Objective**

The Purpose of this Storm Water Pollution Prevention Plan is to meet the requirements of the State of Mississippi and the Environmental Protection Agency for the control and mitigation of pollutants to storm water discharges associated with this surface mining operation for sand and clay.

### GENERAL REQUIREMENTS

This Storm Water Pollution Prevention Plan consists of certain major activities and controls appropriate for surface mining activities.

A ditch was cut allowing stormwater from the pit are to flow into what appears to be wetlands. This ditch has been filled in and the ditch perimeter has been bermed to preclude any additional stormwater from flowing out of the pit.

## **Implementation**

- 1. Install stabilized construction entrance.
- 2. Install erosion control structures as needed.
- 3. Perform stripping activities. Topsoil shall be stockpiled for future plating of the slopes and the overburden shall be used to construct the berms around the perimeter of the mining site. Clearing and excavation of the surface mining pit will be in an east to west direction. The topsoil shall be removed and stockpiled. The overburden will be used to construct the perimeter berm of the mined area. The berm will be constructed and elevated above the existing natural ground. This raised levee will preclude storm water outside the pit zone from entering the mined area. Storm water shall drain away from the site through existing natural watercourses and elevation changes. A temporary sump basin shall be located in the southwest area of each phase of the surface mining operation. The purpose of this temporary sump is to collect sediment and stormwater falling into the mining pit. All incidental storm water entering the mining operation and ground water will not leave the pit and shall not be discharged into the waters of the State of Mississippi.
- 4. The general configuration of the mining operation and the construction techniques of the surface mining area have been configured to minimize any impact to the adjacent wetlands.

### Erosion and Sediment Controls

Mine development will proceed in the planned sequence and every attempt will be made to prevent erosion. All disturbed areas will be managed and revegetated as soon as practicable after construction activities. Where applicable, disturbed areas will be stabilized by temporary seeding, permanent seeding, mulching, and/or vegetative buffer strips as each case dictates.

#### Structural Practices

In addition to vegetative practices referenced above, certain structural erosion control measures shall be implemented as needed. The measures include diverting flows from exposed soils, storing flows or otherwise limiting runoff from exposed areas. Other structural methods will include straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, outlet protection, detention/retention basins, sediment traps, temporary sediment basins or equivalent sediment controls.

- Construct the sediment / detention pond with the spoils from the excavation to be used in berms.
- Divert upslope surface water around disturbed areas of the site as shown in figure 1, Diversion Dikes.
- 3. Limit the exposure of the disturbed area to the shortest amount of time as practicable.
- 4. Minimize the amount of surface area that must be disturbed at one time.
- 5. Implement the best management practices to mitigate adverse impacts from storm water runoff. Shown in Figures 2, 3, 4, 5 and 6.

Erosion and sediment controls consisting of vegetative and structural practices shall be designed to preserve vegetation or timely revegetated disturbed areas and divert from exposed soils or otherwise limit runoff from exposed areas.

Controls shall be placed to minimize off-site vehicle tracking of sediments.

Controls shall be implemented as needed to retain storm water in an on-site detention pond to prevent adverse impact to receiving streams. When work is not

being performed in a disturbed area, appropriate temporary and / or vegetative and structural practices shall be initiated.

Any of the following erosion and sedimentation control measures may be used to control / reduce pollutants in storm water.

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- Temporary Seeding
- Permanent Seeding
- Mulching
- Sod Stabilization
- Vegetative Buffer Strips
- Grassy Swales
- Modification of Contours
- Silt Fences
- Detention Basin
- Sediment Traps

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Sedimentation Basin

- Check Dams
- Straw Bale Dikes
- Earth and/or Sandbag Dikes
- Brush Barriers
- Subsurface Drains
- Pipe Slope Drains
- Storm Drain Inlet Protection
- Drainage Swales
- Rock Outlet Protection

A rain gauge shall be set up on site during mining operations. The rain gauge shall be located in the vicinity of the mining pit. Within twenty-four hours after commencement of a rainfall event greater than or equal to a Two Year 24 Hour Storm Event (6 inches), an inspection of all controls and other SWPPP requirements shall be performed during the permit coverage in compliance with Part IV.B of the permit.

Other controls of importance may include, but are not limited to:

1. Topsoil will be removed from the area to be mined and used to plate diversion dikes and berms.

- 2. Preserving existing vegetation and revegetating disturbed soil as soon as possible to limit the exposure time of the disturbed area.
- 3. Surface area that must be disturbed will be minimized.
- 4. Management practices to mitigate adverse impacts from storm water runoff are, but not limited to, interceptor dikes and swales, hay bales, brush barriers, silt fences and sediment traps. Figures 1, 2, 3, 4, 5 and 6.
- 5. Structurally sound dams and levees will be constructed for impoundments as required.
- 6. Encompassing various stockpiles such as fill or topsoil materials with hay bales or silt fence.
- 7. Properly maintaining, cleaning, and repairing the site and erosion prevention controls.

### Inspection Requirements

Inspection of all temporary and vegetative, erosion and sediment controls and other protective measures and SWPPP requirements will be performed during the permit coverage.

After each significant rainfall, but not less than once a week all disturbed areas, erosion and sediment controls shall be inspected.

At least once every month:

- 1. Within twenty-four hours after commencement of a rainfall event greater than or equal to a Two Year 24 Hour Storm Event (6 inches).
- 2. As often as necessary ensure that appropriate erosion and sediment controls have been properly constructed and maintained.

### <u>Maintenance</u>

1. All needed repairs shall be made within 24 hours.

- 2. Remove sediment from inlet protection devices and silt fences when accumulated silt has attained 50 percent capacity.
- 3. Reseed, fertilize and mulch as needed.

#### Post Construction

Upon completion of mining activities, post construction control measures shall include on-site infiltration, flow attenuation in vegetated swales and natural depressions and retention structures.

### REPORTING

Inspections will be reported on copies of the forms provided. The report form shall be submitted semi-annually, postmarked not later than the 28<sup>th</sup> day of July or January for each six-month period. All records, reports and information resulting from activities required by this permit shall be retained of at least three years from the date of the MNOI, inspection or report. The inspection report is attached at the end of this SWPPP. This form shall be duplicated as necessary.

### NONCOMPLIANCE REPORTING

- <u>Anticipated Noncompliance</u>: The Mississippi Office of Pollution Control (OPC) will be given at least ten days advance notice, if possible, before any planned noncompliance with permit requirements.
- 2. <u>Unanticipated Noncompliance:</u> The Mississippi Office of Pollution Control (OPC) shall be notified orally within 24 hours from the time that W. C. Fore Trucking becomes aware of the unanticipated noncompliance. A written report will be provided the OPC within five working days from the time the operator becomes aware of the circumstances. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence and, if the noncompliance has not ceased, the anticipated time for correction.

## TERMINATION of REPORTING and PERMIT COVERAGE

Upon successful completion of all permanent erosion control and sediment controls for a covered project, a certification of the same will be submitted to the Mississippi Office of Pollution Control. Inspections shall continue for at least two months beyond completion. If controls have been successful during these two months, reporting and permit coverage is automatically terminated unless notified by OPC within thirty days of receiving the final inspection report.

## POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons responsible for gathering the information, the information submitted, to the best of my knowledge and belief, true accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed:

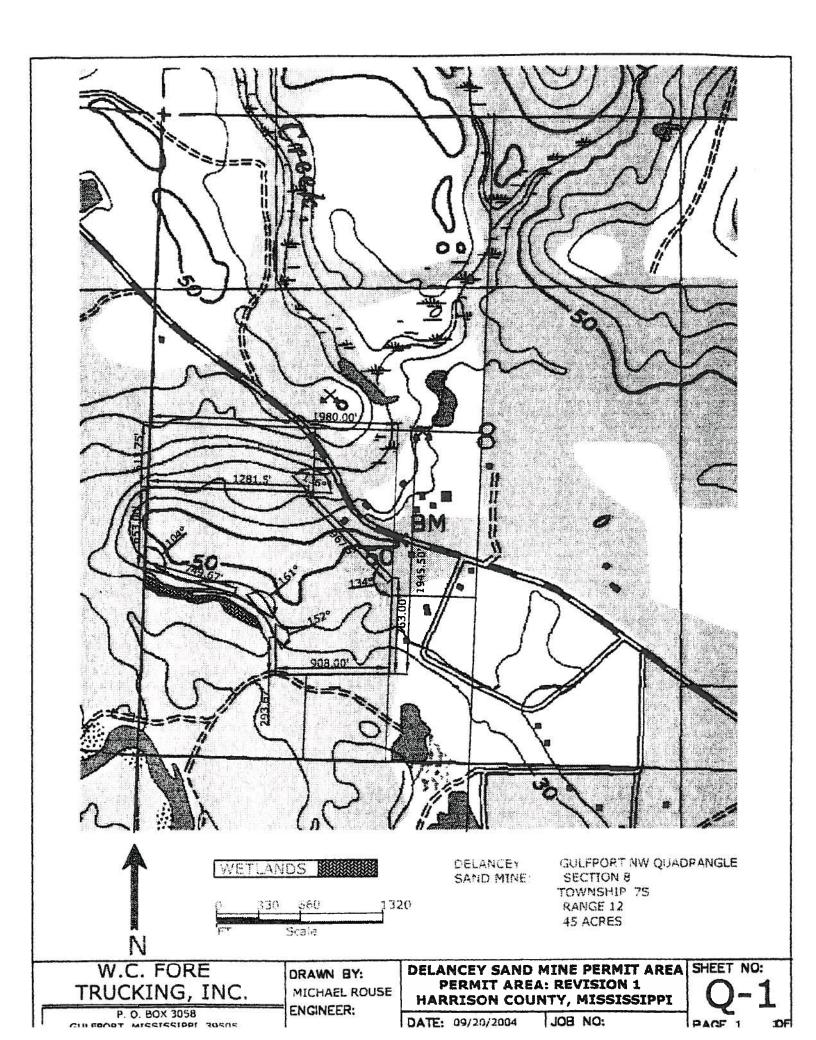
Data	Optobor 4, 2004	
Date:	October 4, 2004	

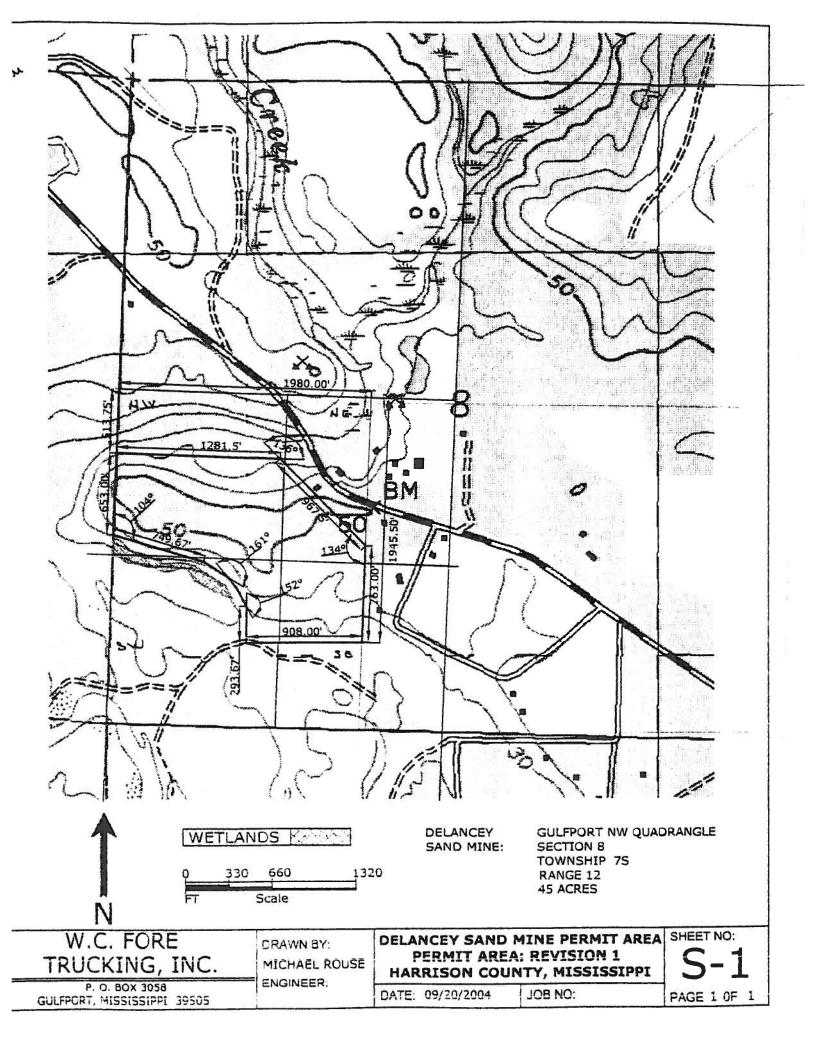
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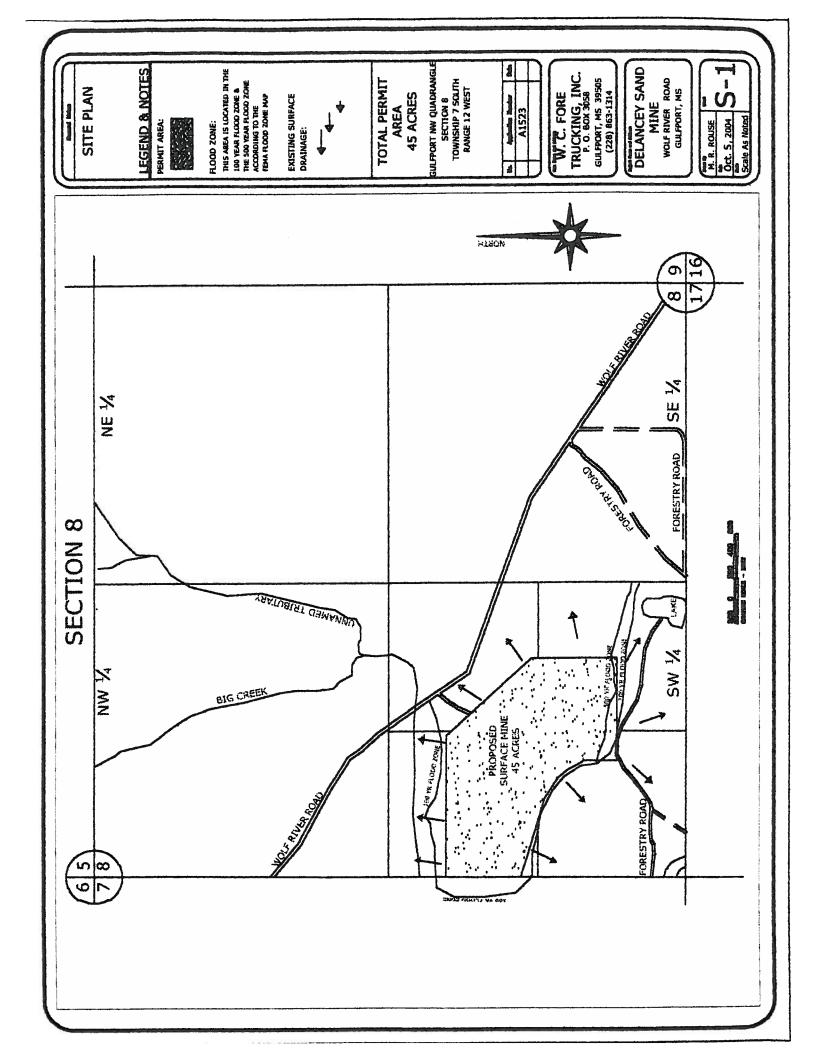
ATTACHMENT 1: STORM WATER POLLUTION

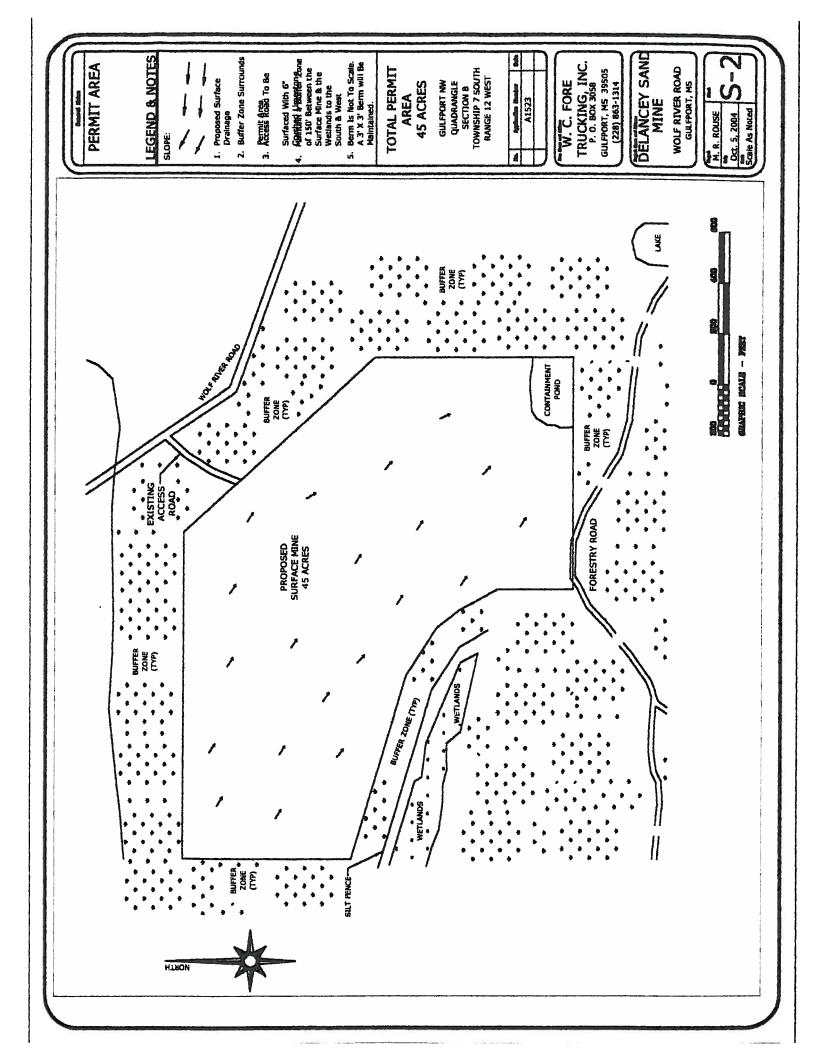
PREVENTION PLAN SITE LOCATION MAP

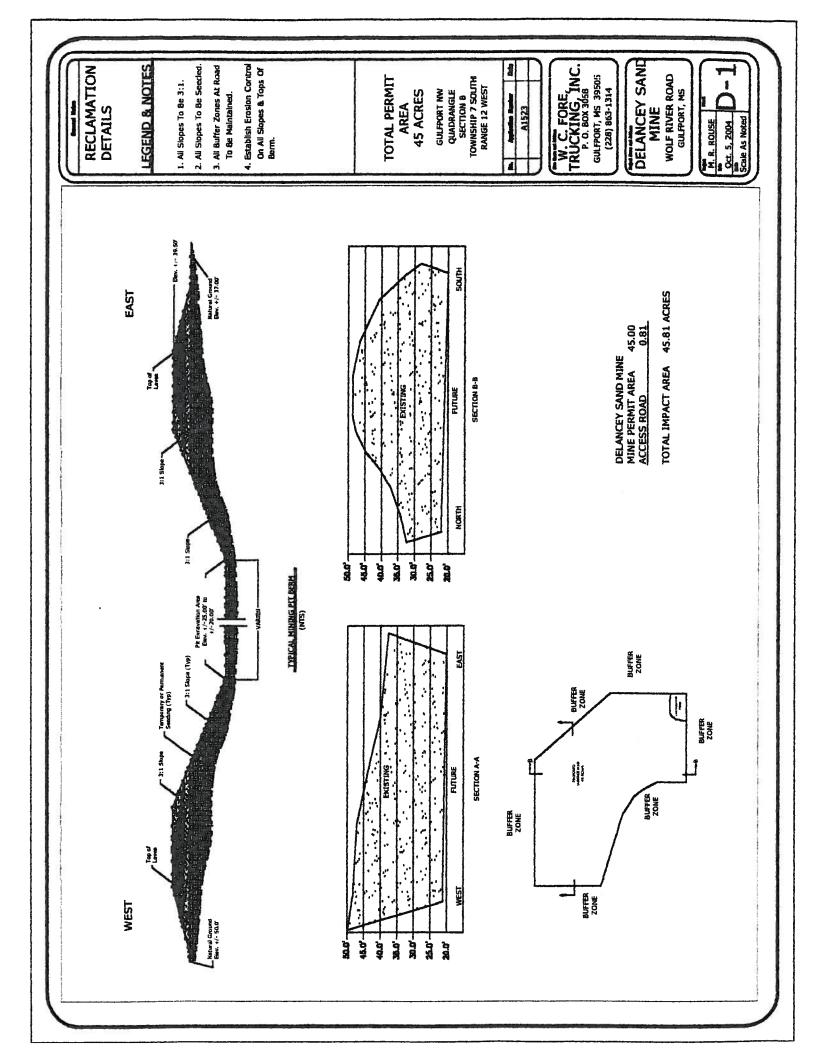
**RECLAMATION SITE MAP** 

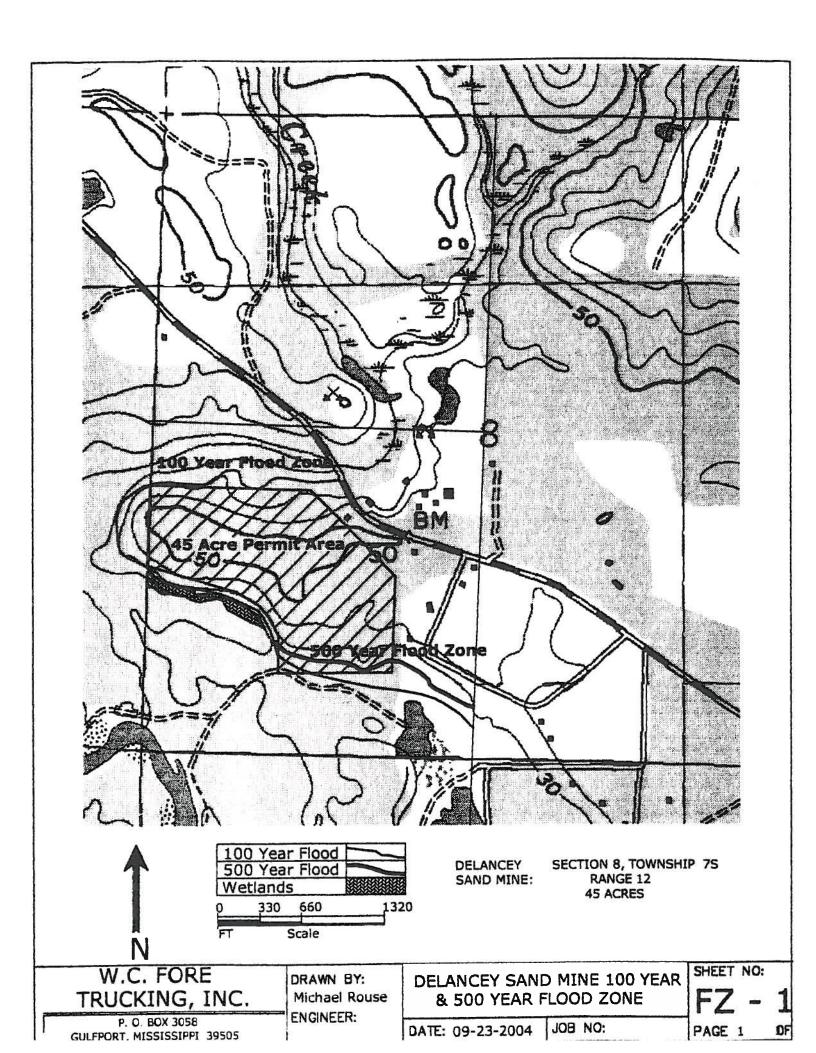
















P.O. Box 447 • Pass Christian, Mississippi 39571 • 228-435-919

October 19, 2004

Mr. Don Watts, Chief Environmental Compliance and Enforcement Division MDEQ P O Box 10385 Jackson MS 39289-0385

Dear Don:

The Wolf River Conservation Society, Inc. is very appreciative of the Mississippi Department of Environmental Quality's (MDEQ) support of our efforts to protect the Wolf River watershed in Harrison County, Mississippi. Our Board of Directors is planning to approve the proposed terms of the Agreed Order (#488504, dated October 12, 2004) at our next board meeting scheduled for Saturday, October 23, 2004.

Mr. W. C. Fore and I have begun taking steps to assure compliance with the Supplemental Environmental Project (SEP) agreement by commissioning Knesal Engineering of Gulfport, MS to prepare a survey and legal description of the donated property which should be completed in the next 45 days. Following the completion of the survey, attorneys for the WRCS will prepare a deed based on the survey for Mr. W.C. Fore's signature. The WRCS will provide copies of this notarized and signed Deed of Trust as soon as possible following completion of the survey. Our attorneys are Balch and Bingham of Gulfport who will handle all legal matters on behalf of the WRCS.

The WRCS understands that approximately 30 acres of the approximately 90 acre tract addresses terms of the SEP agreement and that approximately 60 acres of the donation will be a voluntary donation. The WRCS will place a conservation easement on the entire property and file a certified copy with the Chancery Clerk in Harrison County, Mississippi. A copy of the certified conservation easement will be forwarded to MDEQ upon completion.

The WRCS is aware of the ninety (90) day time requirement to complete the SEP agreement and is working diligently with Mr. W. C. Fore to complete the terms of the Agreed Order. If you have any questions or comments, please feel free to give me a call at your earliest convenience. We again appreciate the efforts of Mr. W.C. Fore and MDEQ in helping preserve and protect the Wolf River, Mississippi's first scenic stewardship stream.

urs truly,

Sot

·bank

W. C. Fore C.S Board of Directors & Officers Vall, Knesal Engineering r Signs, Balch & Bingham





#### STATE OF MISSISSIPPI HALEY BARBOUR GOVERNOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

October 6, 2004

Mr. W. C. Fore, President W C Fore Trucking Inc, Delancey Sand Mine PO Box 3058 Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: W C Fore Trucking Inc, Delancey Sand Mine Gulfport, Harrison County AI No. 19151

This letter is to confirm the telephone conversation on October 5, 2004, between you, Michael Bograd, and me.

MDEQ staff will present all environmental permits to the Permit Board for their consideration at their October 12, 2004, meeting. Our recommendation will be that the Permit Board issue the permits contingent and effective upon receipt by MDEQ of a signed Agreed Order. Also, you agreed to be present for the meeting to address any questions the Permit Board might have and to provide any assurance that they may need regarding your intent to enter into the Agreed Order. If the Permit Board approves the surface mining permit and storm water coverage and MDEQ has received the signed Agreed Order, the permits would be effectively issued. Once the permits are issued, mining could legally begin at the site. The Agreed Order requirements must be met within the timeframes specified in the Agreed Order.

Also, I explained that the Office of Pollution Control still needed some updated information submitted to them to complete the revised application for the site. Ross Williams of our staff has discussed the specifics with Mr. Bob Gavin, who indicated that this information would be provided to us this week. Please be aware that if this information is not received in a timely manner, we will not be able to recommend issuance of the OPC permit at this time.

If you have any questions, feel free to contact me. Otherwise, we will see you at the Permit Board meeting on October 12, 2004. The meeting will begin at 9:00 a.m.

Sincerely, 1 Watto

Don Watts, Chief Environmental Compliance and Enforcement Division



# Permit Action Form W C Fore Trucking Inc, Delancey Sand Mine Wolf River Road Harrison County Gulfport, MS 39503

# Branch Manager: Billy Warden SIC: 1442

# Recommendations

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<u>Folder No. – /</u> GNP20040001 - N/	Activity Type A-Mining	Permit No. MSR321377		DEQ Contact Charity Rockingham		
🗆 Tra	odification ansfer rminate	□ Reissue □ Name Change □ Deny	By:	□ Division Chief ☑ Permit Board		
Programs:						
Master File			Permit Applic	ation		
Program	Sub Program					
Water	Mining		ater			
	Stormwater					
by the Master File Adm	hould be deleted from inistrator	the master file				
Air Use Only:		Emissions data enter	ed in enSite			
		Emissions data prepa	red using Lotu	us 1-2-3 (Attached)		
		Permitting action did	not change en	nissions inventory.		
Additional Act	ions:	□ Scan of Signed Cove	r Requested			
		Requirement Profiles have been loaded.				
Basis: <u>Co</u>	omplete MNOI,	SWPPP, and Mining	Stormwater	r Discharge Regulations		
Coordination						
Comments <sup>.</sup>	The Surface M	lining Domit was is				
e en innorite.	2004 The red	Mining Permit was issued by the Permit Board on October 12,				
		ceiving stream, Unnamed Tributary of Wolf River, is on the				
	<u>505(0) 1151. H</u>	lowever, the applicant proposes minimal impact to the stream				
□ Tra □ Ter □ Rev Programs: Master File Program Water Marked subprograms s by the Master File Adm Air Use Only: Additional Act Basis: <u>Cc</u> Coordination Comments:	Sub Program Mining Stormwater hould be deleted from inistrator mplete MNOI, The Surface M 2004. The rec 303(d) list. H	Delete Pro- Delete Pro- Wi the master file Emissions data enter Emissions data prepa Permitting action did Scan of Signed Cove Requirement Profiles SWPPP, and Mining SwpPP, and Mining	ed in enSite ured using Lotu not change en r Requested have been loa Stormwaten sued by the amed Tribu at proposes	ation Sub Program Mining Stormwater Us 1-2-3 (Attached) nissions inventory. ded. t Discharge Regulations Permit Board on October 12, tary of Wolf River, is on the		

# Relationships

# **Administrative Tasks**

Task	Scheduled Date	Completed Date
Send Final Coverage and Supporting Documents for	9/6/04	10/12/04

through the use of a sedimentation pond.

Task	Scheduled Date	Completed Date
Signature		
Issue Coverage	9/12/04 11:18:41 AM	10/12/04
Notice of Intent, SWPPP, Plans and Specs Reviewed and Deficiencies Resolved	11/1/04	8/25/04 11:12:11 AM
In-House and Other State Agency Coordination Completed	6/23/04	8/23/04 11:12:39 AM
NOI Received	6/14/04 11:18:41 AM	6/14/04 11:27:26 AM





#### STATE OF MISSISSIPPI Haley Barbour

GOVERNOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

October 12, 2004

<u>CERTIFIED MAIL</u> Mr. W. C. Fore W C Fore Trucking Inc, Delancey Sand Mine PO Box 3058 Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: W C Fore Trucking Inc, Delancey Sand Mine Harrison County General Mining Stormwater Coverage. No. MSR321377

Enclosed is a Certificate of Coverage granting you coverage under the Mining Storm Water General NPDES permit, copy enclosed. Your Storm Water Pollution Prevention Plan (SWPPP) appears to meet permit requirements and will be further reviewed during our compliance inspection. The last page of the permit is an inspection form that should be copied and used for the semiannual inspection.

This permit coverage is issued in accordance with the provisions of the Mississippi Air and Water Pollution Control Law (Sections 49-17-1, et seq., Mississippi code of 1972), and the regulations and standards adopted and promulgated thereunder and under the authority granted to the Mississippi Environmental Quality Permit Board pursuant to Section 402(b) of the Federal Water Pollution Control Act. Any appeal of this action must be made within the 30-day period provided for in Section 49-17-29(4)(b) Mississippi code of 1972.

Sincerely,

Jim Morris, Chief General Permits Branch

Enclosures

19151 GNP20040001

OFFICE OF POLLUTION CONTROL POST OFFICE BOX 10385 • JACKSON, MISSISSIPPI 39289-0385 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • www.deq.state.ms.us AN EQUAL OPPORTUNITY EMPLOYER

#### Mississippi Department of Environmental Quality Office of Pollution Control Environmental Permits Division



# **Project Awareness Checklist**

The primary purpose of this hecklist is to allow early identification of "big picture" items that could affect EPD's permitting decisions. The checklist will be filled out by the permit manager, with input from the permit applicant as needed. Many of the questions will be answered after the pre-application meeting. The applicable portions of the checklist should be filled out prior to developing the draft permit. The checklist should be attached to the permit action form (PAF).

This checklist does not establish or affect legal rights or obligations. This checklist does not establish or affect procedural requirements for the development or issuance of permits. MDEQ is under no obligation to complete any or all of this checklist.

References to web sites or other sources external to MDEQ are intended for informational purposes only and do not imply any official MDEQ endorsement of, or responsibility for, the opinions, ideas, reliability, data or products presented at those locations, or guarantee the validity of the information provided.

#### Name of facility

W C Fore Trucking Inc, Delancey Sand Mine

AI#

19151

#### Permit type

☑ Issuance

□ Reissuance without Modification

🗹 Routine 🛛 Priority

#### **Critical path**

□ Air ☑ Water

□ Hazardous Waste □ Solid Waste

1

□ Reissuance with Modification

□ Modification

#### Notes/Comments

The ultimate receiving stream, the Wolf River, is on the 303(d) list and has a TMDL for pathogens. However, the applicant proposes the implementation of controls to retain water in an on-site detention pond to prevent adverse impact to the receiving stream.

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Performance Pact Project Awareness Checklist

A. Air		Section Not Applicable	<b>I</b>
] Yes ] No ] Not Applicable			
	A1.	Is the facility located in an area that may become a non-attainment area when the new NAAQS are implemented? <u>PM2.5</u>	
	A2.	Is this facility a significant minor source as defined by <u>APC-S-2, Section</u> <u>I.B.21</u> ?	Comment: Page, 1 "Significant Minor Source." A
	A3.	Will this facility generate dust, fumes, gases, mist, odorous matter, vapor or any combination thereof, such as to cause a nuisance to property from which it originated? ( <u>APC-S-1, Section 3.3</u> )	source; and (b) is one of the following categories of sources: (a) hot-mix asphalt plants, (b) cotton gins, (c) medical waste incinerators, (d) rendering plants, or (e)
	A4.	<ul> <li>Is this project subject to any of the following regulations?</li> <li>New Source Performance Standards (NSPS) (40 CFR Part 60)</li> <li>National Emission Standards for Hazardous Air Pollutants (NESHAF (40 CFR Parts 61 and 63)</li> <li>Compliance Assurance Monitoring (CAM) (40 CFR Part 64)</li> <li>Prevention of Significant Deterioration (PSD) (40 CFR Part 52)</li> <li>Acid Rain Program (40 CFR Part 72)</li> <li>Chemical Accident Prevention Provisions (40 CFR Part 68)</li> </ul>	avoid a violation of the Mississippi Air and Water Pollution Control Law or any regulation promulgated thereunder, (ii) the source's potential to cause a substantial threat to public health, welfare, or the environment, or (iii) the source's potential to cause or substantially contribute to a violation of any applicable
	A5.	Does this facility fall into one of the 28 listed source categories? (40 CFF $52$ )	ambient air quality standard.
	A6.	<ul> <li>Is this facility located within 200 km of any <u>Class I</u> area? (40 CFR 52)</li> <li>Will there be construction or air emissions near a <u>national</u>/state forest or <u>national/state</u> park or other recreational area? □Yes / □No / □NA</li> </ul>	
	A7.	Will any air discharges have an impact on water quality?	
B. Hazard	lous V	Vaste Section Not Applicable	
	B1.	<ul> <li>Is this a hazardous waste TSD project?</li> <li>Typically these projects have opposition.</li> <li>Is there off-site contamination? □Yes / □No / □NA</li> <li>Are "bad boy" and financial capability reviews necessary?</li> <li>□Yes / □No / □NA</li> </ul>	
	B2.	<ul> <li>Is the site a brownfield site?</li> <li>Check with Hazardous Waste Division – Brownfields Branch.</li> <li>Check with Hazardous Waste Division – Uncontrolled Sites Branch.</li> </ul>	
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	B3.	Are there <u>universal waste</u> considerations? (Examples: used oil, car batteries, fluorescent tubes.)
C. Solid W	aste	Section Not Applicable 🗹
	C1.	<ul> <li>Is this a new or existing solid waste management facility?</li> <li>These projects may have opposition.</li> <li>Does the existing facility (or other facilities owned or operated by the applicant) have a history of non-compliance? □Yes / □No / □NA</li> <li>Has a disclosure statement been filed? □Yes / □No / □NA</li> <li>Is the application a result of enforcement action by ECED? □Yes / □No / □NA</li> </ul>
	C2.	<ul> <li>Will solid waste be sent to a third-party landfill?</li> <li>Contact the landfill owner to verify that the landfill can and will accept the waste.</li> <li>Does the County Solid Waste Management Plan need to be modified?</li> <li>Yes / □No / □NA</li> </ul>
D. Water		Section Not Applicable 🗆
	D1.	<ul> <li>Will the facility discharge wastewater to a third-party wastewater treatment plant (WWTP)?</li> <li>Is the WWTP willing and able to accept the discharge?</li> <li>Yes / DNo / DNA</li> <li>Is a pretreatment permit needed? DYes / DNo / DNA</li> </ul>
200	D2.	<ul> <li>Review Permit Board Policy on Suitable Points to Discharge Treated Wastewaters, January 2002 for acceptable locations of new discharges.</li> <li>(The document is located in the Knowledge Center.)</li> <li>Specific locations where wastewater discharges are prohibited or are strongly discouraged include: <ul> <li>Ross Barnett Reservoir and surrounding drainage basin</li> <li>Old Run Tombigbee River north of Fulton</li> <li>Pickwick Lake</li> <li>Mississippi Sound (including the coastal waters)</li> <li>Okatoma Creek</li> <li>Wolf Creek</li> <li>Black Creek (located south of Hattiesburg)</li> </ul> </li> <li>Typically, lakes, reservoirs, bayous, ponds or other confined, low flushing waterbodies, and drainage ways leading to them, are not suitable points of discharge.</li> </ul>

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Performance Pact Project Awareness Checklist

		<ul> <li>Has the permit manager or the Regional Office done an inspection to determine whether the discharge location is suitable to receive discharged wastewater?  Yes / No / NA</li> <li>Contact Surface Water Division if unsuitable locations are proposed.</li> </ul>	
ØOO	D3.	<ul> <li>Is the water body on the <u>303(d) list</u> for parameters of concern?</li> <li>Check with the Water Quality Assessment Branch for 303(d) listing.</li> <li>Consider alternative receiving streams/locations or no-discharge systems.</li> </ul>	
		<ul> <li>Refer to NPDES Permit Issuance Process for Facilities Discharging to 303(d) Listed Waters, January 1999</li> </ul>	
N D D	D4.	<ul> <li>Has a <u>TMDL</u> been developed for the receiving stream?</li> <li>See http://www.deq.state.ms.us/newweb/swhome.nsf/pages/WDivision/\$file/tmd3.html, or check with the Water Quality Assessment Branch.</li> <li>Does the TMDL propose limitations on the discharge?</li> <li>☑Yes / □No / □NA</li> </ul>	
	D5.	<ul> <li>Will the project impact wetlands or other waters of the United States?</li> <li>Check with WQMB for requirements for 404 permit or 401 Water Quality Certification</li> <li>Are there any issues with the Surface Water Division?</li> <li>□Yes / ☑No / □NA</li> </ul>	
	D6.	<ul> <li>Is an antidegradation package required?</li> <li>For POTWs, required for new major discharges (≥1 mgd) or for increases in discharges from majors. (This may change when WQMB issues guidance in the future.)</li> <li>For industrial, follow the <u>"Antidegradation Policy Review Checklist.</u>" (The document is located in the Knowledge Center.)</li> <li>The package must be sent to EPA along with the draft permit.</li> </ul>	
	D7.	<ul> <li>Is the stream classified for shellfish harvesting, drinking water supply, or recreation?</li> <li>See <u>State of Mississippi Water Quality Criteria for Intrastate, Interstation and Coastal Waters</u>, November 16, 1995 for a list, or check with WQAB/Standards. (The document is located in the Knowledge Center.)</li> <li>Discharge is discouraged. Consider alternative receiving streams/locations or no-discharge systems.</li> <li>Have water supply intake distances been evaluated?</li> <li>Yes / □No / □NA</li> </ul>	
	D8.	Is the stream actually used for recreation, even if the classification is fish and wildlife?	l
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	<ul> <li>Check with WQAB/Standards, Regional Offices, Mississippi Department of Wildlife, Fisheries, and Parks, and Mississippi Forestry Commission.</li> <li>Discharge is discouraged. Consider alternative receiving streams/locations or no-discharge systems.</li> <li>Have distances of actual water contact activity been evaluated?</li> <li>Yes / □No / □NA</li> </ul>	
□ ☑ □ D9.	<ul> <li>Is the receiving stream classified as an ephemeral stream?</li> <li>Check with WQAB/Standards</li> <li>Alternate discharge points or no-discharge systems must be investigated before this stream is considered.</li> </ul>	
□ 🗹 🗆 D10.	<ul> <li>Will the project violate water buffer zone requirements?</li> <li>How is the surrounding area zoned?</li> <li>Will there be a discharge near a state forest or park or other recreational area? □Yes / ☑No / □NA</li> </ul>	
☑ □ □ D11.	<ul> <li>Has the stream been proposed for inclusion in the State Scenic Streams Stewardship Program (Section 51-4 et seq., Mississippi Code)?</li> <li>As of March 12, 2003, the streams include</li> <li>Chunky Creek in Newton County from the confluence of Chunky Creek and Tallasher Creek.</li> <li>Chunky River in Newton, Lauderdale and Clarke Counties to the junction with the Chickasawhay River in Clarke County.</li> <li>Magee's Creek in Walthall County from the confluence of Varnell Creek to the Bogue Chitto River.</li> <li>Tangipahoa River in Pike County beginning at U.S. Highway 51 and extending to the Mississippi-Louisiana state line.</li> <li>Wolf River in Pearl River, Hancock, Stone and Harrison Counties from Highway 26 in Pearl River County to the Bay of St. Louis in Harrison County.</li> <li>Discharge is discouraged. Consider alternative receiving streams/locations or no-discharge systems.</li> </ul>	
□ Ø □ D12	<ul> <li>Will the facility obtain water from an existing Public Water System (PWS)?</li> <li>Does the PWS have adequate capacity? □Yes / □No / □NA Contact MSDH/Division of Water Supply if needed.</li> <li>Che*k with OLWR if the water use will be ≥300,000 gpd or if the PWS will need a permit modification.</li> </ul>	
□ Ø □ D13	<ul> <li>Will the facility use surface water or build a dam?</li> <li>Check with OLWR for permit requirements.</li> <li>Check with WQMB for requirements regarding intake structures or wetlands issues.</li> </ul>	
	Desformance Part Project Awareness Checklist	

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Performance Pact Project Awareness Checklist

D14. Will the facility use groundwater? Check with OLWR for permit requirements. Section Not Applicable 🗹 E. SARA Title III (EPCRA) Reporting Will the facility meet the reporting criteria of EPCRA Section 313 by E1. man-hour requirement, SIC code or reportable quantity over a certain threshold? In response to the requirements of EPCRA Section 304 has the facility E2. determined if there are "Extremely Hazardous Substances (EHS)" or CERCLA Substances onsite in excess of their respective reportable quantities? Does the facility store onsite an EHS in excess of its respective "Threshold E3. Planning Quantity?" If so then the reporting requirements of EPCRA Section 311 and 312 must be followed. Section Not Applicable F. Other List all existing permits and their expiration dates: F1. Description Expiration Permit Number Are permit applications in-house for all permits that have expired or will expire in  $\leq$  180 days?  $\Box$ Yes /  $\Box$ No /  $\Box$ NA If no, will the current permitting action proceed? □Yes / □No / □NA Last App Permit Activity Last Permit Received Task Expired Task Are all fees (e.g., Title V), fines, and/or compliance with CEQ orders  $\square$   $\square$   $\square$ F2. current? Check enSite for actions on or after October 1, 2001. Check with ECED for earlier actions. Check with Mona Varner for fees. Check complaints database and compliance history. F3. Check enSite for actions on or after October 1, 2001. Check with ECED for earlier actions.

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Performance Pact Project Awareness Checklist

F4.	<ul> <li>What is the nature of the historical compliance problems (if applicable)? Operation of a mining site without the proper permits.</li> <li>Are there any pending agreed orders? ☑Yes / □No / □NA</li> <li>Are there EJ considerations?</li> <li>Review demographic maps and per capita income information.</li> <li>Does the area around the site appear to be a low-income or minority area? □Yes / □No / □NA</li> <li>Is there a significant amount of industrial activity? □Yes / □No / □ NA</li> <li>Are there indications that there is a significant population of non-English-speaking people near the site? □Yes / □No / □NA</li> <li>Are we aware of any variances or violations in local zoning? □Yes / □No / □NA</li> <li>Are there quality of life issues? □Yes / □No / □NA</li> <li>Contact the EJ coordinator if there appear to be EJ concerns.</li> <li>Determine what kind of additional public information activities need to be done.</li> </ul>
F5.	<ul> <li>Has it been determined that there is public interest in this project?</li> <li>Is there organized public opposition? □Yes / □No / □NA</li> <li>Who is the opposition?</li> </ul>
	<ul> <li>Has there been media coverage or the possibility of media coverage?</li> <li>□Yes / □No / □NA</li> <li>Are there regulation changes on the horizon that would result in more stringent requirements for the project? □Yes / □No / □NA</li> <li>Are there actual, potential, or alleged human health or environmental impacts? □Yes / □No / □NA</li> <li>If yes, explain.</li> </ul>
F6.	<ul> <li>Are there cumulative impact issues?</li> <li>Is there a concentration of emissions in the area?</li> <li>\[\]Yes / \[DNo / \]NA</li> <li>Research by reviewing files, etc. for effects of past projects, the effects of current projects, and the effects of probable future projects. It includes the effects of other projects which interact with this project and, together, are considerable.</li> <li>Is GIS information available? \[DYes / \]No / \[DNA \]Has it been used? \[DYes / \]No / \[DNA \]</li> </ul>
F7.	Is the Mississippi Development Authority (MDA) interested?

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Performance Pact Project Awareness Checklist

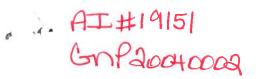
			<ul> <li>Is the proposed project in an economically underdeveloped area of the state? □Yes / □No / □NA</li> <li>Is the project receiving CDBG (Community Development Block Grant) funding? □Yes / □No / □NA</li> <li>CDBG funding is given for projects in low-to-moderate income areas and thus indicates the possibility of EJ considerations.</li> </ul>
	Ŋ	F8.	<ul> <li>Will this project have the potential to impact threatened and endangered species? <u>Pesticide limitations</u> for endangered species link. <u>NPDES link.</u></li> <li>Contact WQAB for a list of species.</li> </ul>
	Ø	F9.	<ul> <li>Will this project have the potential to impact archeological and cultural resources?</li> <li>■ Has the Mississippi Department of Archives and History been contacted? □Yes / □No / □NA</li> </ul>
Ø		F10.	Is this facility located in a politically sensitive area?
	Ø	F11.	Will this facility have a significant economic impact on the area?
	Ø	F12.	Does this project involve other state or federal agencies, and if so, in what way?
	Ø	F13.	Is the project (or company or location, etc.) listed in the Heightened Awareness Projects database (located in Lotus Notes)? Yes / No / NA If yes, get in touch with the listed contact person.
	Ø	F14.	Review "Enclosure B: EPA/State Review and Oversight Tools for NPDES Permits" to determine if any additional information needs to be gathered. (The document is located in the Knowledge Center.)
	Ø	F15.	Is there <i>anything else</i> that might slow down the permitting decision or change any permit conditions? ( <u>Industrial Sector Notebooks</u> ) If yes, describe.

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Performance Pact Project Awareness Checklist

8







## MINING NOTICE OF INTENT (MNOI) FOR COVERAGE UNDER MINING STORM WATER GENERAL NPDES PERMIT MSR32 13 1 (Number to be assigned by State)

(file at least 30 days prior to the commencement of mining; 15 days if Storm Water Pollution Prevention Plan is already on file)

Applicant must be operator or owner. (Applicant receives coverage and is responsible for operator's compliance with permit)

IS APPLICANT THE OPERATOR OR OWNER? (circle one or both)

<b>OPERATOR CONTACT PERSON:</b>	W. C. Fore		
OPERATOR COMPANY NAME:	W. C. Fore Trucking, Inc.		
<b>OPERATOR STREET (P. O. BOX):</b>	P. O. Box 3058		
OPERATOR CITY: Guifport	STATE: <u>MS</u> ZIP: <u>39505</u>		
OPERATOR TELEPHONE NUMBER (INC	LUDE AREA CODE): (228) 863-1314		

(List owner if different than operator)

OWNER CONTACT PERSON: Dollie Bell

OWNER COMPANY:

OWNER STREET (P. O. BOX); P. O. Box 2141

OWNER CITY: Gulfport STATE: MS ZIP: 39501

OWNER TELEPHONE NUMBER (INCLUDE AREA CODE): None

NAME OF MINE: Delancey Sand Mine

MINE LOCATION: City Gulfport County Harrison

ATTACH A USGS QUAD MAP OUTLINING MINE LOCATION (Maps can be obtained from the Mississippi Office of Geology - 601-961-5523).

None

RECEIVING STREAM: Wolf River

of Section & , Township 7 South , Range 12 West **See** Attached Sheet 4 4 of STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: 1442 (if known) TOTAL ACREAGE: 45 MATERIAL TO BE MINED: Sand and Clay DOES THIS MINE NEED A CORPS OF ENGINEERS WETLANDS (Sec. 404) PERMIT? No WASHING OF SAND/GRAVEL? No WILL HYDRAULIC DREDGING BE USED? No STATE OPERATING PERMIT NO. N/A, LIST ANY NPDES PERMIT NO. N/A. OR GEOLOGY PERMIT NO. N/A. GEOLOGY PERMIT APPLICATION NO. N/A. HAS A "NOTICE OF EXEMPT OPERATIONS" BEEN FILED WITH GEOLOGY? (Y/N) No A Geology "Notice of Exempt Operations" or "Notice of Intent to Mine Class I or Class II Materials" must be filed before coverage will be granted under the mining storm water NPDES permit. For information on Office of Geology requirements call 601-961-5515. December 01, 2014 END DATE: October 01, 2004 **ESTIMATED START DATE:** ATTACH A STORM WATER POLLUTION PREVENTION PLAN (SWPPP). (SEE PERMIT)

IF USING AN ASSOCIATION OR GENERIC SWPPP ALREADY SUBMITTED, GIVE NAME:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

toll

Signature

September 24, 2004 Date Signed

W. C. Fore Printed Name President Title

1 This application shall be signed according to the General Permit, Part V.E., as follows:

- For a corporation, by a responsible corporate officer.
- For a partnership, by a general partner.
- For a sole proprietorship, by the proprietor.
- For a municipal, state or other public facility, by either a principal executive officer, the mayor, or ranking elected official.
- Duly Authorized Representative

# W. C. FORE TRUCKING, INC.

P. O. Box 3058 . Guifport, MS 39505 . (228) 863-1314 . fax (228) 864-0013

Via Facsimile & U. S. Mail (601) 961-5521

October 6, 2004

Mississippi Department of Environmental Quality Office of Pollution Control Environmental Permits Division Post Office Box 10385 Jackson, Mississippi 39289-0385

MECEIVEL OCI 12 2006

Attention: Ms. Charity Rockingham

#### Reference: Surface Mining Notice of Intent (Amended) Delancey Sand Mining Pit, Harrison County, Mississippi

Dear Ms. Rockingham

Attached for your review and approval is our <u>Mining Notice of Intent (MNOI)</u>. <u>Amended</u> for the above captioned 45 acre reconfigured mining application. This MNOI shall replace the Construction Notice of Intent (CNOI) that has previously been transmitted to Mr. Williams.

The surface mine shall be stripped of overburden and the topsoil segregated for use in plating the slopes of the pit for vegetation. The balance of the spoil material shall be used to construct earthen berms around the perimeter of the pit. The berms will be constructed so as to preclude storm water from entering the pit.

Construction and excavation of the pit will be in such a configuration with grade changes that only the incidental storm water and ground water will flow to a temporary sump at the lowest elevation in the pit. No storm water or ground water shall leave the surface mining pit. All storm water shall be contained within the pit.

Please find enclosed, on behalf of Alton and Vickie Delancey (Property Owners), the required items as delineated below.

Mining Notice of Intent (Amended) USGS Quadrangle Map (Amended) Site-specific Storm Water Pollution Prevention Plan (SWPPP) (Amended) Gulfport NW Quadrangle S8, T7S, R12W Site Plan (S-1) Permit Ares (S-2) Reclamation Details (D-1) If you have any questions at all, please do not hesitate to call our office.

Sincerely

encl. As Noted

Location of Operation (to nearest quarter-quarter section):

Northwest ¼ of Southwest ¼, Less North 520' Southwest ¼ of Southwest ¼, Less South 520' Thence Southeast 26.9116° - 896.9' Northeast ¼ Thence Southeast 26.9116° - 896.9' Southeast ¼

# STORM WATER POLLUTION PREVENTION PLAN (SWPPP)



Delancey Sand Mine S8, T7S, R12W (Amended) Harrison County, Mississippi

W. C. Fore Trucking, Inc. Post Office Box 3058 Gulfport, MS 39505 (228) 863-1314

# STORM WATER POLLUTION CONTROL PLAN (Amended) Delancey Sand Mine Section 8, Township 7S, Range 12W Harrison County, Mississippi

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Storm Water Pollution Control Plan W. C. Fore Trucking, Inc.

# Attachment 1

Storm Water Pollution Prevention Plan	11
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Reclamation Site Map	11

# **Typical Drawings**

Typical Interceptor Dikes and Swales	Figure 1
Filter Fence Details	Figure 2
Brush Barrier	Figure 3
Typical Sediment Trap	Figure 4
Surface Roughening	Figure 5
Level Spreaders	Figure 6

## OVERVIEW

#### Introduction

This document is the Storm Water Pollution Prevention Plan (SWPPP) for property owner Dollie Bell, Post Office Box 2141, Gulfport, Mississippi 39501and its operator, W. C. Fore Trucking, Inc., P.O. Box 3058, Gulfport, MS 39505 of the surface (sand) mining pit known as "**Delancey Sand Mine**", a 45-acre site located off Wolf River Road in Harrison County, Mississippi.

The existing haul road shall be utilized for ingress and egress. This haul road shall be reconstructed to become a stabilized all weather construction entrance for ingress and egress of all construction traffic. The buffer zones shall remain in their natural vegetative state around the periphery of the site. Only those trees and vegetative growth will be removed that will impede the location and excavation processes of this surface mining pit. Storm water in the buffer zones will follow the natural watercourse. Disturbed areas caused by construction or mining activities shall be temporarily or permanently seeded as the circumstances direct. In the interim, sedimentation and erosion controls shall be put in place as needed. Flow of surface water into the mine will be controlled by the use of erosion control structures.

Clearing and excavation of the surface mining pit will be in an east to west direction. The removed topsoil shall be stockpiled and the overburden will be used to construct the perimeter berm of the mined area. The berm will be constructed and elevated above the existing natural ground. This raised levee will preclude storm water outside the mine perimeter from entering the mined area. A temporary sump basin shall be located in the southeast area of the surface mining operation. The purpose of this temporary sump is to collect sediment and stormwater falling into the mining pit. No impounded stormwater or sediment shall leave the mine pit. All storm water and ground surface water shall be contained within the confines of the mining pit. The earthen berms comprised of the stripped overburden around

the periphery of the excavated areas shall preclude the mingling of the storm water outside the pit area and the groundwater/stormwater from the excavation.

Storm water falling outside the pit area shall drain from the area through existing natural watercourses. Ultimately the receiving waters of the State of Mississippi will be Wolf River to the south and south west of the project area through unnamed tributaries. In its undeveloped state the surface mining pit area encompasses the 50-foot elevation, the highest point in the area and stormwater appears to flow to all points of the compass.

The Storm Water Permit shall be displayed in a conspicuous location to enable public review.

This Plan is the criteria for compliance with regulations set forth by the Environmental Protection Agency, 40 CFR, Parts 122, 123 and 124, <u>National Pollutant Discharge Elimination System Application Regulations for Storm Water Management for Construction Activities</u>.

#### **Objective**

The Purpose of this Storm Water Pollution Prevention Plan is to meet the requirements of the State of Mississippi and the Environmental Protection Agency for the control and mitigation of pollutants to storm water discharges associated with this surface mining operation for sand and clay.

#### **GENERAL REQUIREMENTS**

This Storm Water Pollution Prevention Plan consists of certain major activities and controls appropriate for surface mining activities.

A ditch was cut allowing stormwater from the pit are to flow into what appears to be wetlands. This ditch has been filled in and the ditch perimeter has been bermed to preclude any additional stormwater from flowing out of the pit.

# **Implementation**

- 1. Install stabilized construction entrance.
- 2. Install erosion control structures as needed.
- 3. Perform stripping activities. Topsoil shall be stockpiled for future plating of the slopes and the overburden shall be used to construct the berms around the perimeter of the mining site. Clearing and excavation of the surface mining pit will be in an east to west direction. The topsoil shall be removed and stockpiled. The overburden will be used to construct the perimeter berm of the mined area. The berm will be constructed and elevated above the existing natural ground. This raised levee will preclude storm water outside the pit zone from entering the mined area. Storm water shall drain away from the site through existing natural watercourses and elevation changes. A temporary sump basin shall be located in the southwest area of each phase of the surface mining operation. The purpose of this temporary sump is to collect sediment and stormwater falling into the mining pit. All incidental storm water entering the mining operation and ground water will not leave the pit and shall not be discharged into the waters of the State of Mississippi.
- 4. The general configuration of the mining operation and the construction techniques of the surface mining area have been configured to minimize any impact to the adjacent wetlands.

# Erosion and Sediment Controls

Mine development will proceed in the planned sequence and every attempt will be made to prevent erosion. All disturbed areas will be managed and revegetated as soon as practicable after construction activities. Where applicable, disturbed areas will be stabilized by temporary seeding, permanent seeding, mulching, and/or vegetative buffer strips as each case dictates.

## Structural Practices

In addition to vegetative practices referenced above, certain structural erosion control measures shall be implemented as needed. The measures include diverting flows from exposed soils, storing flows or otherwise limiting runoff from exposed areas. Other structural methods will include straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, outlet protection, detention/retention basins, sediment traps, temporary sediment basins or equivalent sediment controls.

- 1. Construct the sediment / detention pond with the spoils from the excavation to be used in berms.
- 2. Divert upslope surface water around disturbed areas of the site as shown in figure 1, Diversion Dikes.
- 3. Limit the exposure of the disturbed area to the shortest amount of time as practicable.
- 4. Minimize the amount of surface area that must be disturbed at one time.
- 5. Implement the best management practices to mitigate adverse impacts from storm water runoff. Shown in Figures 2, 3, 4, 5 and 6.

Erosion and sediment controls consisting of vegetative and structural practices shall be designed to preserve vegetation or timely revegetated disturbed areas and divert from exposed soils or otherwise limit runoff from exposed areas.

Controls shall be placed to minimize off-site vehicle tracking of sediments.

Controls shall be implemented as needed to retain storm water in an on-site detention pond to prevent adverse impact to receiving streams. When work is not

being performed in a disturbed area, appropriate temporary and / or vegetative and structural practices shall be initiated.

Any of the following erosion and sedimentation control measures may be used to control / reduce pollutants in storm water.

- Sedimentation Basin **Temporary Seeding**
- Permanent Seeding
- Mulching

- Check Dams
- Straw Bale Dikes
- Earth and/or Sandbag Dikes
- **Brush Barriers** Vegetative Buffer Strips
- Grassy Swales

Silt Fences

Sod Stabilization

Modification of Contours

Storm Drain Inlet Protection

Subsurface Drains

**Pipe Slope Drains** 

- **Detention Basin** Drainage Swales
- **Rock Outlet Protection** Sediment Traps •

A rain gauge shall be set up on site during mining operations. The rain gauge shall be located in the vicinity of the mining pit. Within twenty-four hours after commencement of a rainfall event greater than or equal to a Two Year 24 Hour Storm Event (6 inches), an inspection of all controls and other SWPPP requirements shall be performed during the permit coverage in compliance with Part IV.B of the permit.

Other controls of importance may include, but are not limited to:

1. Topsoil will be removed from the area to be mined and used to plate diversion dikes and berms.

- 2. Preserving existing vegetation and revegetating disturbed soil as soon as possible to limit the exposure time of the disturbed area.
- 3. Surface area that must be disturbed will be minimized.
- 4. Management practices to mitigate adverse impacts from storm water runoff are, but not limited to, interceptor dikes and swales, hay bales, brush barriers, silt fences and sediment traps. Figures 1, 2, 3, 4, 5 and 6.
- 5. Structurally sound dams and levees will be constructed for impoundments as required.
- 6. Encompassing various stockpiles such as fill or topsoil materials with hay bales or silt fence.
- 7. Properly maintaining, cleaning, and repairing the site and erosion prevention controls.

## Inspection Requirements

Inspection of all temporary and vegetative, erosion and sediment controls and other protective measures and SWPPP requirements will be performed during the permit coverage.

After each significant rainfall, but not less than once a week all disturbed areas, erosion and sediment controls shall be inspected.

At least once every month:

- 1. Within twenty-four hours after commencement of a rainfall event greater than or equal to a Two Year 24 Hour Storm Event (6 inches).
- 2. As often as necessary ensure that appropriate erosion and sediment controls have been properly constructed and maintained.

## <u>Maintenance</u>

1. All needed repairs shall be made within 24 hours.

- 2. Remove sediment from inlet protection devices and silt fences when accumulated silt has attained 50 percent capacity.
- 3. Reseed, fertilize and mulch as needed.

#### Post Construction

Upon completion of mining activities, post construction control measures shall include on-site infiltration, flow attenuation in vegetated swales and natural depressions and retention structures.

## REPORTING

Inspections will be reported on copies of the forms provided. The report form shall be submitted semi-annually, postmarked not later than the 28<sup>th</sup> day of July or January for each six-month period. All records, reports and information resulting from activities required by this permit shall be retained of at least three years from the date of the MNO1, inspection or report. The inspection report is attached at the end of this SWPPP. This form shall be duplicated as necessary.

#### NONCOMPLIANCE REPORTING

- <u>Anticipated Noncompliance</u>: The Mississippi Office of Pollution Control (OPC) will be given at least ten days advance notice, if possible, before any planned noncompliance with permit requirements.
- 2. <u>Unanticipated Noncompliance:</u> The Mississippi Office of Pollution Control (OPC) shall be notified orally within 24 hours from the time that W. C. Fore Trucking becomes aware of the unanticipated noncompliance. A written report will be provided the OPC within five working days from the time the operator becomes aware of the circumstances. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence and, if the noncompliance has not ceased, the anticipated time for correction.

# TERMINATION of REPORTING and PERMIT COVERAGE

Upon successful completion of all permanent erosion control and sediment controls for a covered project, a certification of the same will be submitted to the Mississippi Office of Pollution Control. Inspections shall continue for at least two months beyond completion. If controls have been successful during these two months, reporting and permit coverage is automatically terminated unless notified by OPC within thirty days of receiving the final inspection report.

#### POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons responsible for gathering the information, the information submitted, to the best of my knowledge and belief, true accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed:

Date: October 4, 2004

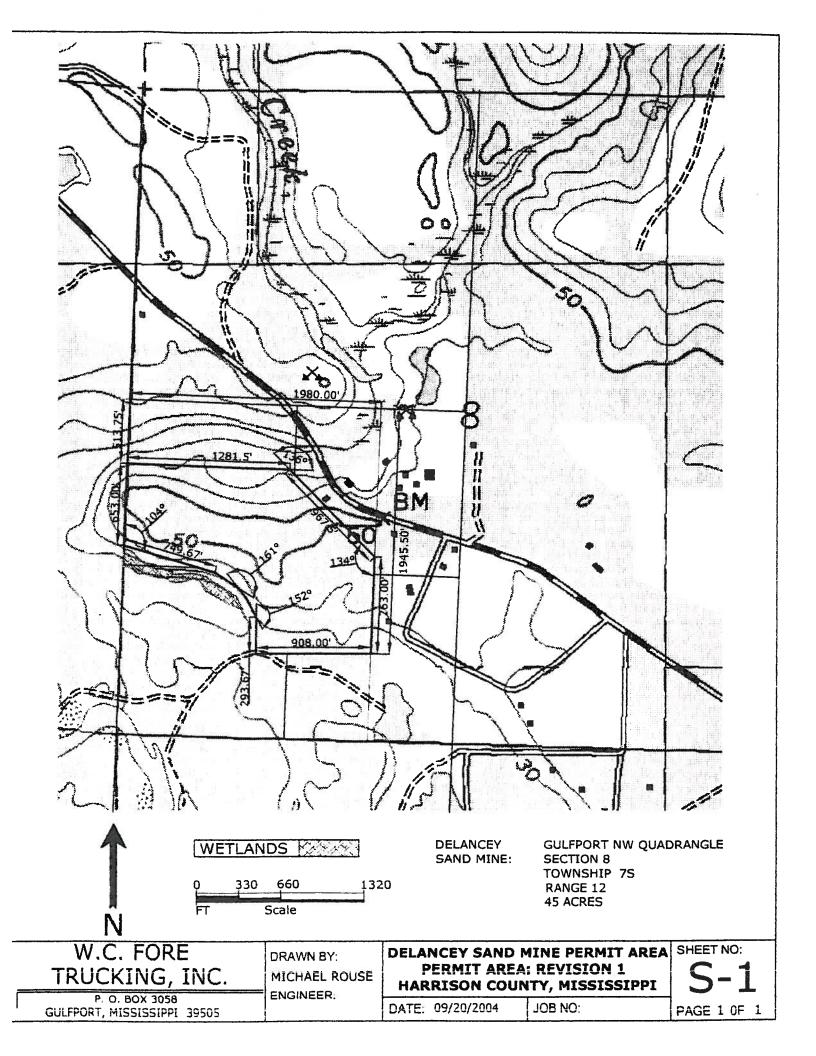
Storm Water Pollution Control Plan W. C. Fore Trucking, Inc. Delancey Sand Mine Harrison County, Mississippi

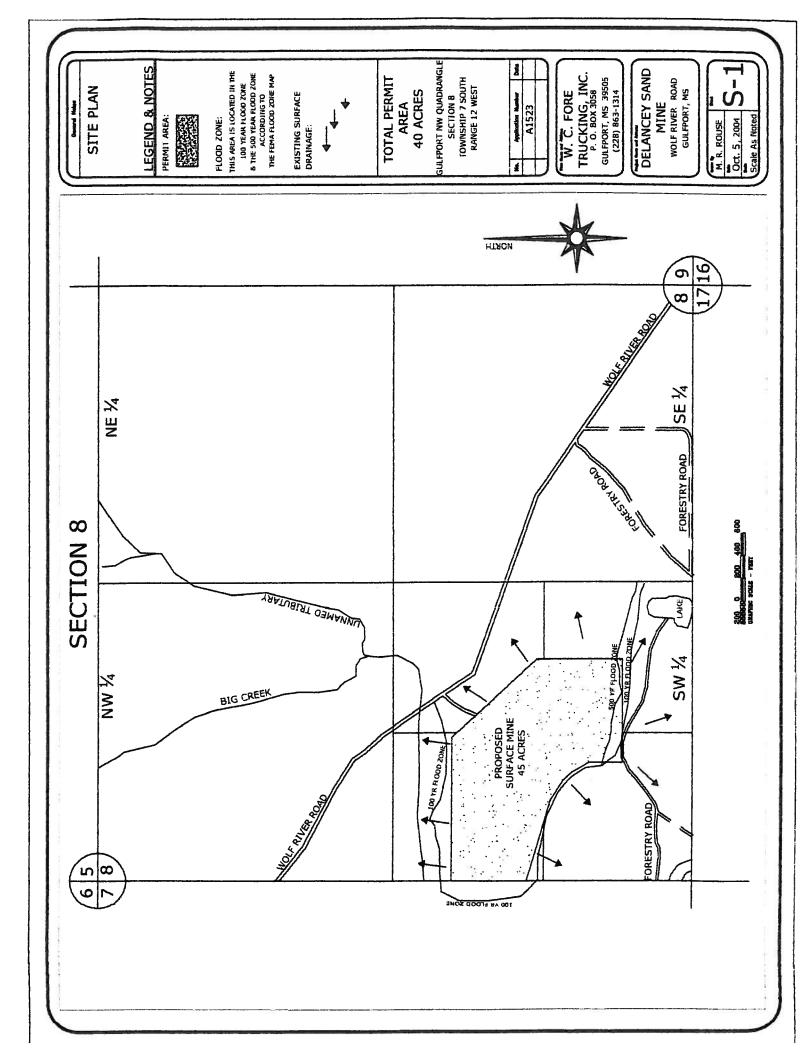
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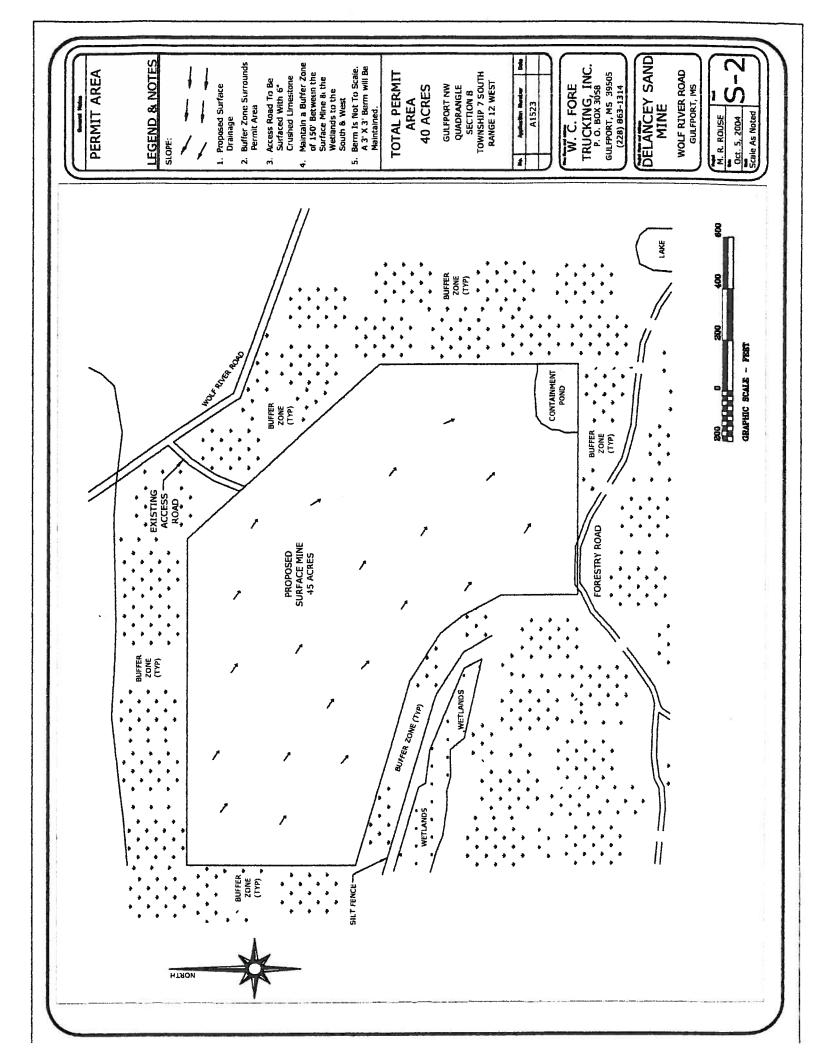
STORM WATER POLLUTION PREVENTION PLAN

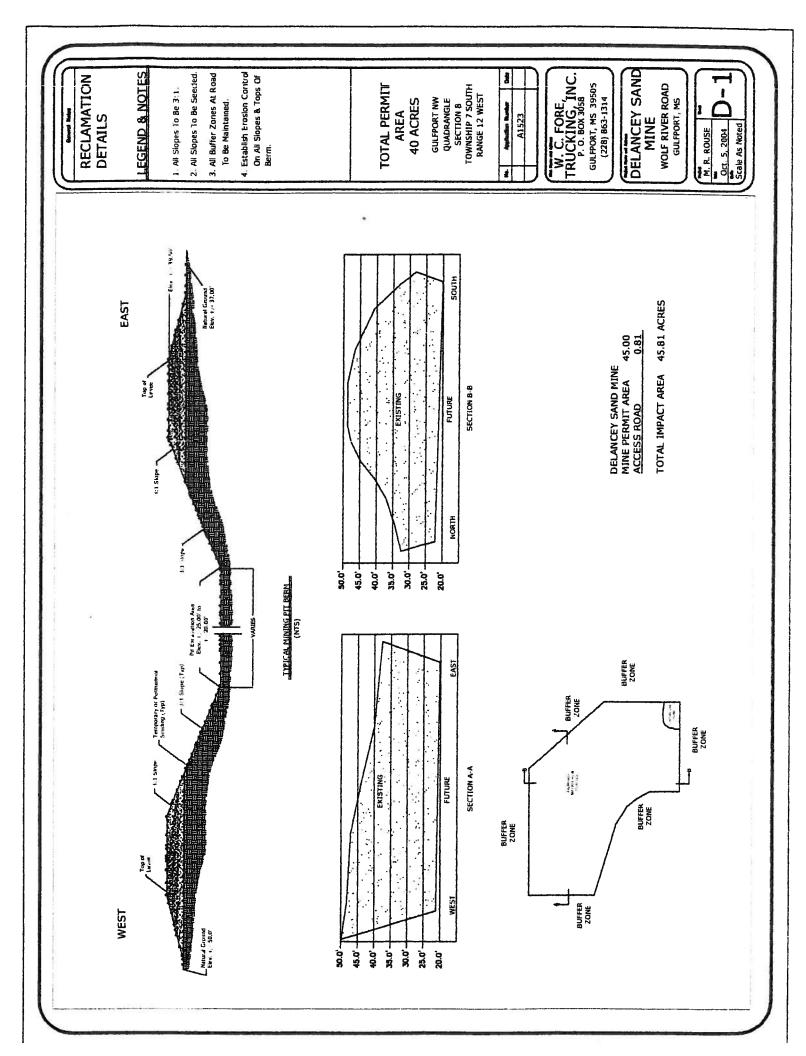
SITE LOCATION MAP

**RECLAMATION SITE MAP** 









FAX NO. 2288640013

# W. C. FORE TRUCKING, INC.

P. O. Box 3058 - Gulfport, MS 39505 - (228) 863-1314 - fax (228) 864-0013

Via Facelmile (601) 961-5521

October 8, 2004

Mississippi Department of Environmental Quality Office of Pollution Control Environmental Permits Division Post Office Box 10385 Jackson, Mississippi 39289-0385

Attention: Ms. Charity Rockingham

Reference: Surface Mining Notice of Intent (Amended) Delancey Sand Mining Pit, Harrison County, Mississippi

Dear Ms. Rockingham

Please find attached for your review and insertion into our <u>Mining Notice of Intent</u> (<u>MNOI</u>). <u>Amended</u> for the above captioned 45 acre reconfigured mining application. This errate sheet corrects the location of the above captioned pit MNOI and should replace the location sheet that was sent you yesterday, October 7, 2004.

Please excuse this oversight and we hope this has caused you no inconvenience.

If you have any questions at all, please do not hesitate to call our office.

Sincerely,

encl. As Noted

P. 01

# W. C. FORE TRUCKING, INC.

P. O. Box 3058 . Gulfport, MS 39505 . (228) 863-1314 . fax (228) 864-0013

Via Facsimile & U. S. Mail (601) 961-5521

October 6, 2004

Mississippi Department of Environmental Quality Office of Pollution Control Environmental Permits Division Post Office Box 10385 Jackson, Mississippi 39289-0385

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#### Reference: Surface Mining Notice of Intent (Amended) Delancey Sand Mining Pit, Harrison County, Mississippi

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Please find enclosed, on behalf of Alton and Vickie Delancey (Property Owners), the required items as delineated below.

Mining Notice of Intent (Amended) USGS Quadrangle Map (Amended) Site-specific Storm Water Pollution Prevention Plan (SWPPP) (Amended) Gulfport NW Quadrangle S8, T7S, R12W Site Plan (S-1) Permit Ares (S-2) Reclamation Details (D-1) If you have any questions at all, please do not hesitate to call our office.

Sincefelv

encl. As Noted

Mining Notice of Intent W. C. Fore Trucking, Inc.

Delancey Sand Mine Harrison County Mississippi

# **Reconfigured Location**

Location of Operation (to nearest quarter-quarter section)

NW 1/4 of the SW1/4 less north 513.75' for a distance of 1281.50' NW ¼ of the SW1/4 less north 513.75' for a distance of 1281.50' Thence SE 967.50' in the SW ¼ of the NE ¼ of the SW ¼ Thence South 763.0' in the NW ¼ of the SE ¼ Thence West 908.00' to the NE ¼ of the SW ¼ Thence North 293.67' to a point Thence 947.85' in a Northeasterly direction in the NW 1/2 of the SW 1/2 Thence North 653.00' to POB

Storm Water Pollution Control Plan W. C. Fore Trucking, Inc.

**Delancey Sand Mine** Harrison County, Mississippi

## TERMINATION of REPORTING and PERMIT COVERAGE

Upon successful completion of all permanent erosion control and sediment controls for a covered project, a certification of the same will be submitted to the Mississippi Office of Pollution Control. Inspections shall continue for at least two months beyond completion. If controls have been successful during these two months, reporting and permit coverage is automatically terminated unless notified by OPC within thirty days of receiving the final inspection report.

## POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons responsible for gathering the information, the information submitted, to the best of my knowledge and belief, true accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

W. C. Fore Signed:

October 4, 2004 Date:

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Storm Water Pollution Control Plan W. C. Fore Trucking, Inc.

Defancey Sand Mine Harrison County, Mississippi

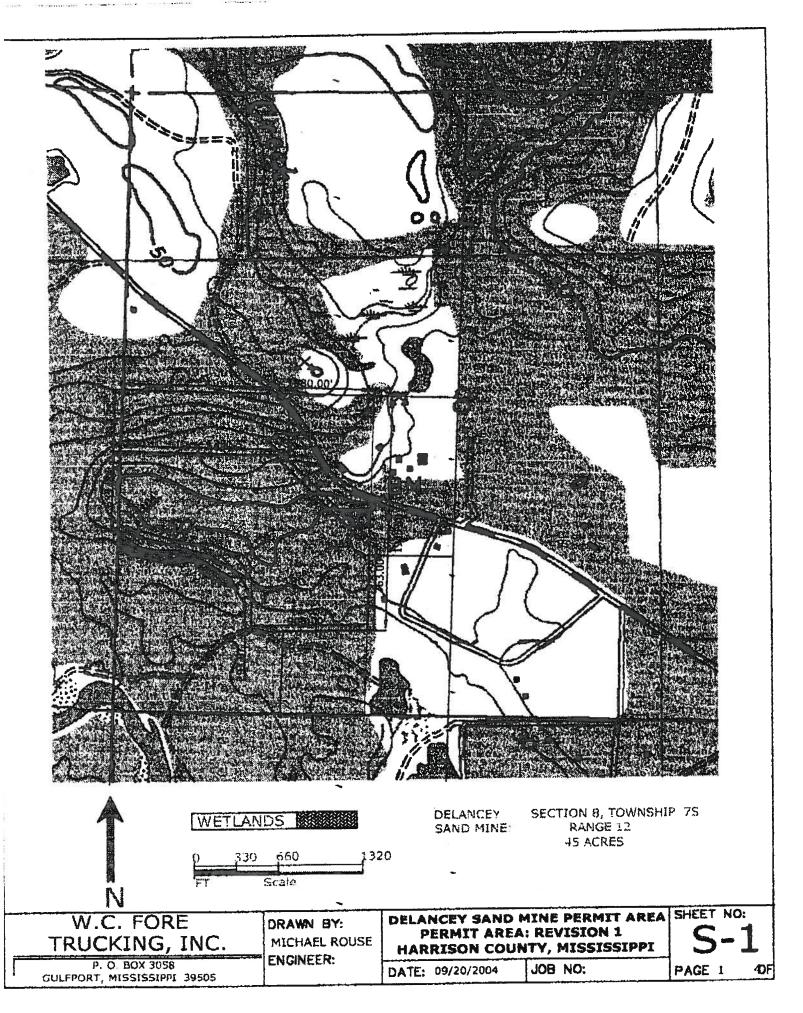
# - ATTACHMENT 1:

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STORM WATER POLLUTION PREVENTION PLAN

SITE LOCATION MAP

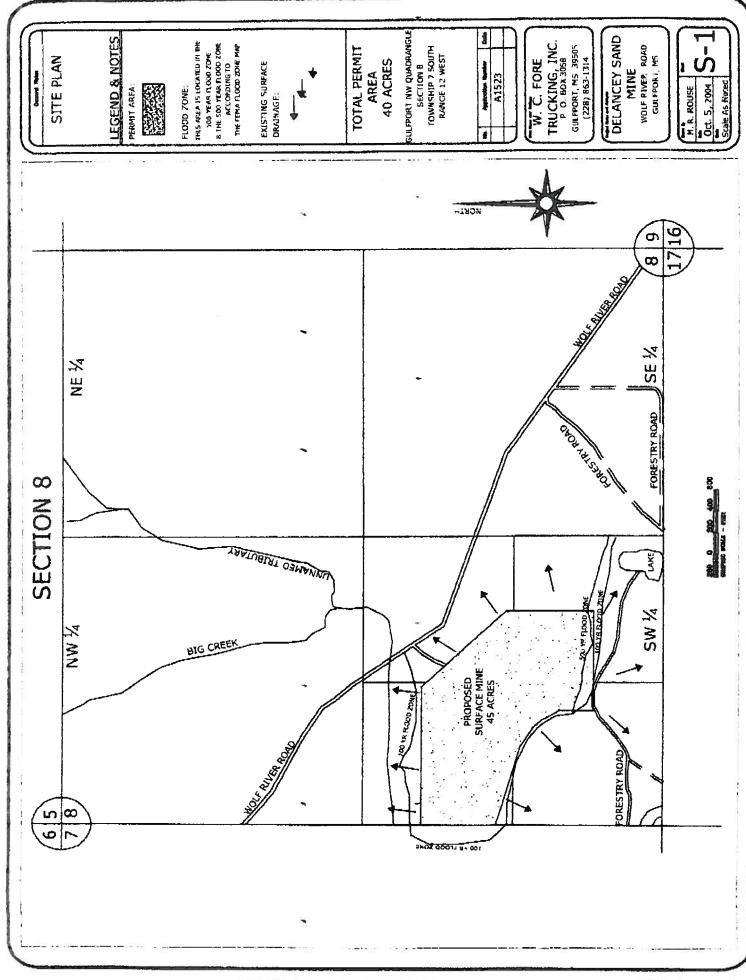
RECLAMATION SITE MAP



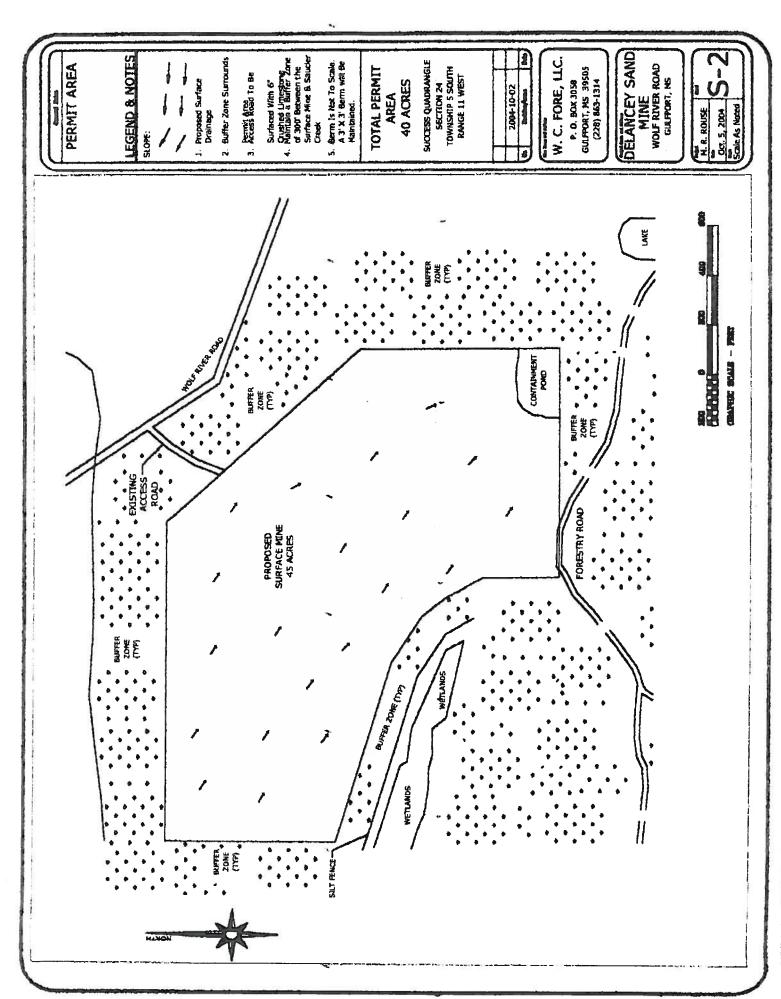
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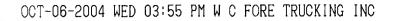
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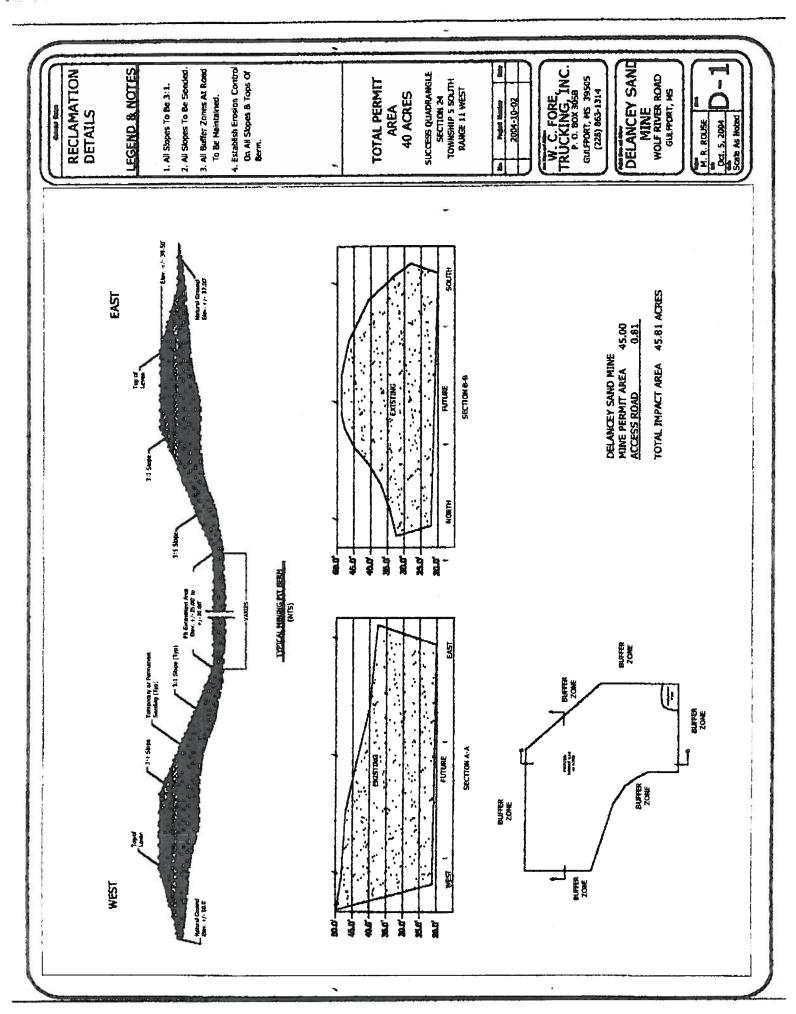






FAX NO. 2288640013

P. 20







## MINING NOTICE OF INTENT (MNOI) FOR COVERAGE UNDER MINING STORM WATER GENERAL NPDES PERMIT MSR32 \_\_\_\_\_\_ (Number to be assigned by State)

# (file at least 30 days prior to the commencement of mining; 15 days if Storm Water Pollution Prevention Plan is already on file)

Applicant must be operator or owner. (Applicant receives coverage and is responsible for operator's compliance with permit)

IS APPLICANT THE OPERATOR OR OWNER? (circle one or both)

<b>OPERATOR CONTACT PERSON:</b>	W. C. Fors
OPERATOR COMPANY NAME:	W. C. Fore Trucking, Inc.
OPERATOR STREET (P. O. BOX):	P. O. Box 3058
OPERATOR CITY: Guifgert	STATE: MS ZIP: 39505
OPERATOR TELEPHONE NUMBER (I	NCLUDE AREA CODE): (228) 863-1314

(List owner if different than operator)

 OWNER CONTACT PERSON:
 Dollie Bell

 OWNER COMPANY:
 None

 OWNER STREET (P. O. BOX):
 P. O. Box 2141

 OWNER CITY:
 Guifgort
 STATE: MS ZIP: 39501

 OWNER TELEPHONE NUMBER (INCLUDE AREA CODE):
 None

 NAME OF MINE:
 Delancey Sand Mine

MINE LOCATION: City Gulfcort County Harrison

ATTACH A USGS QUAD MAP OUTLINING MINE LOCATION (Maps can be obtained from the Mississippi Office of Geology - 601-961-5523).

RECEIVING STREAM: Wolf River

See Attached of Sheet of Section 8, Township 7 South, Range 12 West 4 4 STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: 1442 (if known) TOTAL ACREAGE: MATERIAL TO BE MINED: Sand and Clay 45 DOES THIS MINE NEED A CORPS OF ENGINEERS WETLANDS (Sec. 404) PERMIT? No WILL HYDRAULIC DREDGING BE USED? No WASHING OF SAND/GRAVEL? No LIST ANY NPDES PERMIT NO. N/A. STATE OPERATING PERMIT NO. N/A. GEOLOGY PERMIT APPLICATION NO. N/A. OR GEOLOGY PERMIT NO. N/A. HAS A "NOTICE OF EXEMPT OPERATIONS" BEEN FILED WITH GEOLOGY? (Y/N) No A Geology "Notice of Exempt Operations" or "Notice of Intent to Mine Class I or Class II Materials" must be filed before coverage will be granted under the mining storm water NPDES permit. For information on Office of Geology requirements call 601-961-5515.

ESTIMATED START DATE: October 01. 2004 END DATE: December 01. 2014 ATTACH A STORM WATER POLLUTION PREVENTION PLAN (SWPPP). (SEE PERMIT) IF USING AN ASSOCIATION OR GENERIC SWPPP ALREADY SUBMITTED, GIVE NAME;

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

September 24, 2004 Date Signed

W. C. Fore Printed Name

President Title

This application shall be signed according to the General Permit, Part V.E., as follows:

- For a corporation, by a responsible corporate officer.
- For a partnership, by a general partner.
- For a sole proprietorship, by the proprietor.
- For a municipal, state or other public facility, by either a principal executive officer, the mayor, or ranking elected official.
- Duly Authorized Representative

Location of Operation (to nearest quarter-quarter section):

Northwest ¼ of Southwest ¼, Less North 520' Southwest ¼ of Southwest ¼, Less South 520' Thence Southeast 26.9116° - 896.9' Northeast ¼ Thence Southeast 26.9116° - 896.9' Southeast ¼

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# STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Delancey Sand Mine S8, T7S, R12W (Amended) Harrison County, Mississippi

W. C. Fore Trucking, Inc. -Post Office Box 3058 Gulfport, MS 39505 (228) 863-1314 OCT-06-2004 WED 03:49 PM W C FORE TRUCKING INC FAX NO. 2288640013

# STORM WATER POLLUTION CONTROL PLAN (Amended)-**Delancey Sand Mine** Section 8, Township 7S, Range 12W Harrison County, Mississippi

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W. C. Fore Trucking, Inc.	Hantson County, Mississippi
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Delancey Sand Mins Harrison County, Mississippi

### OVERVIEW

#### Introduction

This document is the Storm Water Pollution Prevention Plan (SWPPP) for property owner Dollie Bell, Post Office Box 2141, Gulfport, Mississippi 39501and its operator, W. C. Fore Trucking, Inc., P.O. Box 3058, Gulfport, MS 39505 of the surface (sand) mining pit known as "Delancey Sand Mine", a 45-acre site located off Wolf River Road in Harrison County, Mississippi.

The existing haul road shall be utilized for ingress and egress. This haul road shall be reconstructed to become a stabilized all weather construction entrance for ingress and egress of all construction traffic. The buffer zones shall remain in their natural vegetative state around the periphery of the site. Only those trees and vegetative growth will be removed that will impede the location and excavation processes of this surface mining pit. Storm water in the buffer zones will follow the natural watercourse. Disturbed areas caused by construction or mining activities shall be temporarily or permanently seeded as the circumstances direct. In the interim, sedimentation and erosion controls shall be put in place as needed. Flow of surface water into the mine will be controlled by the use of erosion control structures.

Clearing and excavation of the surface mining pit will be in an east to west direction. The removed topsoil shall be stockpiled and the overburden will be used to construct the perimeter berm of the mined area. The berm will be constructed and elevated above the existing natural ground. This raised levee will preclude storm water outside the mine perimeter from entering the mined area. A temporary sump basin shall be located in the southeast area of the surface mining operation. The purpose of this temporary sump is to collect sediment and stormwater falling into the mining pit. No impounded stormwater or sediment shall leave the mine pit. All storm water and ground surface water shall be contained within the confines of the mining pit. The earthen berms comprised of the stripped overburden around

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Delancey Sand Mine Harrison County, Mississippi

the periphery of the excavated areas shall preclude the mingling of the storm water outside the pit area and the groundwater/stormwater from the excavation.

Storm water falling outside the pit area shall drain from the area through existing natural watercourses. Ultimately the receiving waters of the State of Mississippi will be Wolf River to the south and south west of the project area through unnamed tributaries. In its undeveloped state the surface mining pit area encompasses the 50-foot elevation, the highest point in the area and stormwater appears to flow to all points of the compass.

The Storm Water Permit shall be displayed in a conspicuous location to enable public review.

This Plan is the criteria for compliance with regulations set forth by the Environmental Protection Agency, 40 CFR, Parts 122, 123 and 124, <u>National Pollutant Discharge Elimination System Application Regulations for Storm Water Management for Construction Activities</u>.

#### **Objective**

The Purpose of this Storm Water Pollution Prevention Plan is to meet the requirements of the State of Mississippi and the Environmental Protection Agency for the control and mitigation of pollutants to storm water discharges associated with this surface mining operation for sand and clay.

### GENERAL REQUIREMENTS

This Storm Water Pollution Prevention Plan consists of certain major activities and controls appropriate for surface mining activities.

**Delancey Sand Mine** Harrison County, Mississippi

A ditch was cut allowing stormwater from the pit are to flow into what appears to be wetlands. This ditch has been filled in and the ditch perimeter has been bermed to preclude any additional stormwater from flowing out of the pit.

### Implementation

- 1. Install stabilized construction entrance.
- 2. Install erosion control structures as needed.
- 3. Perform stripping activities. Topsoil shall be stockpiled for future plating of the slopes and the overburden shall be used to construct the berms around the perimeter of the mining site. Clearing and excavation of the surface mining pit will be in an east to west direction. The topsoil shall be removed and stockpiled. The overburden will be used to construct the perimeter berm of the mined area. The berm will be constructed and elevated above the existing natural ground. This raised levee will preclude storm water outside the pit zone from entering the mined area. Storm water shall drain away from the site through existing natural watercourses and elevation changes. A temporary sump basin shall be located in the southwest area of each phase of the surface mining operation. The purpose of this temporary sump is to collect sediment and stormwater failing into the mining pit. All incidental storm water entering the mining operation and ground water will not leave the pit and shall not be discharged into the waters of the State of Mississippi.
- 4. The general configuration of the mining operation and the construction techniques of the surface mining area have been configured to minimize any impact to the adjacent wetlands.

#### Erosion and Sediment Controls

Mine development will proceed in the planned sequence and every attempt will be made to prevent erosion. All disturbed areas will be managed and revegetated as

**Delancey Sand Mirie** Harrison County, Mississippi

soon as practicable after construction activities. Where applicable, disturbed areas will be stabilized by temporary seeding, permanent seeding, mulching, and/or vegetative buffer strips as each case dictates.

### Structural Practices

In addition to vegetative practices referenced above, certain structural erosion control measures shall be implemented as needed. The measures include diverting flows from exposed soils, storing flows or otherwise limiting runoff from exposed areas. Other structural methods will include straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, outlet protection, detention/retention basins, sediment traps, temporary sediment basins or equivalent sediment controls.

- 1. Construct the sediment / detention pond with the spoils from the excavation to be used in berms.
- Divert upslope surface water around disturbed areas of the site as shown in figure 1, Diversion Dikes.
- 3. Limit the exposure of the disturbed area to the shortest amount of time as practicable.
- Minimize the amount of surface area that must be disturbed at one time.
- 5. Implement the best management practices to mitigate adverse impacts from storm water runoff. Shown in Figures 2, 3, 4, 5 and 6.

Erosion and sediment controls consisting of vegetative and structural practices shall be designed to preserve vegetation or timely revegetated disturbed areas and divert from exposed soils or otherwise limit runoff from exposed areas.

Controls shall be placed to minimize off-site vehicle tracking of sediments.

Controls shall be implemented as needed to retain storm water in an on-site detention pond to prevent adverse impact to receiving streams. When work is not P. 11

Delancey Sand Mine Harrison County, Mississippi

being performed in a disturbed area, appropriate temporary and / or vegetative and structural practices shall be initiated.

Any of the following erosion and sedimentation control measures may be used to control / reduce pollutants in storm water.

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- Temporary Seeding
- Permanent Seeding
- Mulching
- Sod Stabilization
- Vegetative Buffer Strips
- Grassy Swales
- Modification of Contours
- Silt Fences
- Detention Basin

Check Dams

Sedimentation Basin

- Straw Bale Dikes
- Earth and/or Sandbag Dikes
- Brush Barriers
- Subsurface Drains
- Pipe Slope Drains
- Storm Drain Inlet Protection

7

Drainage Swales

Sediment Traps

Rock Outlet Protection

A rain gauge shall be set up on site during mining operations. The rain gauge shall be located in the vicinity of the mining pit. Within twenty-four hours after commencement of a rainfall event greater than or equal to a Two Year 24 Hour Storm Event (6 inches), an inspection of all controls and other SWPPP requirements shall be performed during the permit coverage in compliance with Part IV.B of the permit.

Other controls of importance may include, but are not limited to:

1. Topsoil will be removed from the area to be mined and used to plate diversion dikes and berms.

Defancey Sand Mine Harrison County, Missisalppi

- 2. Preserving existing vegetation and revegetating disturbed soil as soon as possible to limit the exposure time of the disturbed area.
- 3. Surface area that must be disturbed will be minimized.
- 4. Management practices to mitigate adverse impacts from storm water runoff are, but not limited to, interceptor dikes and swales, hay bales, brush barriers, silt fences and sediment traps. Figures 1, 2, 3, 4, 5 and 6.
- 5. Structurally sound dams and levees will be constructed for impoundments as required.
- 6. Encompassing various stockpiles such as fill or topsoil materials with hay bales or silt fence.
- 7. Properly maintaining, cleaning, and repairing the site and erosion prevention controls.

### Inspection Requirements

Inspection of all temporary and vegetative, erosion and sediment controls and other protective measures and SWPPP requirements will be performed during the permit coverage.

After each significant rainfall, but-not less than once a week all disturbed areas, erosion and sediment controls shall be inspected.

At least once every month:

- 1. Within twenty-four hours after commencement of a rainfall event greater than or equal to a Two Year 24 Hour Storm Event (6 inches).
- As often as necessary ensure that appropriate erosion and sediment controls have been properly constructed and maintained.

### Maintenance

1. All needed repairs shall be made within 24 hours.

Delancey Sand Mine Harrison County, Miselesippi

- 2. Remove sediment from inlet protection devices and silt fences when accumulated silt has attained 50 percent capacity.
- 3. Reseed, fertilize and mulch as needed.

### Post Construction

Upon completion of mining activities, post construction control measures shall include on-site infiltration, flow attenuation in vegetated swales and natural depressions and retention structures.

### REPORTING

Inspections will be reported on copies of the forms provided. The report form shall be submitted semi-annually, postmarked not later than the 28<sup>th</sup> day of July or January for each six-month period. All records, reports and information resulting from activities required by this permit shall be retained of at least three years from the date of the MNOI, inspection or report. The inspection report is attached at the end of this SWPPP. This form shall be duplicated as necessary.

## NONCOMPLIANCE REPORTING

- 1. <u>Anticipated Noncompliance</u>: The Mississippi Office of Pollution Control (OPC) will be given at least ten days advance notice, if possible, before any planned noncompliance with permit requirements.
- 2. Unanticipated Noncompliance: The Mississippi Office of Pollution Control (OPC) shall be notified orally within 24 hours from the time that W. C. Fore Trucking becomes aware of the unanticipated noncompliance. A written report will be provided the OPC within five working days from the time the operator becomes aware of the circumstances. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence and, if the noncompliance has not ceased, the anticipated time for correction.

Form MRS-13

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEOLOGY Mining and Reclamation Division P. O. Box 20307 Jackson, Mississippi 39289-1307 (601) 961-5515 PUBLIC NOTICE

Public Notice No. 1523 Application No. A1523

Date: September 22, 2004

TO WHOM IT MAY CONCERN:

The office of Geology has received:

an Application for a Surface Mining Permit

pursuant to Section 7 of the Mississippi Surface Mining and Reclamation Act of 1977, as described below:

APPLICANT: W. C. Fore Trucking, Inc. P. O. Box 3058 Gulfport, MS 39505

- LOCATION: SW 1/4 of SW 1/4 SE 1/4 SW 1/4; S 1/2 of NW 1/4 of SW 1/4; SW 1/4 of NE 1/4 of SW 1/4 of Section 8, Township 7 South, Range 12 West, Harrison County, Mississippi
- DESCRIPTION: This notice replaces notice number A1523 dated August 31, 2004, for 70-acres, and is 45 acres of those 70 acres. Applicant proposes to open pit mine 45-acres of land for sand to a total depth of 25 feet. Settling ponds will be utilized as a type of erosion control structure. Reclamation will consist of 3 to 1 slopes and grass will be established.

This public notice is being distributed to interested persons and agencies to assist in developing facts on which a decision by the Office of Geology can be based. You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter. All agencies and persons shall have until October 7, 2004, to submit comments, recommendations, or evaluations to the Office of Geology. Comments by an agency shall include an enumeration of permits or licenses required under the agency's jurisdiction.

If further information is needed, an agency may be furnished a copy of the notice of intent or permit application. Any person may receive a copy of the notice of intent or permit application upon payment of the ten-dollar (\$10.00) fee established in Rule 104 of the Rules and Regulations.

In the event comments are not received by October 7, 2004, the Office of Geology will consider that the agency has no comments, recommendations and/or evaluations that the agency deems necessary and proper based upon the effect of the proposed operation on matters within the agency's jurisdiction. Permit No.

## STATE OF MISSISSIPPI

Application No. A 1523

P. 02

# SURFACE MINING PERMIT APPLICATION

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEOLOGY / MINING & RECLAMATION DIVISION

Other permits required: Y/N Date NPDES State Operating Permit Corps of Engineers	P. O. Box 20307 Jackson, Mississippi 39289-1307 (601) 961-5515 Fax (601) 961-5521 Far Office use only	City/County approval Required Yes No Received Date County City
. GENERAL INFORMATION		
1. Name of Applicant: W. C. Fore Truckin	a. Inc.	
Mailing Address: P. O. Box 3058	Gulfport, MS 39505 MA	
E-mail Address	1/31/04	
Phone No. (228) 863-1314	Fax No. (228) 864-0013	
Authorized Representative W. C. Form	THE INC. LEADED OF THE	
2. Engineering Firm, Consultant, etc.		
Mailing Address:		
E-mail Address:		
Phone No.	Fax No.	
3. Name of Mine: Delancev Sand Mine	Mine Supervisor: W. C. Fore	
Phone No. (228) 863-1314	Fax No. (228) 864-1	314
4. Location of Operation (to nearest quarter-quarte		
See Page 5	<u>8 7 South 12 We</u> Section Township Rang	
5. Type of Application	6. Method of Operation	
XX Initial Permit for Operation	XX Open Pit	Strip Dredge
Amendment to Expand Operation	Wash Operation, if a	-
Amendment to an Existing Operation (not involving acreage change)	Water Source Wash System Type Closed system	
7. Number of Acres to be Permitted:	8. Is the Permit Area located:	Open system
Excavation 4-2	a. within 100 feet of a put	lic road?
Haul roads, plant site, ponds,11 storage piles, etc.	b. within 100 feet of a centre within 300 feet of an order of an order of an order of a property d. within 25 feet of a property d. within 25 feet of a property of a prop	cupied building?
If this application is an amendment to expand an existing permit, number of additional acres to be permitted	Office giving permission	letter must be filed with the a from the owner or maintaining these distances to the subject
TOTAL PERMITTED AREA	9. Materials to be Mined:	Sand
Form MRD-3, Rev. 3-03		

.

- 10. Has the applicant applied for, or have, any other permits or licenses that pertain to this or any other mining operation? Yes XX No \_\_\_\_\_
- If "YES," list them in the space provided on page 5, or attach separate pages, and give the current status of each, including any violations or penalties.

# B. MINING PROCEDURE AND ENVIRONMENTAL ANALYSIS

	1.	Description of materials:		2.	Anticipated Schedule	(month/year)
	- 1	Thickness of overburden (Topsoil MUST be stockpiled for use during reclamation)	<b>0.667</b> ft		Begin clearing	
					Begin mining	
		Thickness of uscable material	<b>25.00</b> ft		Complete mining	12/2007
	Ĩ	fotal depth of excavation	<b>25.00</b> ft		Begin reclamation	<u>12 / 2007</u>
	E	stimated annual production	50,000 tons		Complete reclamation	
:	<b>3</b> . 1	Depth to ground water:	<u>5.00</u> R	5.	Types of erosion control	
4	4. ]	How will dust be controlled?			utilized.	
					XX Settling ponds	Drainage ditches
	-	XX Water on haul roads			Diversion berms	Terraced slopes
	-	A				
6	5. r	Describe the land to be affected by	mining as it presently exists;			
		a. Land useMining Arna			and the second second	• 0* • • • • • •
7		Vill explosives be used? Yes			egetation <u>Gram. Scru</u>	
_				<b>ð</b> .	Is test-boring data availa	ble? Ycs XX No
		re toxic materials likely to be end				
10		/ill there be any discharge to local	streams or other bodies of wa	ter?	Yes XX No	
11	any	of questions 7-10 are answered "	rES," provide additional info	rmation d	on page 5, or attach separa	tte pages.
C. R	EC	LAMATION PLAN	NOTE: It is suggested that recommendations	t the co on the i	unty NRCS office be co following items.	onsulted for specific
1.	D	escribe the soil handling techn	ique for the reclamation ph	usse of t	he operation:	
		XX. Topsoil segregated	Mixed strata			
2.	D sta	escribe the protection method to ockpiled topsoil.	for the	3.	How will highwalls reduced to minimiz	standing faces, and banks be e erosion? (All highwalls himum 3 horizontal to 1 vertical.)
		_ berm around the storage pile	8		slopes will b	e terraced
		a grass cover on the pile (reco	ommended)		XX sloped to a g	radient of 3 to 1
		_stored under a cover			blended with	n surrounding contours
					_XX NO HIGHWA	LLS

P. 03

4	What is the general plan for rec	lamation?			5.	What planting metho	od will be used?
	XX establish grass cover					XX broadcast socd	mochanical seedin
	pond or lake					s seeding by man	
6.	How will fertilizer and lime be a	pplied and incorpo	orated?				
	XX harrowing	10 broadcasti	ng	disking			
7.	Quantity of lime and fertilizer to	be applied?					
	a. For initial planting						
	lime: <u>2</u> tons per acre						
	fertilizer <u>13 - 19 - 13</u> (	(type)	<b></b> p	ounds per acre			
	b. For successive years prio	r to 100% release					
	fertilizer: 13 - 13 - 13 (1)	/pe)	200 pr	ounds per acre			
	when: <u>April</u> (month)						
8.	Describe the planting schedule:						
	Tree or Seed Species		Tree spac or lbs./a	ing crc		Planting Season	
	Bahia						
			former and the second sec			·April	<u>ه.</u>
		<u> </u>	<b></b>				-
				··			-
9. <b>V</b>	Will the area be mulched? Yes	XX No	16				-
	Acthod of holding in place:	XX crimped	it yes, rate p	er acre			
		•					
	How will the vegetation be mainta	ined until the fina	bond release?				
	watcring						
	mowing						8
	times per year						
	approximate month(s)		• •			<b>_</b>	
	_XX repairing gullies						
	replanting croded areas						
	h	• <b></b>					
п. н	low will debris be disposed of whe	n the mine is finali	y closed?				
		_XX burning		t hauling a	wav	,	
12. W N	(ill a soil analysis be submitted for OTE: available from the Cooperati	this site? Y ve Extension Serve	es _XX No	-	•		
	stimated cost per acre for reclamati						

# D. NAMES AND ADDRESSES OF PERSONS AFFECTED BY THIS OPERATION

I.	Landowner(s) of area to be mi	ned/leased		
	Name:	Dollin Beil	Name	8
	Address	P. O. Box 2141	Address:	8
		Gulfport, MS 39501		A
	Phone:	None	Phone:	B
2,	Landowner(s) within 500 feet of	of the area		<b>A</b> -
	Name	Hone H. VOELKEL	An ol 131 Name:	ARTHUR: SABADEA PULITZER 8/31/04
	Address	3189 Gleneeden Way	Address:	201 NORTH LINE
		San Jose, CA 95117		METARIE, LA 10005
	Phone.	Aurora	Phone	4
	Name:	£	Name:	4
	Address	L	Address	£
		Ł		
	Phone	L	Phone:	2
3 <sub>0</sub> 1	Person(s) living on permit area			
	Name:	None	Name:	9
	Address:		Address:	
			۰	
	Phone:		Phone:	

I declare that I have knowledge of the facts presented in the preceding pages and in all of the items attached to this application; furthermore, I certify that they are true to the best of my knowledge.

> August 24. 2004 date

TORO signature

C. Fore printed name

	e Truckin				P. O. Box 30	58				Gulfport, M	5 395
Mr	Wallace C.	Fore			(228) 863-1314						2 373
ERMIT	APP.#	%REL	ADD INFO	COUNTY	SECTION	TWN	RNG E		T. ACRES	MATERIAL	
02-027	A1394		annual	Hancock	22 and 23	75	16W	37.25	40		
010-210	A1290		annual	Harrison	21	7N	12W	38.2	40	dirt and sand dirt and sand	
3-021	A 1454		annual	Harrison	33	<b>7</b> S	нw	53.6	55.53	dirt and sand	
7-027	A261		annual	Harrison	13	7S	13W	28	28	sand and clay	
8-027	A309		annual	Harrison	1	7S	11 <b>W</b>	30	38	sand and clay	
2-024	A490		annual	Hancock	24	7S	16W	20	22	borrow/soil	
3-048	A614			Hancock	24 and 8	7S	16W	29	29	fill dirt	
5-047T	A783T		annual	Hancock	34	8S	15W	10	10	sand and sandy clay	
8.8							Т	otal:	262.53		

Fore Construction In

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# E. ADDITIONAL COMMENTS

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ltem Number	Space for d	etailed answers to an	y of the previous items.	Indicate item number to which the answers appl
10	Permit P87-027	28 Acres	Harrison County	
10	Permit <b>P93-048</b>	29 Acres	Hancock County	
10	Permit <b>P8</b> 7-045	35 Acres	Jackson County	
10	Permit P88-027	38 Астев	Harrison County	
10	Permit P92-024	22 Acres	Hancock County	
10	Permit P02-027	40 Acres	Hancock County	
4	Northwest 1/4 of South	Twest %, Less Nor	ih 520',	
	Southwest ¼ of Sout	west 14, Lass Sou	th 520',	
	Thence Southeest 26.	9116° - 896,9' Nor	thoust 14,	
	Thence Southeast 26.	9116" - 896.9' Sout	ineast 14.	
	· · · · · · · · · · · · · · · · · · ·			
		· · · · · · · · · · · · · · · · · · ·		
			×	
			• • • • • • • • • • • • • • • • • • •	
If	more space is required us	e full sheets of nam	or the same all i	s page. Attach all sheets to this application.

## F. ADDITIONAL REQUIREMENTS

The following described fee, documents and information, as required by the Mississippi Surface Mining and Reclamation

- Act, must be submitted to the Office of Geology before the application can be processed.
- 1. APPLICATION FEE: \$100 plus \$10 per acre. Maximum fee is \$500.
- 2. CERTIFICATE OF INSURANCE: Must indicate that the applicant has sufficient liability insurance in an amount not less than \$100,000/300,000 for Bodily Injury and \$100,000 for Property Damage.
- 3. PERFORMANCE BOND: Must be at least \$500/acre and not more than \$2500/acre and is based on the applicant's estimate of the reclamation cost. The "TOTAL PERMITTED AREA" in A-7, page 1, is the number of acres to be bonded. A Certificate of Deposit may be substituted.
- 4. PROOF OF THE APPLICANT'S LEGAL RIGHT TO MINE: A lease, deed, or agreement that includes a legal description of the permit area. This includes city or county approval, if applicable. This must be notarized.
- 5. COMPLETED ORGANIZATION REPORT FORM MRD-1.
- 6. MAPS, AERIAL PHOTOGRAPHS, OR DRAWINGS of the mine area:
  - A. On a USGS Topographic Map (8 1/2" x 11" photocopy of applicable portion of topographic map):

Name of Topographic Map Gulfport North Wast Ouadrangle, Harrison County

- I. Locate water wells within 0.5 mile of the permit area.
- 2. Outline boundaries of both the permit area and the entire mine area (if different).
- 3. Draw access to the nearest public road from the mine.
- 4. Illustrate how surface drainage will be conducted or changed.
- B. Additional Drawings or Maps

General site plan showing location of excavations, spoil piles, settling ponds, plant, etc. (8 1/2" x 11")

# MISSISSIPPI SURFACE MINING OPERATORS

# Surface Mining Permits

6

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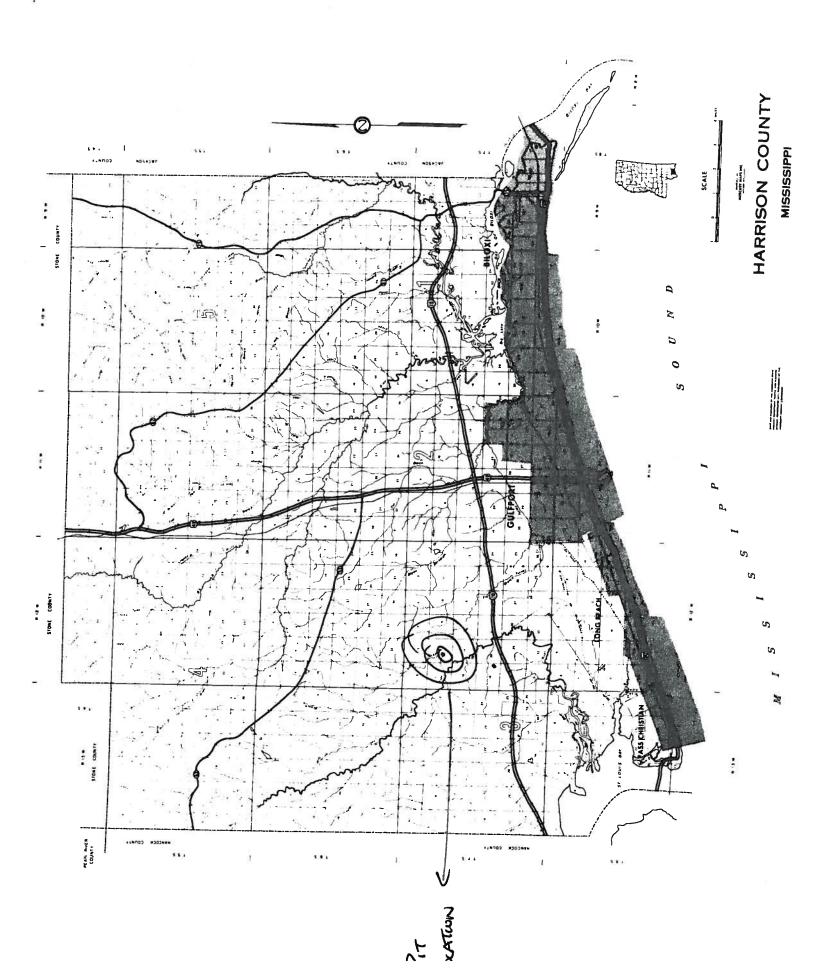
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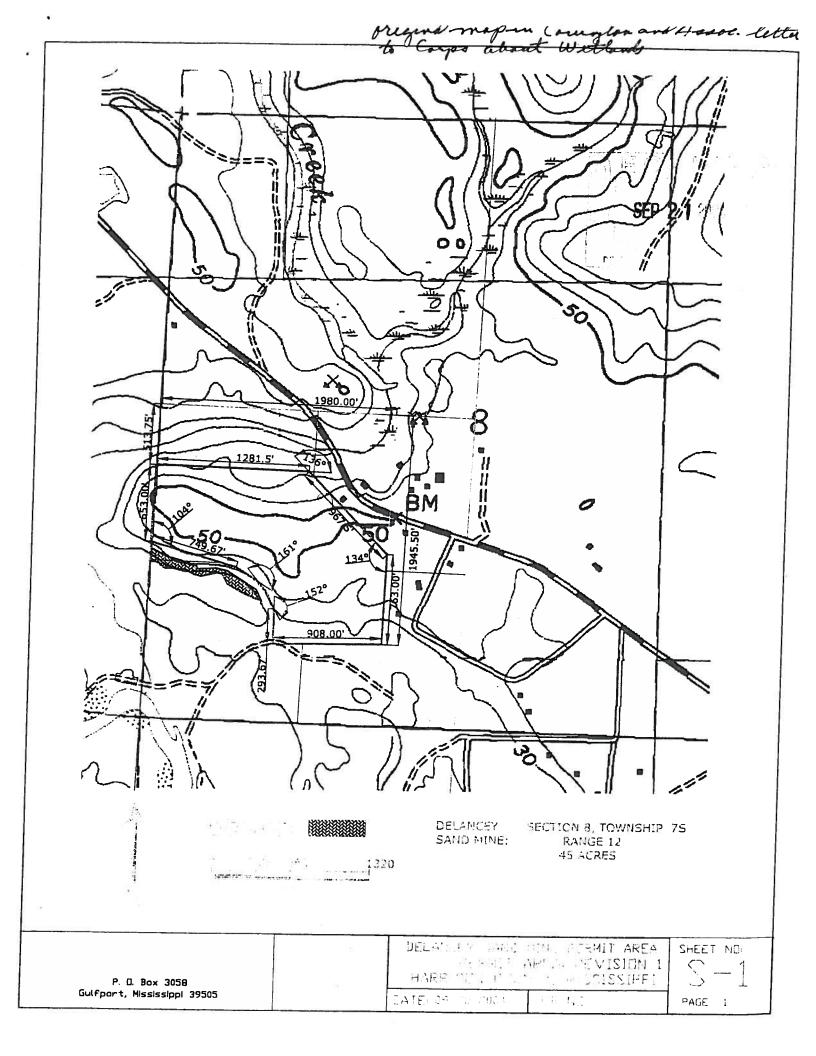
Farrish Gravel Con	npany, Inc.			P. O. Box 11	2				Greenwood, MS 38
Mr. John Fami				601-453-135	1				
PERMIT APP.#	%REL	ADD INFO	COUNTY	SECTION	TWN	RNG EX	CAVATE	T. ACRES	MATERIAL
P79-024 A047		bankrupt	Panola	25	9S	8W	9.7	9.7	gravel
1	]					T	otal:	9.7	FAR

L L Ferou	ison Sand	& Gravel			P. O. Drawer	660				Greenwood, MS 38930
	. Rocky Sice				(662) 453-54	51				
	APP.#	%REL	ADD INFO	COUNTY	SECTION	TWN	RNG EX	CAVATE	T. ACRES	MATERIAL
	A1307		annual	Montgomery		18N	7E	9.8	10.8	borrow
200-056T	A063		annual	Holmes	6	14N	2E	10.8	23.7	gravel
80-009	A127		Т	Holmes	6	14N	2E	7	7	sand-clay
982-008 982-017	A137	60%	annual	Carroll	16	17N	2E	11.6	11.6	sand-clay
P86-008	A211	90%		Carroll	9	17N	2E	10.5	10.5	sand-clay
P86-009	A212	,,,,,		Holmes	6	14N	2E	12.5	12.5	sand and clay gravel
-80-009 -87-009	A248			Carroll	9	17N	2E	20	20	sand and gravel
88-017	A303			Carroll	් 9	17N	2E	10.1	10.1	sand, clay & gravel
91-060	A 462	90%	annual	Carroll	9	17N	2E	8.1	10.1	sand, clay & gravel
92-025	A491	90%	annual	Carroll	15	17N	2E	0	7. <del>9</del>	sand, clay & gravel
92-025	A494		annual	Carroll	9	17N	2E	12.9	14.7	sand. clay & gravel
92-044	A510			Carroll	10	17N	2E	0	2.6	sediment pond
P98-011	A1125		annual	Carroll	16	17N	2E	80	89	clay gravel
P98-027	A1143		annual	Carroll	15	17N	2E	12	17	clay gravel
							T	otal:	247.5	FERGUSO
14	14						2			

W. C. Fore Trucking, Inc. Mr. Wallace C. Fore				Р. О. Вох 3058					Gulfport, MS 39505		
					(228) 863-1314						
PERMIT	APP.#	%REL	ADD INFO	COUNTY	SECTION	TWN	RNG EX	CAVATE	T. ACRES	MATERIAL	
P02-027	A1394		annual	Hancock	22 and 23	7S	16W	37.25	40	dirt and sand	
-02-027 203-010	A1394		annual	Harrison	21	7N	12W	38.2	40	dirt and sand	
03-021	A1290		annual	Harrison	33	7S	11 <b>W</b>	53.6	55.53	dirt and sand	
87-027	A261		annual	Harrison	13	7S	13W	28	28	sand and clay	
88-027	A309		annual	Harrison	1	7S	11W	30	38	sand and clay	
92-024	A490		annual	Hancock	24	7S	16W	20	22	borrow/soil	
93-048	A614			Hancock	24 and 8	7S	16W	29	29	fill dirt	
95-047T	A783T		annual	Hancock	34	85	15W	10	10	sand and sandy clay	
	8		<u> </u>					otal:	262.53		FOR

Fore Construction, Inc.					P. O. Box 23	24	Gulfport, MS 3950	5-2324			
Pat Fore, Jr.			(228) 831-5148								
PERMIT	APP.#	%REL	ADD INFO	COUNTY	SECTION	TWN	RNG EX	CAVATE	T. ACRES	MATERIAL	
P96-047	A1034		annual	Harrison	7	75	12W	30	30	sand and clay	
1	<b>n</b>						T	otal:	30		FOREC





Billy Warden Copy FOR

#### STATE OF MISSISSIPPI

HALEY BARBOUR GOVERNOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

October 6, 2004

Mr. W. C. Fore, President W C Fore Trucking Inc, Delancey Sand Mine PO Box 3058 Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: W C Fore Trucking Inc, Delancey Sand Mine Gulfport, Harrison County AI No. 19151

This letter is to confirm the telephone conversation on October 5, 2004, between you, Michael Bograd, and me.

MDEQ staff will present all environmental permits to the Permit Board for their consideration at their October 12, 2004, meeting. Our recommendation will be that the Permit Board issue the permits contingent and effective upon receipt by MDEQ of a signed Agreed Order. Also, you agreed to be present for the meeting to address any questions the Permit Board might have and to provide any assurance that they may need regarding your intent to enter into the Agreed Order. If the Permit Board approves the surface mining permit and storm water coverage and MDEQ has received the signed Agreed Order, the permits would be effectively issued. Once the permits are issued, mining could legally begin at the site. The Agreed Order requirements must be met within the timeframes specified in the Agreed Order.

Also, I explained that the Office of Pollution Control still needed some updated information submitted to them to complete the revised application for the site. Ross Williams of our staff has discussed the specifics with Mr. Bob Gavin, who indicated that this information would be provided to us this week. Please be aware that if this information is not received in a timely manner, we will not be able to recommend issuance of the OPC permit at this time.

If you have any questions, feel free to contact me. Otherwise, we will see you at the Permit Board meeting on October 12, 2004. The meeting will begin at 9:00 a.m.

Sincerely, Walts

Don Watts, Chief Environmental Compliance and Enforcement Division



#### STATE OF MISSISSIPPI HALEY BARBOUR GOVERNOR MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

### **MEMORANDUM**

To: Ken McCarley, Office of Geology

Cc: Ross Williams, EPD, Solid Waste and Mining Branch

From: Robert Seyfarth, EPD, Water Quality Certification Branch

Date: September 1, 2004

Re: W.C. Fore Trucking, Inc., Public Notice No. 1523

The Water Quality Certification Branch (WQCB) of the Environmental Permits Division has reviewed the above referenced project. WQCB has determined this project may impact possible wetland areas and waters of the State. Therefore, the applicant should contact the U.S. Army Corps of Engineers, Mobile District to determine if an individual 404 permit is required. The applicant should contact Mr. Frank Hubiak at (251) 690-3186. If no permit is required, we have no objections to this project provided appropriate best management practices and required buffer zones are implemented and maintained within this project area. These BMPs include but are not limited to installation and maintenance of silt fences and hay bales, as well as, maintaining required buffer zones from streams. The required buffer zones from streams are as follows:

- 50' buffer from intermittent streams
- 150' buffer from perennial streams
- 300' buffer from navigable waterways

Should you have any questions, please contact Ms. Carrie Hodges of my staff at extension 5322.

2288640013 AUG-24-2004 TUE 02:59 PM W C FORE TRUCKING INC

FAX NO. 2288640013

AI#19151



## MINING NOTICE OF INTENT (MNOI) FOR COVERAGE UNDER MINING STORM WATER GENERAL NPDES PERMIT MSR32 13 1 (Number to be assigned by State)

(file at least 30 days prior to the commencement of mining; 15 days if Storm Water Pollution Prevention Plan is already on file)

Applicant must be operator or owner. (Applicant receives coverage and is responsible for operator's compliance with permit)

IS APPLICANT THE OPERATOR OR OWNER? (circle one or both)

<b>OPERATOR CONTACT PERSON:</b>	W. C. Fore					
OPERATOR COMPANY NAME:	W. C. Fore Trucking, Inc.					
OPERATOR STREET (P. O. BOX):	P. O. Box 3058					
OPERATOR CITY: Gulfport	STATE: MS ZIP: 39505					
OPERATOR TELEPHONE NUMBER (IN	CLUDE AREA CODE): (228) 863-1314					

(List owner if different than operator)

OWNER CONTACT PERSON:	<b>Dollie Bell</b>
OWNER COMPANY:	None

OWNER STREET (P. O. BOX): <u>P. O. Box 2141</u>

OWNER CITY: Guildort STATE: MS ZIP: 39501

OWNER TELEPHONE NUMBER (INCLUDE AREA CODE): None

NAME OF MINE: Delancey Sand Mine

MINE LOCATION: City Gulfgort County Harrison

ATTACH A USGS QUAD MAP OUTLINING MINE LOCATION (Maps can be obtained from the Mississippi Office of Geology - 601-961-5523).

RECEIVING STREAM: Wolf River

/4 of Section 8 , Township 7 South , Range 12 West See Attached /4 of Sheet STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: 1442 (if known) TOTAL ACREAGE: 70 MATERIAL TO BE MINED: Sand DOES THIS MINE NEED A CORPS OF ENGINEERS WETLANDS (Sec. 404) PERMIT? No ASHING OF SAND/GRAVEL? No WILL HYDRAULIC DREDGING BE USED? No STATE OPERATING PERMIT NO. N/A. LIST ANY NPDES PERMIT NO. N/A.

**OR GEOLOGY PERMIT NO. N/A.** GEOLOGY PERMIT APPLICATION NO. N/A.

HAS A "NOTICE OF EXEMPT OPERATIONS" BEEN FILED WITH GEOLOGY? (Y/N) No

A Geology "Notice of Exempt Operations" or "Notice of Intent to Mine Class I or Class II Materials" must be filed before coverage will be granted under the mining storm water NPDES permit. For information on Office of Geology requirements call 601-961-5515.

September 01, 2004 END DATE: December 01, 2014 ESTIMATED START DATE: ATTACH A STORM WATER POLLUTION PREVENTION PLAN (SWPPP). (SEE PERMIT) IF USING AN ASSOCIATION OR GENERIC SWPPP ALREADY SUBMITTED, GIVE NAME:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

August 24, 2 Date Signed

Signature

Printed Name

This application shall be signed according to the General Permit, Part V.E., as follows:

- For a corporation, by a responsible corporate officer.
- For a partnership, by a general partner.
- For a sole proprietorship, by the proprietor.
- For a municipal, state or other public facility, by either a principal executive officer, the mayor, or ranking elected official.
- **Duly Authorized Representative**

Location of Operation (to nearest quarter-quarter section):

Northwest ¼ of Southwest ¼, Less North 520' Southwest ¼ of Southwest ¼, Less South 520' Thence Southeast 26.9116° - 896.9' Northeast ¼ Thence Southeast 26.9116° - 896.9' Southeast ¼

# STORM WATER POLLUTION **PREVENTION PLAN** (SWPPP)

**Delancey Sand Mine** S8, T7S, R12W

Harrison County, Mississippi

W. C. Fore Trucking, Inc. Post Office Box 3058 Gulfport, MS 39505 (228) 863-1314

Page

# STORM WATER POLLUTION CONTROL PLAN

**Delancey Sand Mine** Section 8, Township 7S, Range 12W Harrison County, Mississippi

## **Table of Contents**

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Attachment 1

AUG-24-2004 TUE 03:00 PM W C FORE TRUCKING INC FAX NO. 2288640013 P. 06/25

Storm Water Pollution Control Plan W. C. Fore Trucking, Inc.	Delancey Sand Mine Herrison County, Mississippi
Storm Water Pollution Prevention Plan	11
Site Location Map	11
Reclamation Site Map	11
Typical Drawings	
Typical Interceptor Dikes and Swales	Figure 1
Filter Fence Details	Figure 2
Brush Barrier	Figure 3
Typical Sediment Trap	Figure 4
Surface Roughening	Figure 5
Level Spreaders	Figure 6

**Delancey Sand Mine** Harrison County, Mississippi

#### OVERVIEW

#### Introduction

}

This document is the Storm Water Pollution Prevention Plan (SWPPP) for property owner Dollie Bell, Post Office Box 2141, Gulfport, Mississippi 39501, of the surface (sand) mining pit known as "Delancey Sand Mine", a 70-acre site located in Harrison County, Mississippi.

The existing haul road shall be utilized for ingress and egress. This haul road shall be reconstructed to become a stabilized all weather construction entrance for ingress and egress of all construction traffic. The buffer zones shall remain in their natural vegetative state around the periphery of the site. Only those trees and vegetative growth will be removed that will impede the location and excavation processes of this surface mining pit. Storm water in the buffer zones will follow the natural watercourse. Disturbed areas caused by construction or mining activities shall be temporarily or permanently seeded as the circumstances direct. In the interim, sedimentation and erosion controls shall be put in place as needed. Flow of surface water into the mine will be controlled by the use of erosion control structures.

1. Clearing and excavation of the surface mining pit will be in an east to west direction. The removed topsoil shall be stockpiled and the overburden will be used to construct the perimeter berm of the mined area. The berm will be constructed and elevated above the existing natural ground. This raised levee will preclude storm water from entering the mined area. A temporary sump basin shall be located in the southwest area of the surface mining operation. The purpose of this temporary sump is to collect sediment and stormwater falling into the mining pit. No impounded stormwater or sediment shall leave the mine pit. All storm water and ground surface water shall be contained within the confines of the mining pit. The earthen berms comprised of the stripped overburden around the periphery of the

## W. C. Fore/ Delancey Sand Mine

The next two items on the agenda are applications from W. C. Fore Trucking, Inc. for a mining operation in Southwest Harrison County. The site is located approximately 7 miles north of Pass Christian and 2 miles north of Interstate 10.

the Going

The first application is for the mining permit submitted to and reviewed by the Office of Geology. The applicant has applied for a 45 acre pit from which they propose to mine sand and clay. The pit is located on a 70 acre piece of property owned by Alton and ---- Delancey, and will be referred to as the Delancey Sand Mine. No washing or hydrolic dredging will be utilized during the mining. The reelamation MAN HAS CHEN SUBMITTEED.

The second application is for coverage under the Mining Stormwater General Permit. The application includes a stormwater pollution prevention plan. The plan proposes the construction of berms on the upgradient side of the pit to prevent stormwater run-on into the pit and a retention pond in the pit to control the stormwater inside the pit. Additionally, the use of silt fences, haybales and other similar controls have been proposed. Stormwater of THE WOLFRENCE STORE

The staff of both offices have reviewed the applications and concluded that they are complete and meet the requirements of the applicable regulations. However, the applicant has recently been cited for violations associated with mining activities. The violations include mining without a permit and failure to comply with a cease and desist order issued by the

**Delancey Sand Mine** Harrison County, Mississippi

excavated areas shall preclude the mingling of the storm water outside the pit area and the groundwater/stormwater from the excavation.

Storm water falling outside the pit area shall drain from the area through existing natural watercourses. Ultimately the receiving waters of the State of Mississippi will be Wolf River to the south and south west of the project area through unnamed tributaries. In its undeveloped state the surface mining pit area encompasses the 50-foot elevation, the highest point in the area and stormwater appears to flow to all points of the compass.

The Storm Water Permit shall be displayed in a conspicuous location to enable public review.

This Plan is the criteria for compliance with regulations set forth by the Environmental Protection Agency, 40 CFR, Parts 122, 123 and 124, National Pollutant Discharge Elimination System Application Regulations for Storm Water Management for Construction Activities.

#### Objective

The Purpose of this Storm Water Pollution Prevention Plan is to meet the requirements of the State of Mississippi and the Environmental Protection Agency for the control and mitigation of pollutants to storm water discharges associated with this surface mining operation for sand and clay.

## GENERAL REQUIREMENTS

This Storm Water Pollution Prevention Plan consists of certain major activities and controls appropriate for surface mining activities.

#### Implementation

**Delancey Sand Mine** Harrison County, Mississippi

- 1. Install stabilized construction entrance.
- 2. Install erosion control structures as needed.
- 3. Perform stripping activities. Topsoil shall be stockpiled for future plating of the slopes and the overburden shall be used to construct the berms around the perimeter of the mining site. Clearing and excavation of the surface mining pit will be in an east to west direction. The topsoil shall be removed and stockpiled. The overburden will be used to construct the perimeter berm of the mined area. The berm will be constructed and elevated above the existing natural ground. This raised levee will preclude storm water outside the pit zone from entering the mined area. Storm water shall drain away from the site through existing natural watercourses and elevation changes. A temporary sump basin shall be located in the southwest area of each phase of the surface mining operation. The purpose of this temporary sump is to collect sediment and stormwater falling into the mining pit. All incidental storm water entering the mining operation and ground water will not leave the pit and shall not be discharged into the waters of the State of Mississippi.
- 4. The general configuration of the mining operation and the construction techniques of the surface mining area has been arranged to minimize any impact to the adjacent lands.

#### Erosion and Sediment Controls

Mine development will proceed in the planned sequence and every attempt will be made to prevent erosion. All disturbed areas will be managed and revegetated as soon as practicable after construction activities. Where applicable, disturbed areas will be stabilized by temporary seeding, permanent seeding, mulching, and/or vegetative buffer strips as each case dictates.

**Delancey Sand Mine** Harrison County, Mississippi

## Structural Practices

In addition to vegetative practices referenced above, certain structural erosion control measures shall be implemented as needed. The measures include diverting flows from exposed soils, storing flows or otherwise limiting runoff from exposed areas. Other structural methods will include straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, outlet protection, detention/retention basins, sediment traps, temporary sediment basins or equivalent sediment controls.

- 1. Construct the sediment / detention pond with the spoils from the excavation to be used in berms.
- 2. Divert upslope surface water around disturbed areas of the site as shown in figure 1, Diversion Dikes.
- 3. Limit the exposure of the disturbed area to the shortest amount of time as practicable.
- 4. Minimize the amount of surface area that must be disturbed at one time.
- 5. Implement the best management practices to mitigate adverse impacts from storm water runoff. Shown in Figures 2, 3, 4, 5 and 8.

Erosion and sediment controls consisting of vegetative and structural practices shall be designed to preserve vegetation or timely revegetated disturbed areas and divert from exposed soils or otherwise limit runoff from exposed areas.

Controls shall be placed to minimize off-site vehicle tracking of sediments.

Controls shall be implemented as needed to retain storm water in an on-site detention pond to prevent adverse impact to receiving streams. When work is not being performed in a disturbed area, appropriate temporary and / or vegetative and structural practices shall be initiated.

Delancey Sand Mine Harrison County, Mississippi

Any of the following erosion and sedimentation control measures may be used to control / reduce pollutants in storm water.

- **Temporary Seeding** •
- Permanent Seeding
- Mulchina
- Sod Stabilization
- Vegetative Buffer Strips
- Grassy Swales
- Modification of Contours
- Silt Fences

- Sedimentation Basin •
- Check Dams
- Straw Bale Dikes •
- Earth and/or Sandbag Dikes
- **Brush Barriers** .
- Subsurface Drains .
- Pipe Slope Drains ٠
- Storm Drain Inlet Protection
- **Detention Basin** Drainage Swales
- Sediment Traps Rock Outlet Protection

A rain gauge shall be set up on site during mining operations. The rain gauge shall be located in the vicinity of the mining pit. Within twenty-four hours after commencement of a rainfall event greater than or equal to a Two Year 24 Hour Storm Event (6 inches), an inspection of all controls and other SWPPP requirements shall be performed during the permit coverage in compliance with Part IV.B of the permit.

Other controls of importance may include, but are not limited to:

- Topsoil will be removed from the area to be mined and used to plate diversion dikes and berms.
- 2. Preserving existing vegetation and revegetating disturbed soil as soon as possible to limit the exposure time of the disturbed area.

**Delancey Sand Mine** Harrison County, Mississippi

- 3. Surface area that must be disturbed will be minimized.
- 4. Management practices to mitigate adverse impacts from storm water runoff are, but not limited to, interceptor dikes and swales, hay bales, brush barriers, silt fences and sediment traps. Figures 1, 2, 3, 4, 5 and 6.
- 5. Structurally sound dams and levees will be constructed for impoundments as required.
- 6. Encompassing various stockpiles such as fill or topsoll materials with hay bales or silt fence.
- 7. Properly maintaining, cleaning, and repairing the site and erosion prevention controls.

#### Inspection Requirements

Inspection of all temporary and vegetative, erosion and sediment controls and other protective measures and SWPPP requirements will be performed during the permit coverage.

After each significant rainfall, but not less than once a week all disturbed areas, erosion and sediment controls shall be inspected.

At least once every month:

- 1. Within twenty-four hours after commencement of a rainfall event greater than or equal to a Two Year 24 Hour Storm Event (6 inches).
- 2. As often as necessary ensure that appropriate erosion and sediment controls have been properly constructed and maintained.

## <u>Maintenance</u>

- 1. All needed repairs shall be made within 24 hours.
- 2. Remove sediment from inlet protection devices and silt fences when accumulated silt has attained 50 percent capacity.
- Reseed, fertilize and mulch as needed.

**Delancey Sand Mine** Harrison County, Mississippi

#### Post Construction

Upon completion of mining activities, post construction control measures shall include on-site infiltration, flow attenuation in vegetated swales and natural depressions and retention structures.

#### REPORTING

inspections will be reported on copies of the forms provided. The report form shall be submitted semi-annually, postmarked not later than the 28th day of July or January for each six-month period. All records, reports and information resulting from activities required by this permit shall be retained of at least three years from the date of the MNOI, inspection or report. The inspection report is attached at the end of this SWPPP. This form shall be duplicated as necessary.

## NONCOMPLIANCE REPORTING

- 1. Anticipated Noncompliance: The Mississippi Office of Pollution Control (OPC) will be given at least ten days advance notice, if possible, before any planned noncompliance with permit requirements.
- 2. Unanticipated Noncompliance: The Mississippi Office of Pollution Control (OPC) shall be notified orally within 24 hours from the time that W. C. Fore Trucking becomes aware of the unanticipated noncompliance. A written report will be provided the OPC within five working days from the time the operator becomes aware of the circumstances. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence and, if the noncompliance has not ceased, the anticipated time for correction.

# TERMINATION of REPORTING and PERMIT COVERAGE

**Delancey Sand Mine** Harrison County, Mississippi

Upon successful completion of all permanent erosion control and sediment controls for a covered project, a certification of the same will be submitted to the Mississippi Office of Pollution Control. Inspections shall continue for at least two months beyond completion. If controls have been successful during these two months, reporting and permit coverage is automatically terminated unless notified by OPC within thirty days of receiving the final inspection report.

#### POLLUTION PREVENTION PLAN CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons responsible for gathering the information, the information submitted, to the best of my knowledge and belief, true accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

<b>^</b> :t	the a Dong
Signed:	W. C. Fore

Date: August 24, 2004

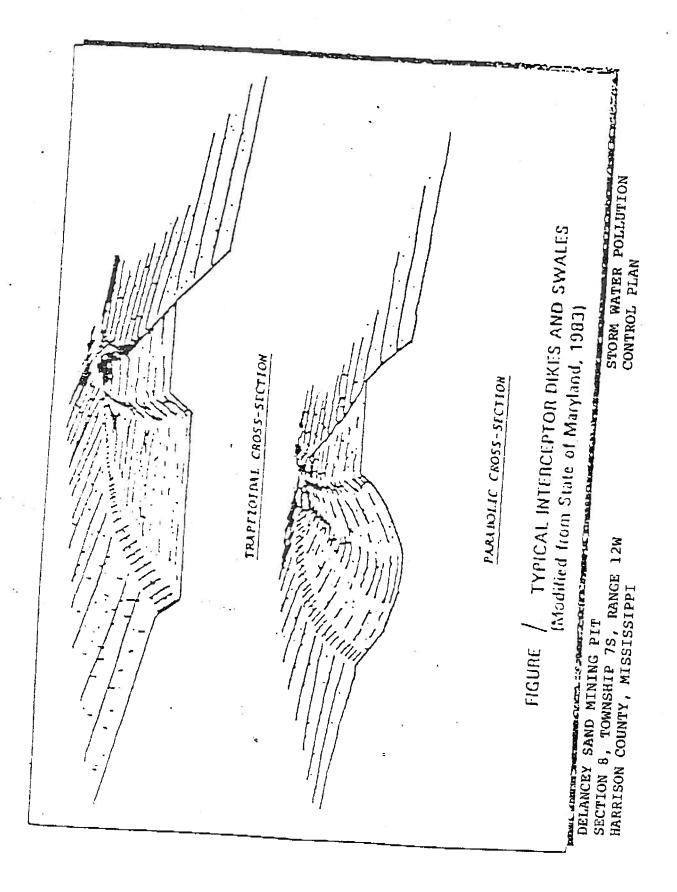
**Delancey Sand Mine** Harrison County, Mississippi

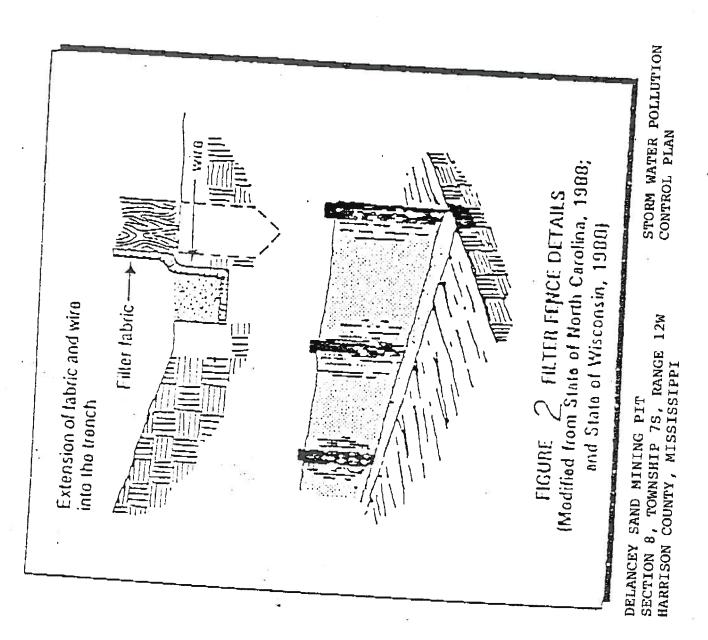
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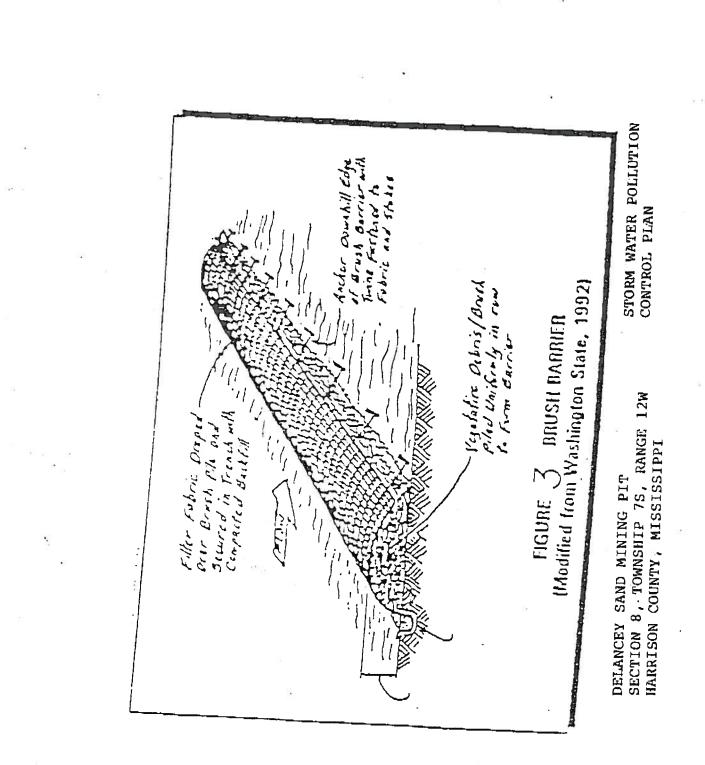
STORM WATER POLLUTION **PREVENTION PLAN** 

# SITE LOCATION MAP

**RECLAMATION SITE MAP** 





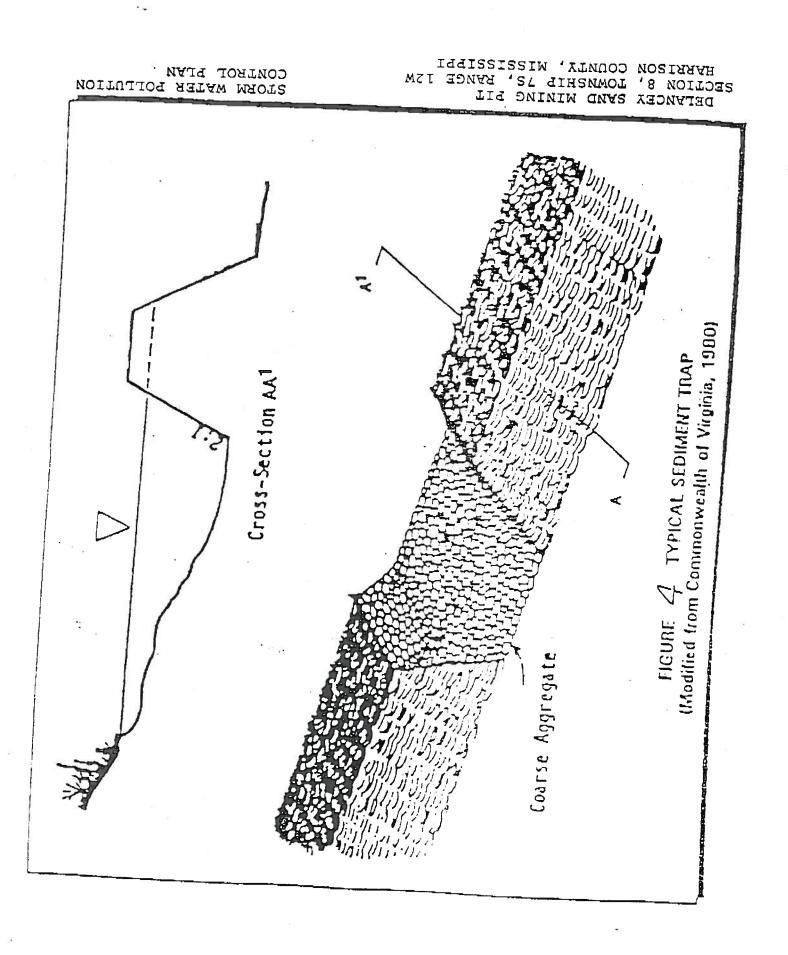


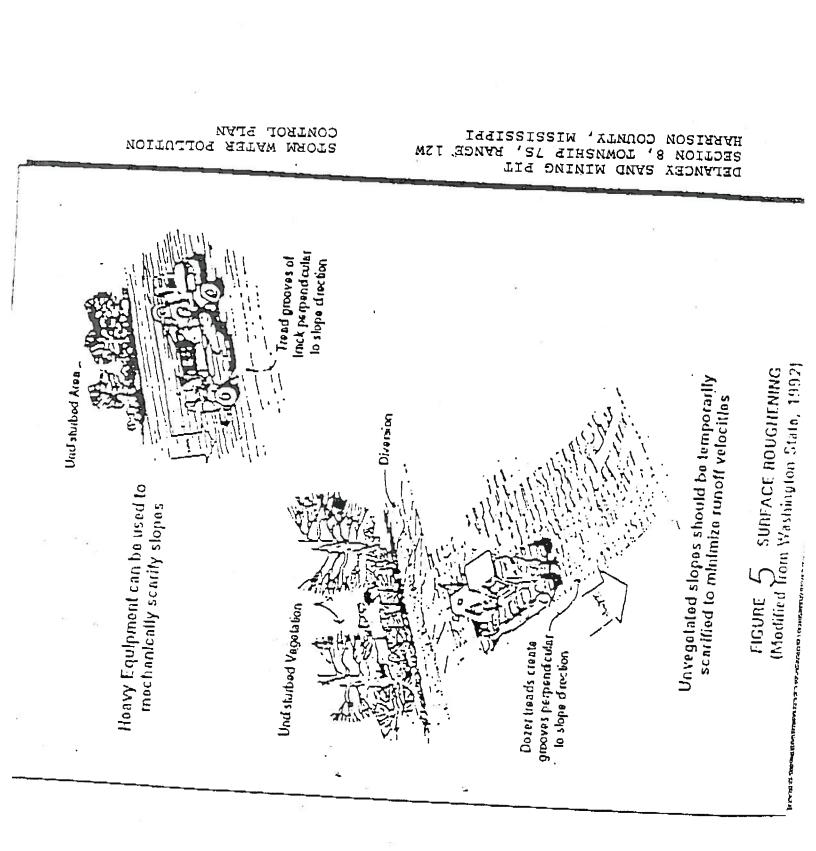
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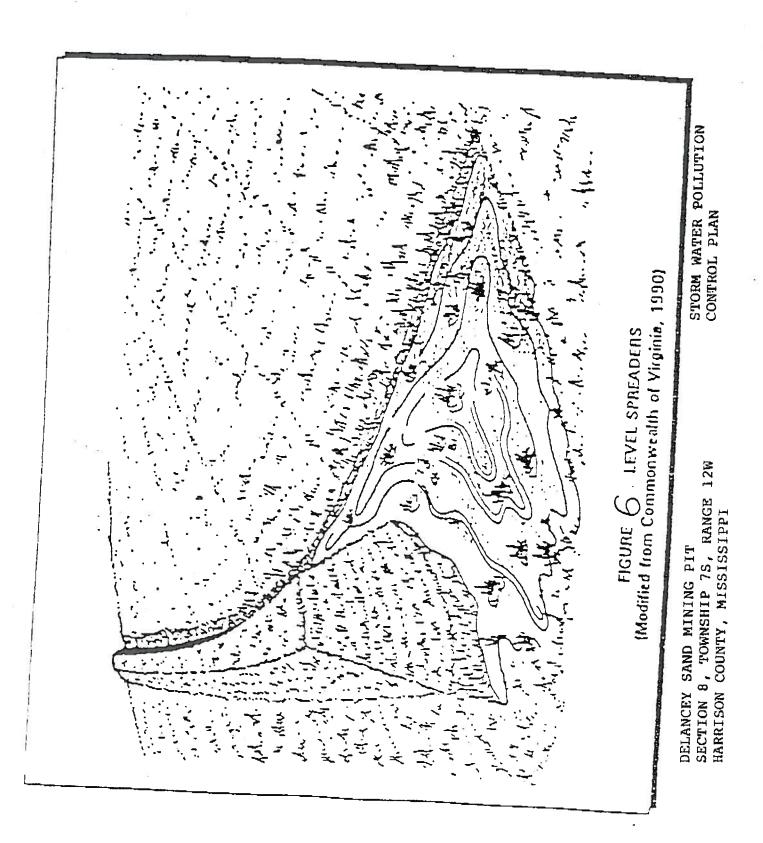




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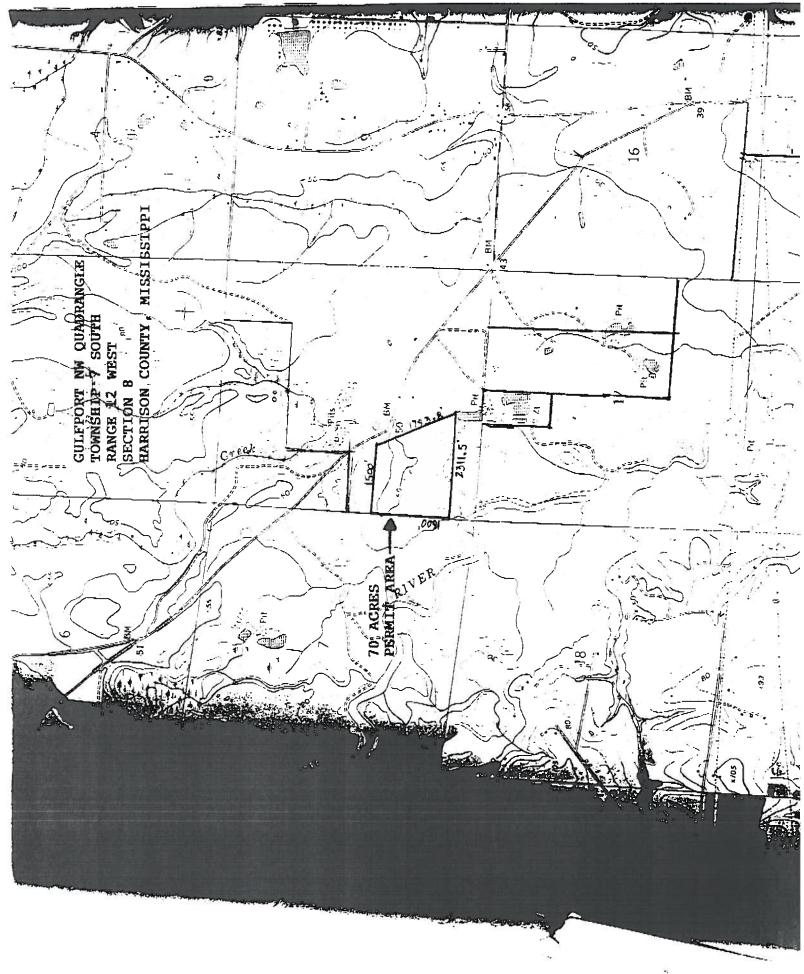
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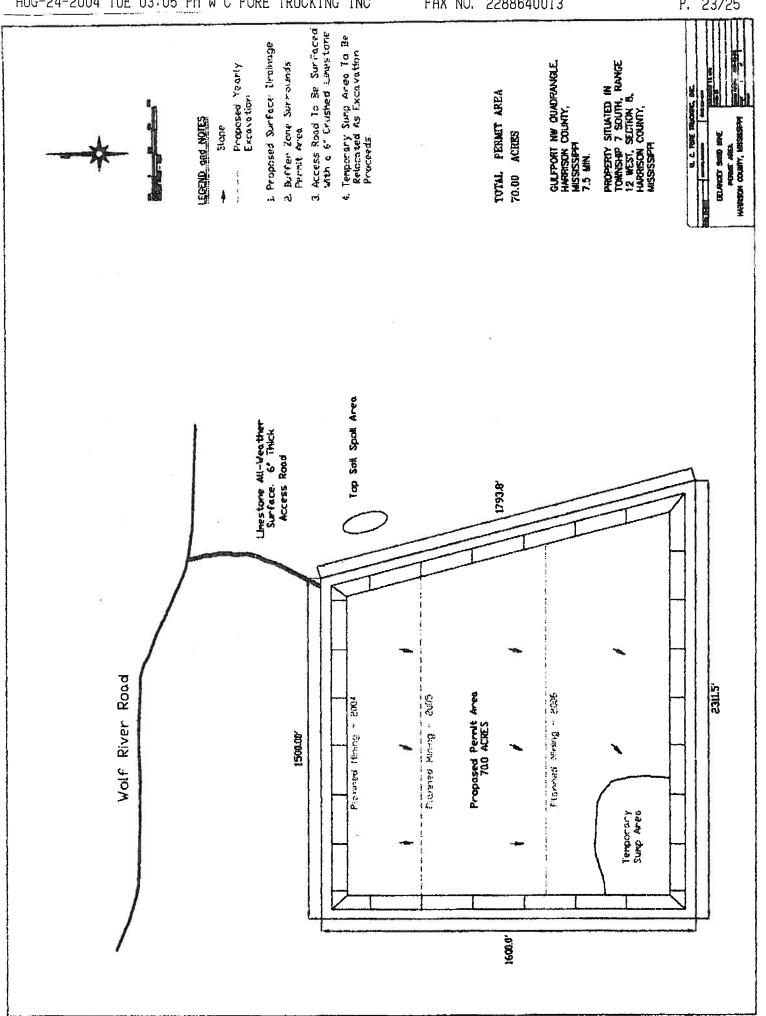


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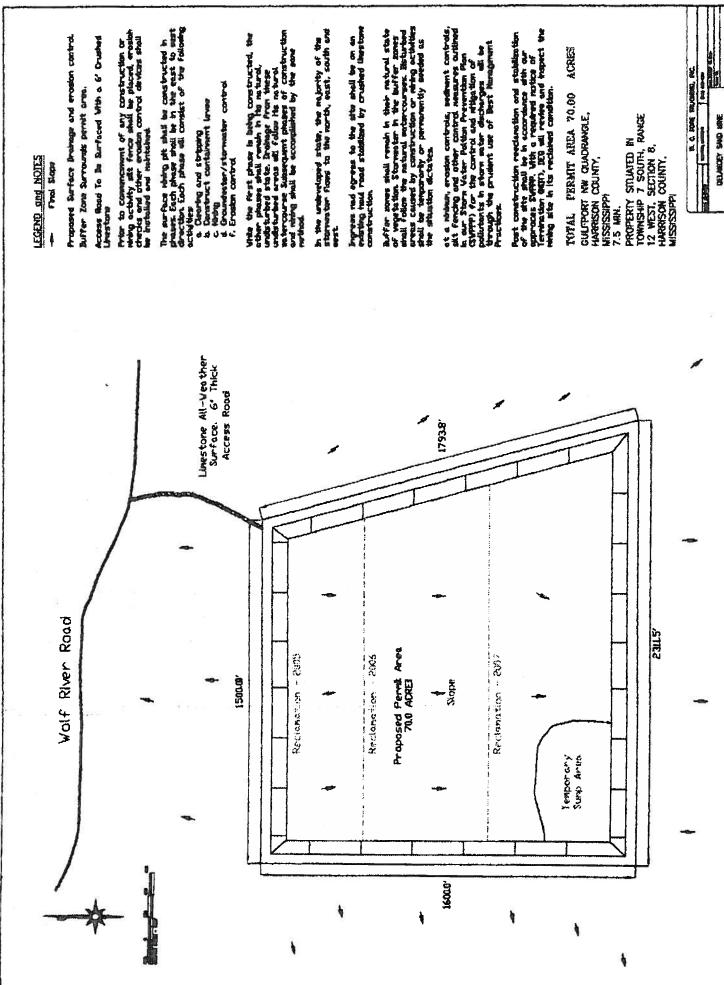
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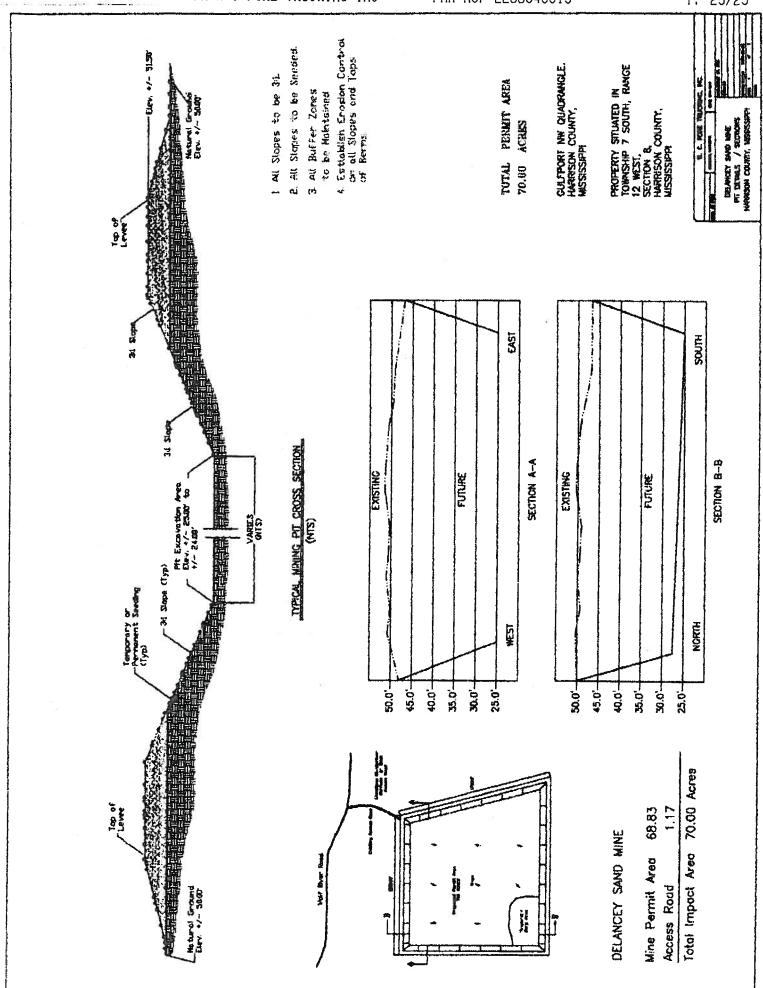




P. 23/25



RECOLAMACION FLAN



Application No.

#### Permit No.

# STATE OF MISSISSIPPI

## SURFACE MINING PERMIT APPLICATION

# MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEOLOGY / MINING & RECLAMATION DIVISION

	State Operating Permit	P. O. Bon kson, Mississip (601) 961 Fax (601) 9 Fax (601) 9	pi 39289-1307 -5515 61-5521	City/County approval Required Yes No Received Date County City
	ENERAL INFORMATION			
1.	Name of Applicant: W. C. Fore Trucking, Inc.			
	Mailing Address: P. O. Box 3058			
	E-mail Address:			
	Phone No. (228) 863-1314	Fax No. (2)	28) 864-0013	
	Authorized Representative W. C. Fors			
2.	Engineering Firm, Consultant, etc.			
	Mailing Address:			
	E-mail Address:			
	Phone No.	Fax No.		
3.	Name of Mine: Delancay Sand Mine	Mine Supervise	or: W.C.Fore	
	Phone No	Fax	No. (228) 864-13	14
4.	Location of Operation (to nearest quarter-quarter section	):		
	See Page 5	<u>B</u> Section	<b>7 South 12 Wes</b> Township Range	
5.	Type of Application	6. N	lethod of Operation	
	XX Initial Permit for Operation	•	XX Open Pit	Strip Dredge
	Amendment to Expand Operation		Wash Operation, if s	ø
	Amendment to an Existing Operation (not involving acreage change)		Water Source Vash System Type Closed system	Open system
7.	Number of Acres to be Permitted:	8. Is	the Permit Area located:	Yes No
	Excavation 68.83 Haul roads, plant site, ponds, 1.17	l	a. within 100 feet of a put b. within 100 feet of a cen c. within 300 feet of an or d. within 25 feet of a prop	netery?
	storage piles, etc. If this application is an amendment to expand an existing permit, number of additional acres to be permitted	li C	f YES to a, b, c, or d, a Office giving permissio	letter must be filed with the n from the owner or maintaining these distances to the subject
	TOTAL PERMITTED AREA	9. M	laterials to be Mined:	Sand

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEOLOGY Mining and Reclamation Division P. O. Box 20307 Jackson, Mississippi 39289-1307 (601) 961-5515 PUBLIC NOTICE



Public Notice No. 1523 Application No. A1523

Date: August 31, 2004

TO WHOM IT MAY CONCERN:

The office of Geology has received:

an Application for a Surface Mining Permit

pursuant to Section 7 of the Mississippi Surface Mining and Reclamation Act of 1977, as described below:

APPLICANT: W. C. Fore Trucking, Inc. P. O. Box 3058 Gulfport, MS 39505

- LOCATION: SW 1/4 of SW 1/4 SE 1/4 SW 1/4; S 1/2 of NW 1/4 of SW 1/4; SW 1/4; SW 1/4 of NE 1/4 of SW 1/4 of Section 8, Township 7 South, Range 12 West, Harrison County, Mississippi
- DESCRIPTION: Applicant proposes to open pit mine 70-acres of land for sand to a total depth of 25 feet. Settling ponds will be utilized as a type of erosion control structure. Reclamation will consist of 3 to 1 slopes and grass will be established.

This public notice is being distributed to interested persons and agencies to assist in developing facts on which a decision by the Office of Geology can be based. You are requested to communicate the information contained in this notice to any other parties whom you deem likely to have interest in the matter. All agencies and persons shall have until September 15, 2004, to submit comments, recommendations, or evaluations to the Office of Geology. Comments by an agency shall include an enumeration of permits or licenses required under the agency's jurisdiction.

If further information is needed, an agency may be furnished a copy of the notice of intent or permit application. Any person may receive a copy of the notice of intent or permit application upon payment of the ten-dollar (\$10.00) fee established in Rule 104 of the Rules and Regulations.

In the event comments are not received by September 15, 2004, the Office of Geology will consider that the agency has no comments, recommendations and/or evaluations that the agency deems necessary and proper based upon the effect of the proposed operation on matters within the agency's jurisdiction. Permit No.

#### STATE OF MISSISSIPPI

# Application No. A 1523 SURFACE MINING PERMIT APPLICATION

# MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF GEOLOGY / MINING & RECLAMATION DIVISION

Other permits required: NPDES	¥/N	Date
State Operating Permit	*******	
Corps of Engineers		

P. O. Box 20307 Jackson, Mississippi 39289-1307 (601) 961-5515 Fax (601) 961-5521

For Office use only

City/Cou	itty approval	
Required	Yes	No
Received	Date	
County		
City	40114 4142 mint ma	

1

# A. GENERAL INFORMATION

1. Name of Applicant: W. C. Fore Trucking, In	Sa
Mailing Address: P. O. Box 3058 Gult E-mail Address:	FPORT, MS 39505 MA 8/31/04
Phone No. (228) 863-1314	Fax No. (228) 864-0013
Authorized Representative W. C. Fore	
2. Engineering Firm, Consultant, etc.	
Mailing Address:	
E-mail Address:	
Phone No	Fax No.
3. Name of Mine: Delancey Sand Mine	Mine Supervisor: W. C. Fore
Phone No. (228) 863-1314	Fax No. (228) 864-1314
4. Location of Operation (to nearest quarter-quarter see	ion):
See Page 5	<u>8 7 South 12 West Harrison</u> Section Township Range County
5. Type of Application	6. Method of Operation
XX Initial Permit for Operation	XX Open Pit Dredge
Amendment to Expand Operation	Wash Operation, if so Water Source
<ul> <li>Amendment to an Existing Operation (not involving acreage change)</li> </ul>	
(international actedite change)	Wash System TypeClosed systemOpen system
7. Number of Acres to be Permitted:	8. Is the Permit Area located: Yes No
Excavation 68.83	a. within 100 feet of a public road ?
Haul roads, plant site, ponds,	b. within 100 feet of a cemetery? c. within 300 feet of an occupied building?
If this application is an amendment to expand an existing permit, number of additional acres to be permitted	If YES to a, b, c, or d, a letter must be filed with the Office giving permission from the owner or maintaining authority to mine within these distances to the subject property.
TOTAL PERMITTED AREA	9 Materials to be Mined: Sand
Form MRD-3, Rev. 3-03	

- 10. Has the applicant applied for, or have, any other permits or licenses that pertain to this or any other mining operation? Yes XX No \_\_\_\_\_
- If "YES," list them in the space provided on page 5, or attach separate pages, and give the current status of each, including any violations or penalties.

# B. MINING PROCEDURE AND ENVIRONMENTAL ANALYSIS

1.	Description of materials:		2.	Anticipated Schedule	(month/year)
	Thickness of overburden (Topsoil MUST be stockpiled for use during reclamation)	<b>0.667</b> ft		Begin clearing Begin mining	
	Thickness of uscable material	97 AA A			
		<u>,23,99</u> ft		Complete mining	<u>12 / 2007</u>
	Total depth of excavation	<u>25.00</u> ft		Begin reclamation	_12/2007
	Estimated annual production	50.000 tons		Complete reclamation	06 / 2008
3.	Depth to ground water:	<u> </u>	5.	Types of erosion control utilized.	structures that will be
4.	How will dust be controlled?			Settling ponds	Drainage ditches
	XX Water on baul roads			Diversion berms	Тегтасеd slopes
6.	Describe the land to be affected	by mining as it presently	y exists:	<b></b>	
	a. Land uscMining Area	1	b. Predominant	vegetationGrass, Sci	ub Pince
7.	Will explosives be used?Y			Is test-boring data avai	
9.	Are toxic materials likely to be c	ncountered at any time	? Yes	XX No	
10.	Will there be any discharge to lo	cal streams or other bod	lics of water?	Yes XX No	
	ny of questions 7-10 arc answered				uate pages.
RE	CLAMATION PLAN			county NRCS office be e following items.	consulted for specific
1.	Describe the soil handling tex	chnique for the reclan	nation phase o	f the operation:	
	XX. Topsoil segregated	Mixed strata	<u> </u>		
2.	Describe the protection methorstockpiled topsoil.	od for the		reduced to minin	lls, standing faces, and banks be nize erosion? (All highwalls ninimum 3 horizontal to 1 vertical.)
	berm around the storage	pile		slopes wil	l be terraced
		recommended)		XX sloped to	a gradient of 3 to 1
	stored under a cover			blended v	vith surrounding contours
	& A			XX NO HIGH	WALLS

С.

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4	What is the general plan for reclamation?			5	What planting method will be used?
	_XX establish grass cover				seeding by manual labor
	pond or lake				
	********************************				4
6.	How will fertilizer and lime be applied and incorpora	ited?			
	XX harrowing XX broadcasting	5	disking		
7.	Quantity of lime and fertilizer to be applied?				
	a. For initial planting				
	lime: <u>2</u> tons per acre				
	fertilizer: <u>13 - 13 - 13</u> (type)	400	pounds per acre		
	b. For successive years prior to 100% release				
	fertilizer: 13 - 13 - 13 (type)	200_	pounds per acre		
	when: <u>April</u> (month)				
8.	Describe the planting schedule.				
	Tree or Seed Species		pacing s./acre		Planting Season
	-				
	Batla	Jun			April
		<u> </u>			
9.	Will the area be mulched? Yes No	lf yes, ra	ite per acre		
	Method of holding in place: XX crimped		221		
10.	How will the vegetation be maintained until the final	bond relea	896?		
	watering				
	mowing				
	times per year				
	approximate month(s)	•			
	_XX repairing guillies				
	replanting eroded arcas				
	h				
11.	How will debris be disposed of when the mine is final	y closed?			
	burying burning		e hauling	g awa	iy
12.	Will a soil analysis be submitted for this site?Y NOTE: available from the Cooperative Extension Serve	cs XX	No h the applicant's C		v Agent
	Estimated cost per acre for reclamation of this site:				

### D. NAMES AND ADDRESSES OF PERSONS AFFECTED BY THIS OPERATION

1.	Landowner(s) of area to be min	ed/leased		
	Name:	Dollie Beil	Name:	Banna nana-salamban na ang salamban na ang sa
	Address:	. P. O. Box 2141	Address:	8
		Guifport. MS 39501		A
	Phone:	None	Phone:	L
2.	Landowner(s) within 500 feet o	f the area		MA .
	Name:	HORE H. VOELKEL \$31	Name:	APTHUR: SABIDEA PULITZER \$31/04
	Address	3189 Glenerden Way	Address:	201 NORTH LINE
		San Jose, CA 95117		METARIE, LA 10005
	Phone:	A	Phone	8
	Name:	1	Name:	4
	Address:	4	Address	t
		L		2
	Phone		Phone:	A
3.	Person(s) living on permit area			
	Name:	Nona	Name: .	
	Address:	f	Address:	
×.		Lan	L	
	Phone:		Phone:	
				2

I declare that I have knowledge of the facts presented in the preceding pages and in all of the items attached

to this application; furthermore, I certify that they are true to the best of my knowledge.

Augunt 24, 2004 date

TO PO signature

printed name

-	President	
	title	

Gulfport, MS 39				58	P. O. Box 30	W. C. Fore Trucking, Inc.					
				(228) 863-1314				Mr. Wallace C. Fore			
MATERIAL	T. ACRES	CAVATE	RNG EX	TWN	SECTION	COUNTY	ADD INFO	%REL	APP.#	PERMIT	
dirt and sand	40	37.25	16W	7S	22 and 23	Hancock	annual		A1394	02-027	
dirt and sand	40	38.2	12W	7N	21	Harrison	annual		A1290	203-010	
dirt and sand	55.53	53.6	шw	7S	33	Harrison	annual		A 1454	03-021	
sand and clay	28	28	13W	75	13	Harrison	annual		A261	87-027	
sand and clay	38	30	нw	<b>7</b> S	1	Harrison	ลถกบลไ		A309	88-027	
borrow/soil	22	20	16W	7S	24	Hancock	annual		A490	92-024	
fill dirt	29	29	16W	<b>7</b> S	24 and 8	Hancock			A614	93-048	
sand and sandy clay	10	10	15W	<b>8</b> 5	34	Hancock	annual		A783T	95-047T	
F	262.53	otal:	т							8	

Fore Construction Inc

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# E. ADDITIONAL COMMENTS

Item Number	Space for de	tailed answers to an	y of the previous items.	Indicate item number to which the answers apply.
10	Permit <b>P8</b> 7-027	28 Acres	Harrison County	
10	Permit 993-048	29 Acres	Hancock County	
10	Permit <b>P87-045</b>	35 Acres	Jackson County	
10	Permit <b>P88-027</b>	38 Acres	Harrison County	
10	Permit P92-024	22 Acres	Hancock County	
10	Permit <u>P02-027</u>	40 Acres	Hancock County	
				9 ****
4	Northwest ¼ of South	nwest 1/4, Less Nori	th 520',	
	Southwent ¼ of Sout	nwest 14, Less Sou	th 520',	
	Thence Southeast 26.			
	Thence Southeast 26.	9116° - 896.9' Soul	Lineast ¼.	
	· · · · · · · · · · · · · · · · · · ·			
	· · · · · · · · · · · · · · · · · · ·			
		5		
		ta a carra araind an dhanna an an an an		
			<b></b>	
			·	
	It more space is required, a	ise full sheets of pi	aper the same size as t	his page. Attach all sheets to this application.

#### F. ADDITIONAL REQUIREMENTS

The following described fee, documents and information, as required by the Mississippi Surface Mining and Reclamation

Act, must be submitted to the Office of Geology before the application can be processed.

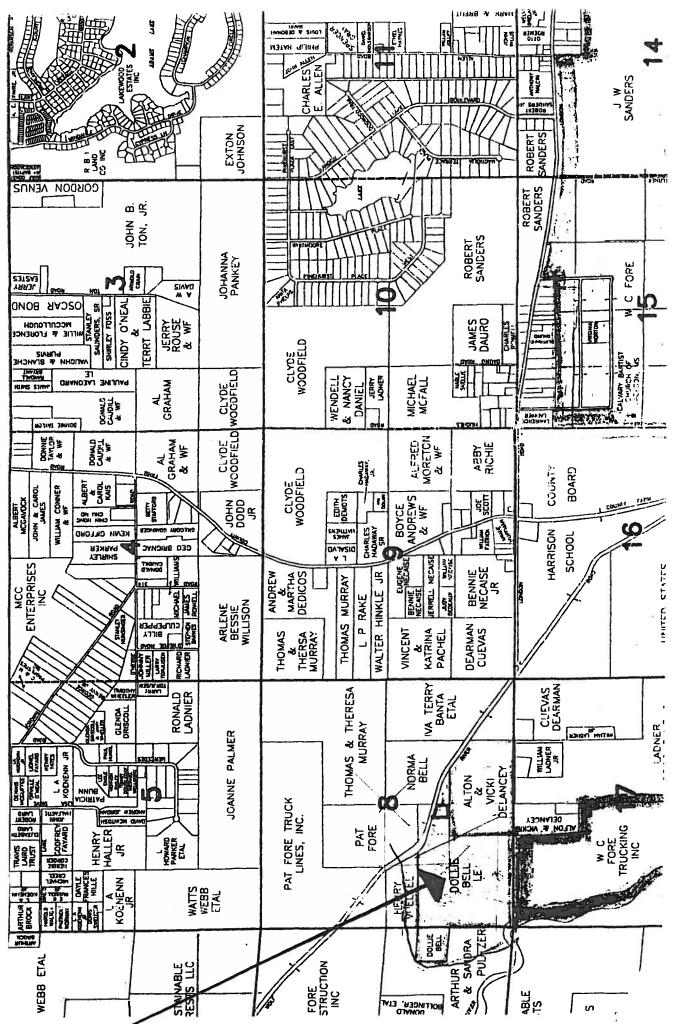
- 1. APPLICATION FEE: \$100 plus \$10 per acre. Maximum fee is \$500.
- 2. CERTIFICATE OF INSURANCE: Must indicate that the applicant has sufficient liability insurance in an amount not less than \$100,000/300,000 for Bodily Injury and \$100,000 for Property Damage.
- PERFORMANCE BOND: Must be at least \$500/acre and not more than \$2500/acre and is based on the applicant's estimate of the reclamation cost. The "TOTAL PERMITTED AREA" in A-7, page 1, is the number of acres to be bonded. A Certificate of Deposit may be substituted.
- 4. PROOF OF THE APPLICANT'S LEGAL RIGHT TO MINE: A lease, deed, or agreement that includes a legal description of the permit area. This includes city or county approval, if applicable. This must be notarized.
- 5. COMPLETED ORGANIZATION REPORT FORM MRD-1.
- 6. MAPS, AERIAL PHOTOGRAPHS, OR DRAWINGS of the mine area:
  - A. On a USGS Topographic Map (8 1/2" x 11" photocopy of applicable portion of topographic map):

Name of Topographic Map Gulfport North West Quedrangle, Harrison County

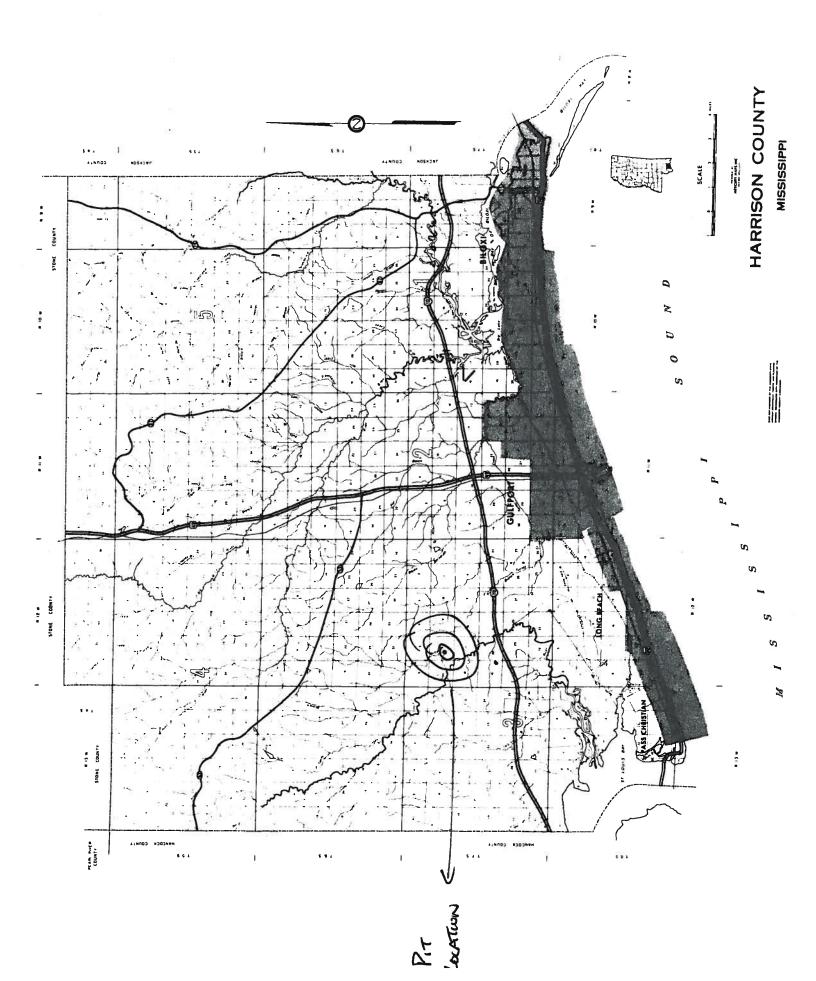
- 1. Locate water wells within 0.5 mile of the permit area.
- 2. Outline boundaries of both the permit area and the entire mine area (if different).
- 3. Draw access to the nearest public road from the mine.
- 4. Illustrate how surface drainage will be conducted or changed.
- B. Additional Drawings or Maps

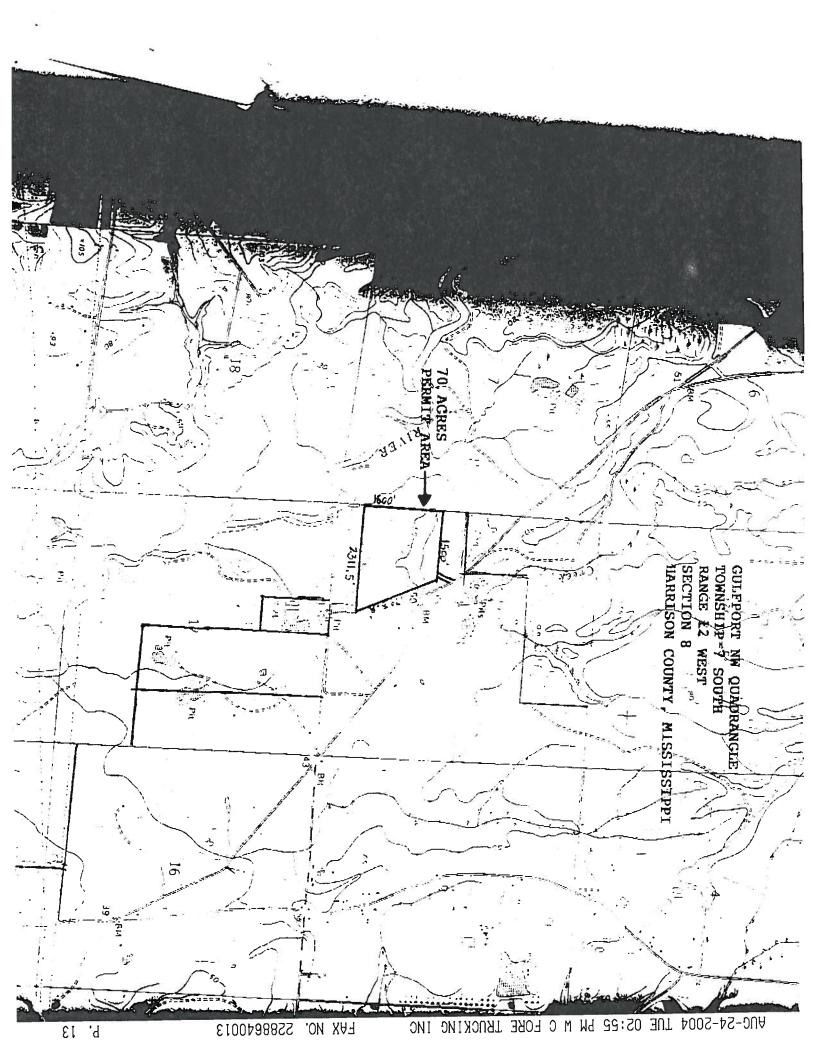
General site plan showing location of excavations, spoil piles, settling ponds, plant, etc. (8 1/2" x 11")

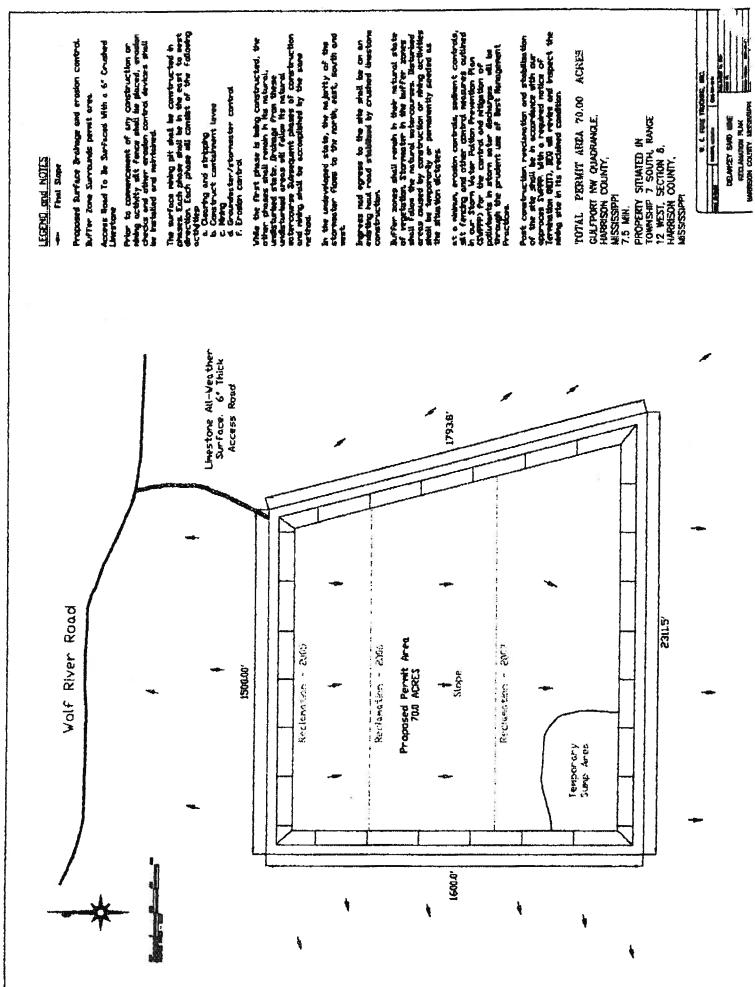
17S, R12W Y, MS OWNERSHIP MAP OF COUN HARRISON

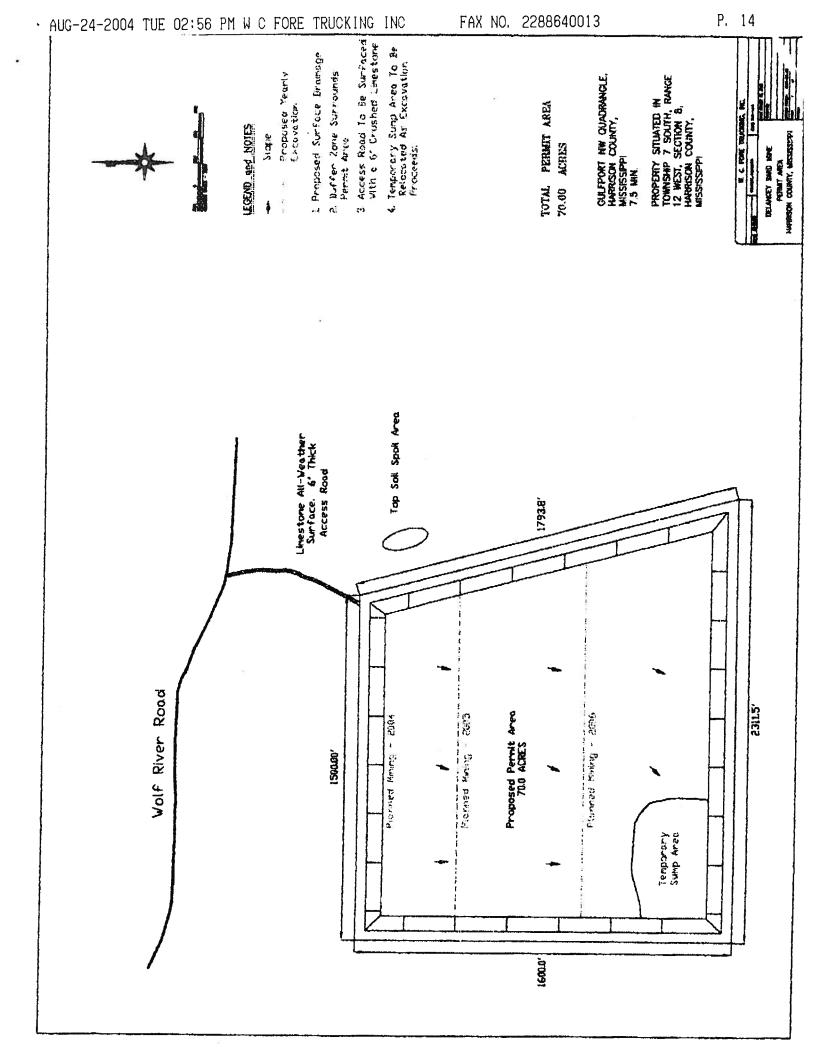


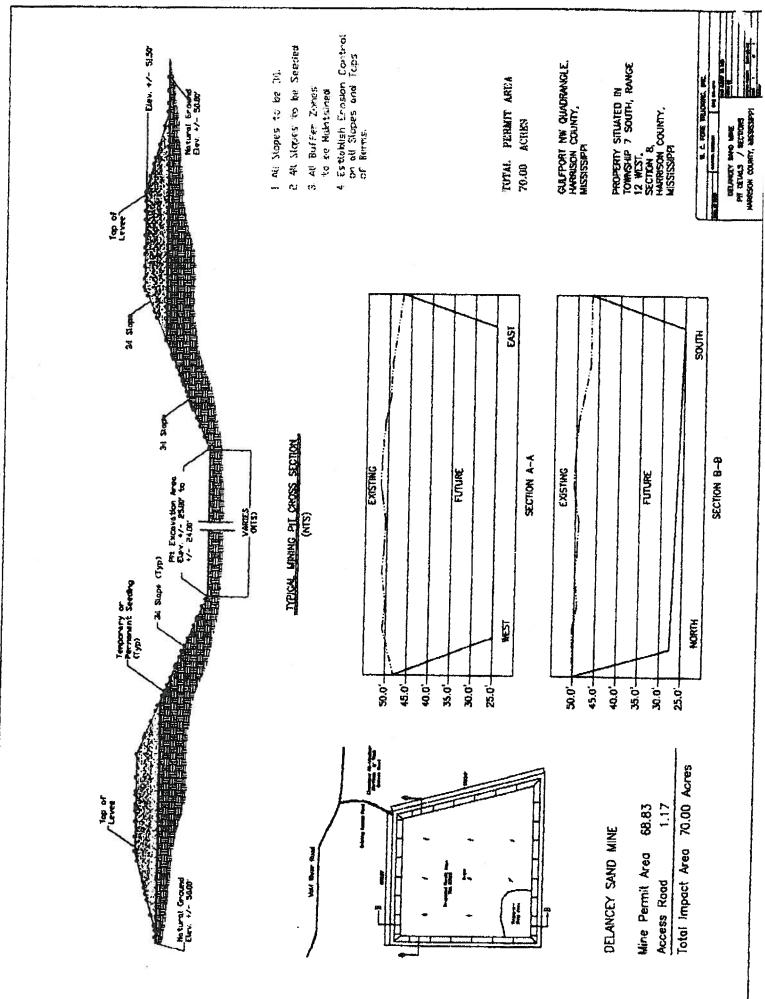
P. 02 FAX NO. 2288640013 · AUG-30-2004 MON 03:47 PM W C FORE TRUCKING INC P.02 228 832 8656 R.V.A SAND & GRAVEL AUG-25-2884 18:84 PM 11139 Way Hundon SOSPC .M. TAC Hoor , 46 . Put 2 aller Rey D Dore Jun J mission to mine 7-lame at 1837 we is chatmond is itin 300 Just Waine 3











P. 16



# Ross Williams 09/23/2004 08:37 AM

To: Charity Rockingham/EPD/OPC/DEQ@DEQ cc: Subject: WC Fore-Delancey Site

# Connie,

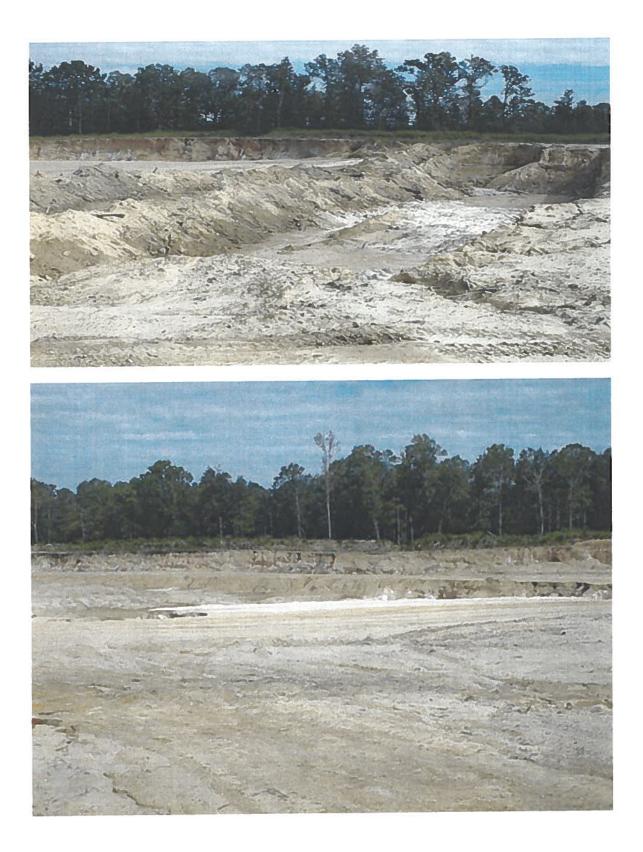
I went to the site Tuesday with Stan Thieling, Louis Lavelle, and James Matheny. Please find enclosed pics from trip. During the show cause meeting with Mr. Fore a couple of weeks ago he had made a statement that he has not had a discharge of impacted stormwater. Louis L. had stated that he did on the north end of the property. Please note some of these pics. You can see sediment that has left the mining site and entered and impacted a delineated wetland on the southwest portion of the property. I brought this to Mr. Fores attention. He said they would fix the problem.



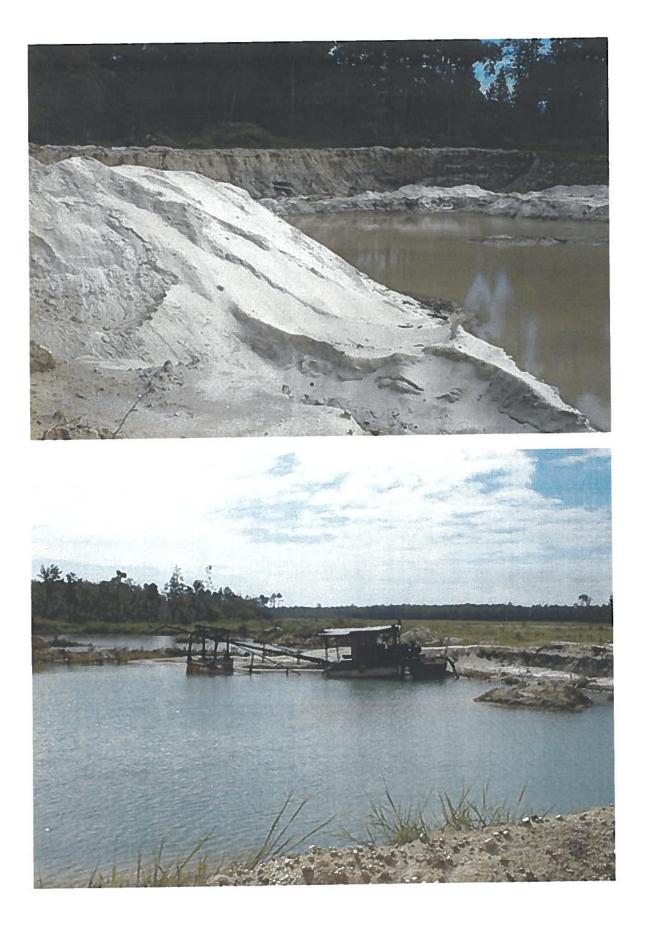
Thanks,

Ross D. Williams, RPG MDEQ/OPC/EPD/Mining and Solid Waste Branch PO Box 10385 Jackson, MS 39289-0385

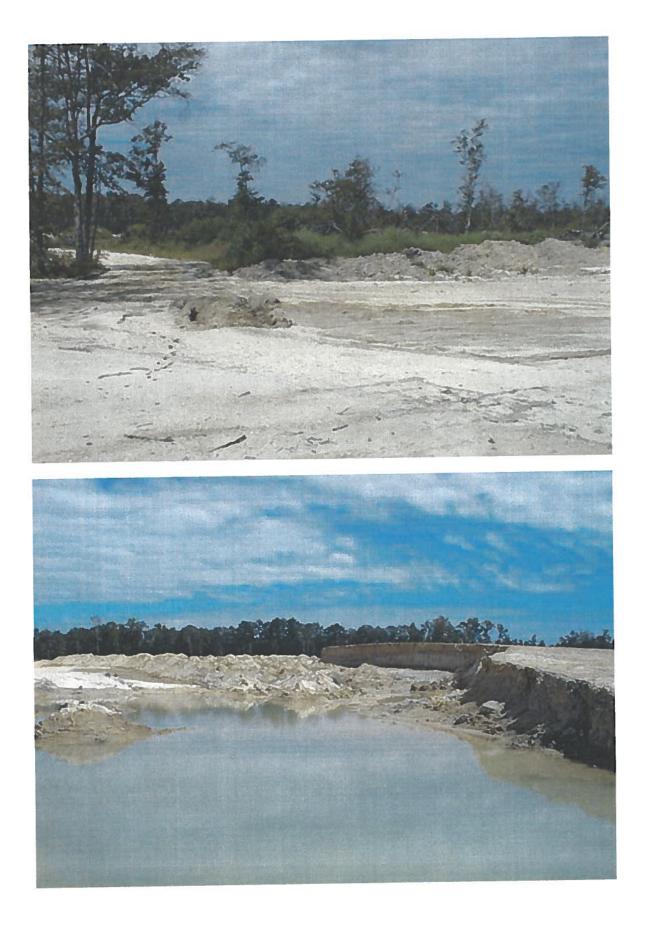
Tele: 601-961-5526 Fax: 601-354-6612















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