

W C Fore Trucking Inc, Harreld Pit

MS005891

Master AI ID: 18002

Start Date: 5/23/2003

Agency Interest Type: Mining and Solid Waste Management Branch

End Date:

SIC 1:

County: Harrison

AI Basin:

File Copy

Alternate/Historic AI Identifiers

| Alt/Hist ID | Alternate/Historic Name | User Group | Start | End |
|-------------|--|--------------------|-----------|-----|
| 18002 | W. C. Fore Trucking, Inc., Harreld Pit | Official Site Name | 5/23/2003 | |

Regulatory Programs

| Program | Sub-Program |
|---------|-------------|
| | |

AI Location and Mailing Information

Physical Address (Primary)

33rd Street and 34th Avenue
Gulfport, MS 39505

Mailing Address

PO Box 3058
Gulfport, MS 39505

Location Information

Section - Township - Range: 033 - 07S - 11W

Telecommunications

Type

Work phone number

Address or Phone

(228) 863-1314

Staff to AI Assignments

Person Name

Warden, Billy

Vinson, Michelle

Vinson, Michelle

Assignment

Permitting, Branch Manager

Permitting, Coverage Writer

Permitting, Permit Writer

Related People

| Person | Relationship | Start | End |
|---------------|-------------------------------|--------------|------------|
| Fore, W. | Is General Permit Contact For | 5/23/2003 | |
| Fore, W. | Is Application Signatory for | 5/23/2003 | |
| Fore, W. | Is Water Permit Contact For | 7/16/2003 | |

Related Organizations

| Organization | Relationship | Start | End |
|---------------------|---------------------|--------------|------------|
|---------------------|---------------------|--------------|------------|

enSearch

MDEQ OPC

For EPD use only

MULTIMEDIA

SITE INSPECTION / INVESTIGATION FORM

303 d List
Not Listed 7BB
Monitored
Evaluated XTC

1. Discharge Point Location

County Harrison

South Regional Office

Section 33 Township 7S Range 11W River Basin Coastal Streams

GPS Location
Latitude: _____ Degrees _____ Minutes _____ Seconds
Longitude: _____ Degrees _____ Minutes _____ Seconds
Elevation: _____ feet

Method of Collection _____ G3 - Differential
_____ G5 - Autonomous/SA Off

Quad Map Title Gulfport North Description of Point: BASIN Coastal Streams

Travel directions from the nearest town: North Gulfport

2. Facility Information

Name of Facility, Developer or Owner W. C. Fore

Name of Development W. C. Fore Trucking, Inc.

3. Type of Facility

Air N/A
Animal Waste Facility _____ Title V _____ Minor _____ Synthetic Minor
_____ Swine _____ Chickens _____ Others(specify) _____
Is the proposed construction already installed and operating? If so when did the operation begin? _____
How many houses or buildings are on site and when were they constructed? _____

NPDES -- Municipal _____
Industrial _____
Commercial _____

Stormwater - General Baseline X -mining

Date of the Inspection 6-18-03 Inspector Raun Wetzel

Requested by Michelle Vinson Signature _____

4. Mailing Addresses

Developer/Owner

Name W. C. Fore
Address P. O. Box 3058
City/St/Zip Biloxi, MS 39505
Phone (228) 863-1314
Cell (228) 806-1025
Fax (228) 864-0013

Engineer

()
()

5. Air Information:

a. Site is: Urban N/A Suburban _____ Rural _____ What City? _____
b. Distance and directions to all homes, businesses, churches, schools, nursing homes, day care centers, roadways, etc., from the center of the site: _____

c. Distances were measured using what method? _____
d. Site Terrain: _____

1. Site Elevation is: _____ Higher than surroundings
_____ Lower than surroundings
_____ Same as surroundings

2. Lay of the land in and around site is:
_____ Flat
_____ Sloping one direction
_____ Steeply
_____ Gently
_____ Direction of slope is down to
_____ Rolling (small hills)
_____ Hilly (steep hills)

3. Comments on terrain: _____

e. Site Access:
1. Describe intersection and route of existing and/or proposed access roads to site: _____

2. Type (construction) of roads:
_____ Unpaved
_____ Gravel
_____ Native soil
_____ Paved
_____ Asphalt
_____ Concrete

6. Water Receiving Stream Information:

Name of Streams in the discharge flow route Turkey Creek or Brickyard Bayou

Do recreational activities occur in the vicinity of the discharge? Yes No
(such as local swimming/fishing holes, sand beaches, boat launches, etc.) specify in
comments

Describe receiving stream: depth of banks _____ ft. width of banks _____ ft. depth of
water in stream _____ ft. width of stream _____ ft.

Does the receiving stream appear on quadrangle map Yes No
If Yes is it intermittent or continuous flowing stream? Continuous
Describe the receiving stream. (Dry ditch, Beaver Dams, Ponds, flowing stream, etc.) _____
flowing stream

If a flowing stream, describe the water conditions. (water color-clarity, dead fish,
excessive alga blooms, or other nuisance conditions) brown tinted water

Is the discharge point located on the property of the applicant? Yes No

If not, what is the distance to the first suitable discharge point? _____ ft.

***Turkey Creek discharge pt. – approx. 2 miles**

List the names of the property owners the discharge crosses. _____

***Brickyard Bayou discharge pt. – approx. 1 mile**

Does the receiving stream flow through any populated areas? Yes No

If yes, describe: Both flow through sections of residential areas.

Describe the general land use of the area and downstream of the discharge. _____

7. Water On Site Field Monitoring Data : N/A

| | Discharge Point | Upstream | Downstream |
|----------------------|-----------------|----------|------------|
| Dissolved Oxygen ppm | | | |
| pH units | | | |
| Temperature °F | | | |
| Conductivity ppm | | | |

Indicate on quadrangle map location where samples were taken.

8. Site Information

Where is the nearest sewer collection and treatment system and what is the distance to
this development? 4-5 miles

Has the sewer authority been contacted for a possible connection? Yes No

Are any water wells located near the development? Yes No
If Yes, How Far? _____ ft.

What is the distance from the facility (Air or Water) discharge to the nearest property line? _____

What is the distance from the (Air or Water) facility to all occupied dwelling within the buffer zone? _____

Will this facility discharge be tidally influenced? Yes No

Are any of the named streams classified as recreational streams? Yes No

Proposed Method of WW Treatment _____ Design Flow _____

Certified Operator for WW Treatment System _____

9. Inspectors Report

Are there any factors not listed earlier which should be considered prior to issuing a permit for this facility (example: other pollution sources)? N/A

Additional Remarks or Comments: On June 18, 2003 I investigated the mining site and spoke with the owner, W. C. Fore. At the south edge of his property is a ridge along 33rd St. that forces water to the north into Turkey Creek and water to the south into Brickyard Bayou. Mr. Fore explained that he is willing to do either plan (see quad map). Stormwater will flow approximately 2 miles from his site before entering Turkey Creek and 1 mile before entering Brickyard Bayou. Both drainage plans run through residential areas. He plans on constructing a sediment pond 100 X 100 ft. and 10 ft. in depth.
W. C. Fore can be contacted at 228-863-1314 for further communication.

IMPORTANT INFORMATION TO INCLUDE FOR AIR RELATED FACILITIES:

- Show surroundings for at least one block on all sides for Urban and Suburban Sites.
- Show surroundings out to at least a 1/2 mile radius for Rural Sites.

- Identify any building, hill, and/or vegetation which is likely to be taller than the point(s) of emission and which intervene between the site and other identified surroundings.
- Buffer zone for air sources must be at least 150 feet from the nearest residential or recreational area.
- Asphalt plants utilizing best management technology must be at least 600 feet from the nearest residential, recreational or light commercial area.
- *If the first three bullets are addressed the last two bullets will be answered.*

IMPORTANT INFORMATION TO INCLUDE FOR WATER RELATED FACILITIES:

Include photographs of the receiving stream at the **discharge point, Upstream, and Downstream** and of any notable features of the development and receiving stream and any unusual features of the stream.

- * Copy the quad map and highlight the discharge point, receiving streams, and any recreational areas.
- * If necessary, provide a list of property owners that must provide an easement to the developer for the effluent pipeline to go underground on their property.
- * Provide a list of other wastewater treatment facilities within one-mile radius of the proposed facility.
- * Prepare a detailed scaled sketch of the effluent flow route and indicate all nearby houses, churches, buildings, water wells, and roads, within a radius on one mile.

Note: A suitable discharge point is in definable state waters. There should be well-defined banks and a clearly defined naturally occurring streambed. Roadside ditches and man made drainage paths are not typically suitable discharge points. Generally, discharges may not flow into private ponds or into a reservoir.

Note: Buffer Zones for Commercial facilities are 150 from the edge of the water to the nearest adjoining property line. For underground package treatment units below 1500 gallons, rock reed systems and sand filters the buffer zone is 10 feet from the nearest adjoining property line.

Animal Waste facilities:

Make special note of property lines closer than 300 feet and list names of owners of dwellings or public buildings closer than 1000 feet from the proposed facility.

This waste management facility will serve ___ New facility ___ an existing

facility in continuous operation or ____ an existing structure (barn) which has been reactivated.

Does this operation or process involve State Waters such as the removal of materials from sandbars, banks, or bottom of streams?

What is the total area of the property, which will be developed, not only with the current venture but also with on going developments on the current property. _____.

Identify public facilities within 3-mile radius of the proposed facility.

A public facility can be defined as: State parks, hospitals, nursing homes, community centers, day care, or Public housing.

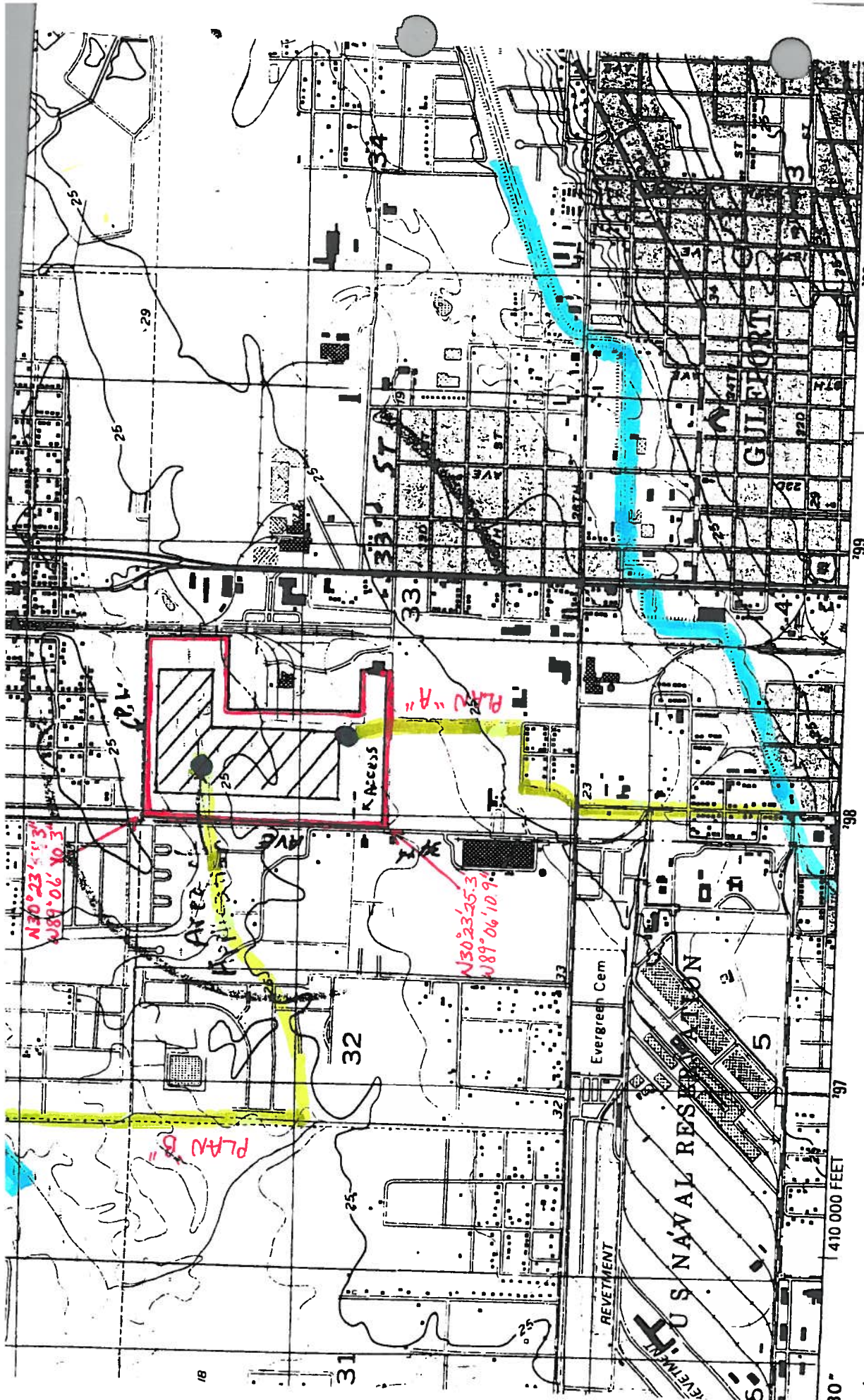
Special Note: *The number of animals, number of homes, or number of individual units serviced in the development should be addressed in the plans and specs which are submitted to project engineer in the initial stage of the permitting process.*

The official submitted copy of this report will keep blank spaces to a minimum. Field/Rough copies of this form will contain many extra spaces, which will allow for additional notes and filling in the form in longhand. Once this form has been approved by all of Field Services and ECED the blank form will be made available in an electronic format in MS Word for all interested parties. This form will make all previous versions of any previous Site Inspect Forms VOID, so please make every effort to discard all previous versions.

Procedures for completing this inspection:

The individual requesting the project (developer, owner, or contract engineer) should contact the Environmental Permitting Section and request permitting information and application.

The role of the Regional office in this process is the following:
Meet with the person knowledgeable about the property where the development or facility and treatment facility is to be constructed. The Regional Office Inspector physically visits the site and reviews structures present associated with the project. Evaluates the facility and the distances that apply to the buffer zones. They take photos of the area that may be of question; they measure the depth and width of the receiving stream and collect water samples from existing impacted streams. This is a visual inspection of the area to supply the dimension to this evaluation that cannot be collected any other way than to physically visit the site. Routinely there are no other visits to the site prior to construction.



Produced by the United States Geological Survey

1:410,000 FEET

30"

'97

'98

'99

5'

'00

18

31

32

33

33rd ST

34

U.S. NAVAL RESERVE DIVISION

34

GULFPORT

35

36

REVETMENT

Evergreen Cem

23

24

25

26

25

26

25

25

25

25

25

25

25

25

N30°23'55.3"
W89°06'10.3"

N30°23'55.3"
W89°06'10.9"

PLAN "A"

PLAN "B"

K Access

CPA

AVG

PL

PL

PL

PL

PL

PL

PL

MULTIMEDIA

SITE INSPECTION / INVESTIGATION FORM

| | |
|-------------------------|-------|
| For EPD use only | |
| 303 d List | _____ |
| Not Listed | _____ |
| Monitored | _____ |
| Evaluated | _____ |

1. Discharge Point Location

County Harrison

South Regional Office

Section 33 Township 7S Range 11W River Basin Coastal Streams

GPS Location Latitude: N30 Degrees 23 Minutes 25.3 Seconds
 *Southwest corner Longitude: W89 Degrees 06 Minutes 10.9 Seconds
 of property Elevation: _____ feet

Method of Collection _____ G3 - Differential
 _____ G5 - Autonomous/SA Off

Quad Map Title Gulfport North Description of Point: BASIN Coastal Streams

Travel directions from the nearest town: North Gulfport

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Name of Facility, Developer or Owner W. C. Fore

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Stormwater - General Baseline X

Date of the Inspection 6-18-03

Inspector Raun Wetzel

Requested by Michelle Vinson

Signature _____

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Address P. O. Box 3058
City/St/Zip Biloxi, MS 39505
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Engineer

()
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5. Air Information: N/A

- a. Site is: Urban _____ What City? _____
Suburban _____ Rural _____
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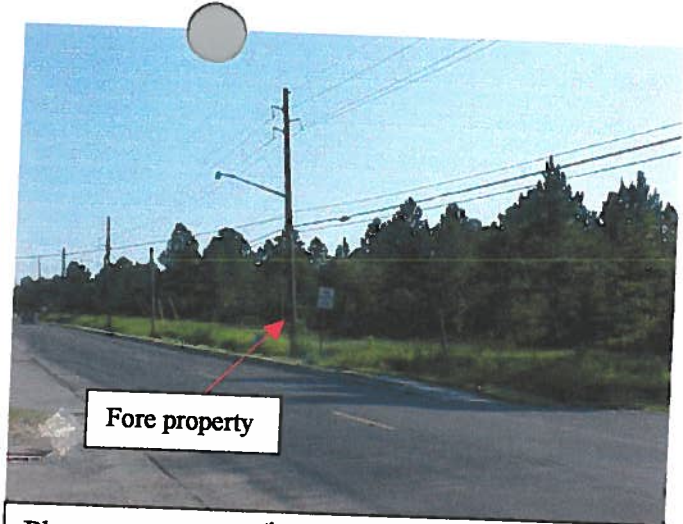
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Photograph #1: 33rd St. looking west, forms the southern boundary of the property.



Photograph #2: 34th Ave. looking north, forms the western boundary of the property



Photograph #3: 34th Ave. looking south.



Photograph #4: Brickyard Bayou looking westward.



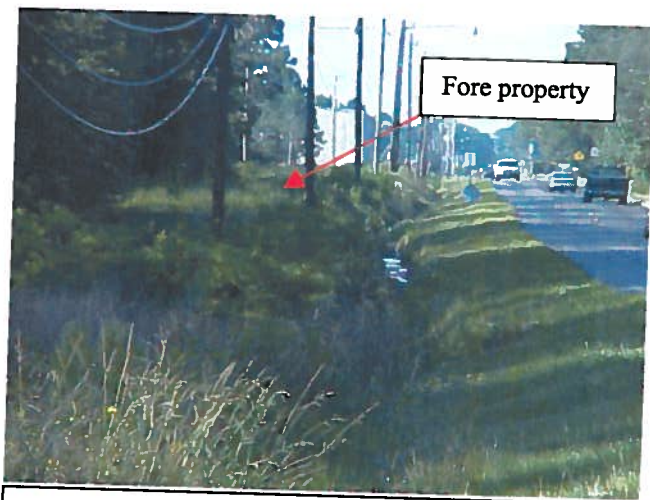
Photograph #5: Turkey Creek looking westward



Photograph #1: 33rd St. looking west, forms the southern boundary of the property.



Photograph #2: 34th Ave. looking north, forms the western boundary of the property



Photograph #3: 34th Ave. looking south.



Photograph #4: Brickyard Bayou looking westward.

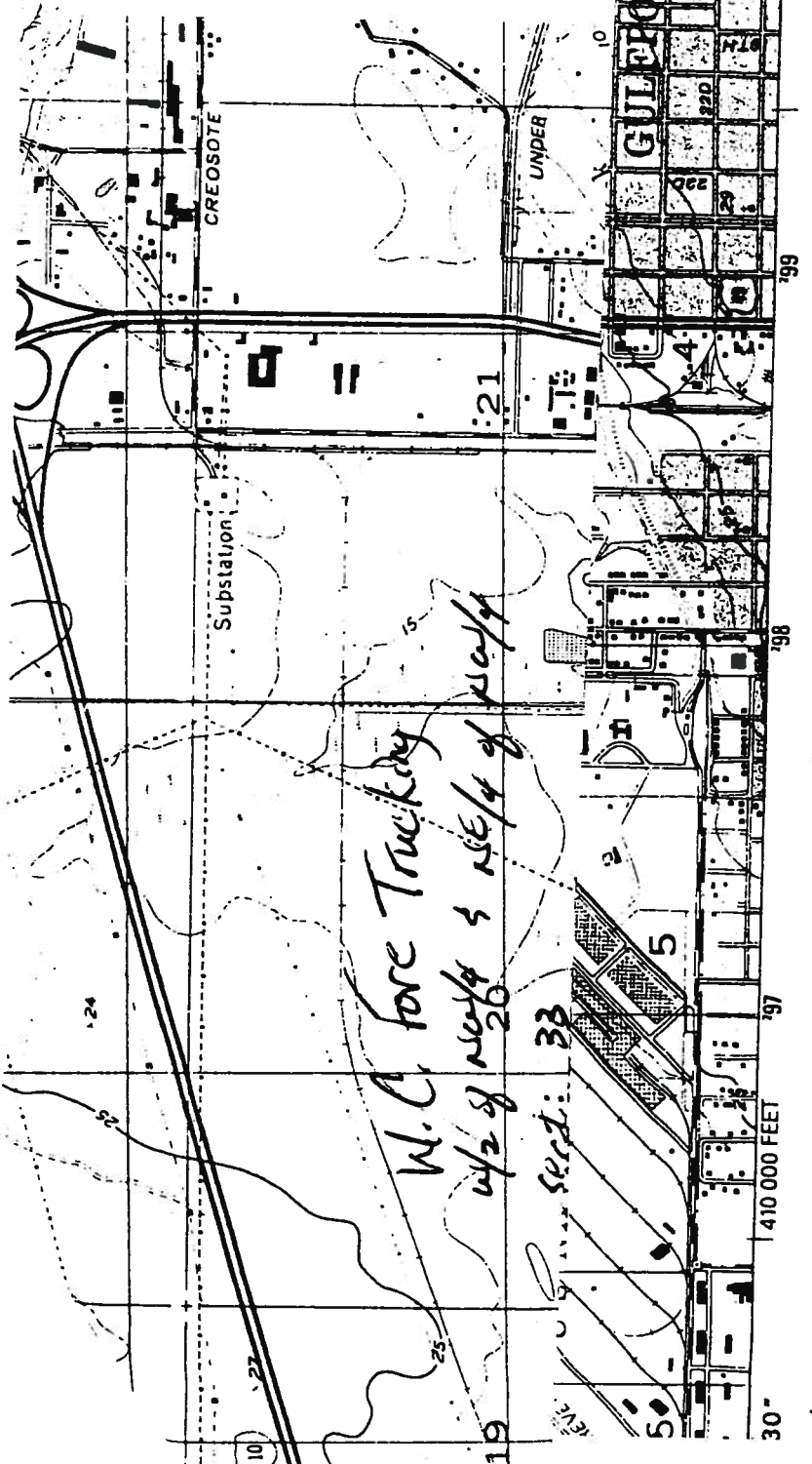


Photograph #5: Turkey Creek looking westward

VIE
BAYOU

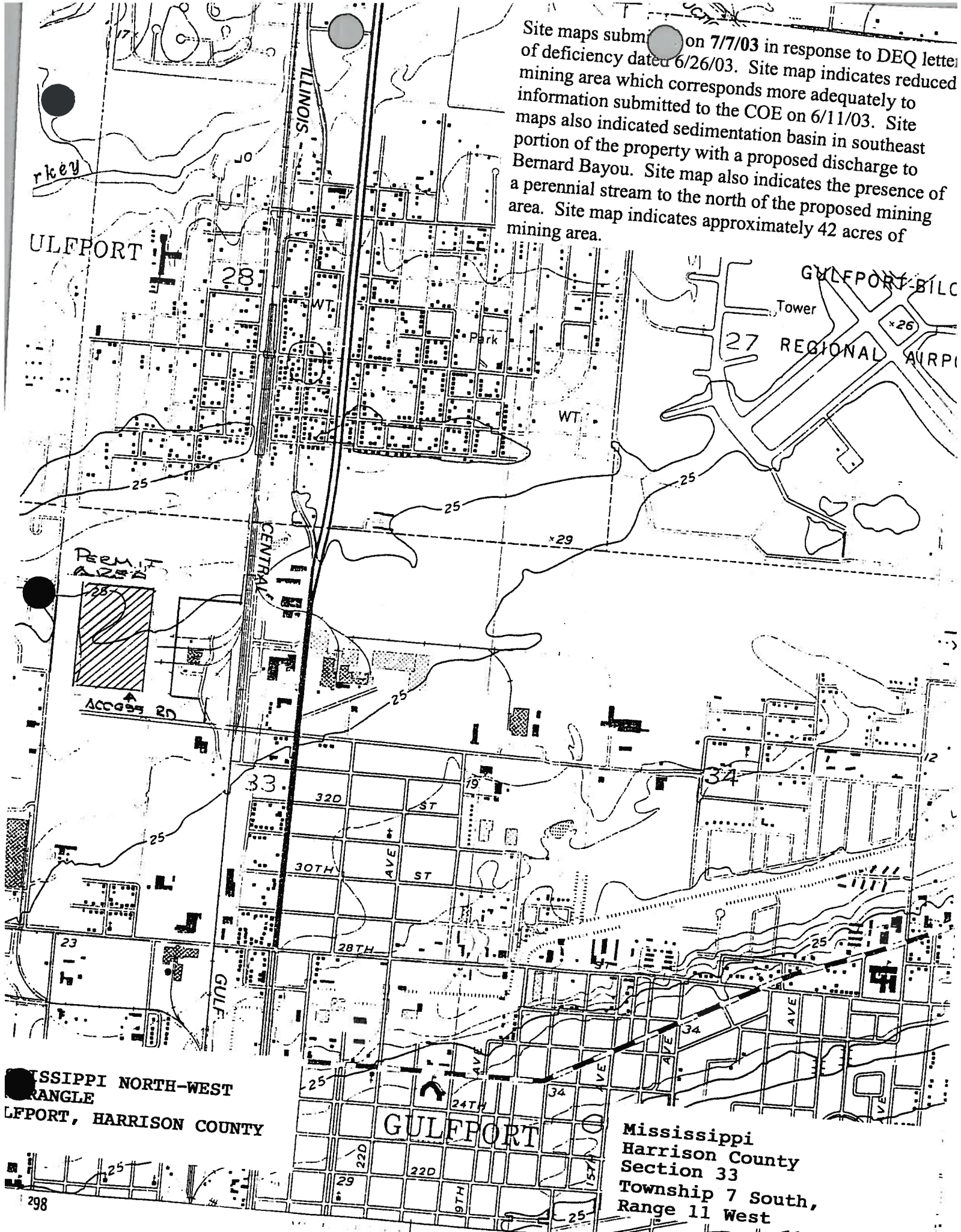
Site Inspection Conducted 6/18/03

Site map provided by Mr. Fore to DEQ inspe
map indicates 2 possible sedimentation basi
within the proposed mining. Site map also
two possible receiving streams, Turkey Crea
Bernard Bayou. Site map indicates approxi
acres of mining area.



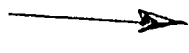
roduced by the United States Geological Survey

Site maps submitted on 7/7/03 in response to DEQ letter of deficiency dated 6/26/03. Site map indicates reduced mining area which corresponds more adequately to information submitted to the COE on 6/11/03. Site maps also indicated sedimentation basin in southeast portion of the property with a proposed discharge to Bernard Bayou. Site map also indicates the presence of a perennial stream to the north of the proposed mining area. Site map indicates approximately 42 acres of mining area.



MISSISSIPPI NORTH-WEST
RANGE
GULFPORT, HARRISON COUNTY

Mississippi
Harrison County
Section 33
Township 7 South,
Range 11 West



60' ROW

NORTH PROPERTY

100' BUFFER

W.C. FORE TRUCKING, INC
HARFIELD PIT
GULFPORT, MS

33' R/W S.T.

RAIN GAUGE

GATE

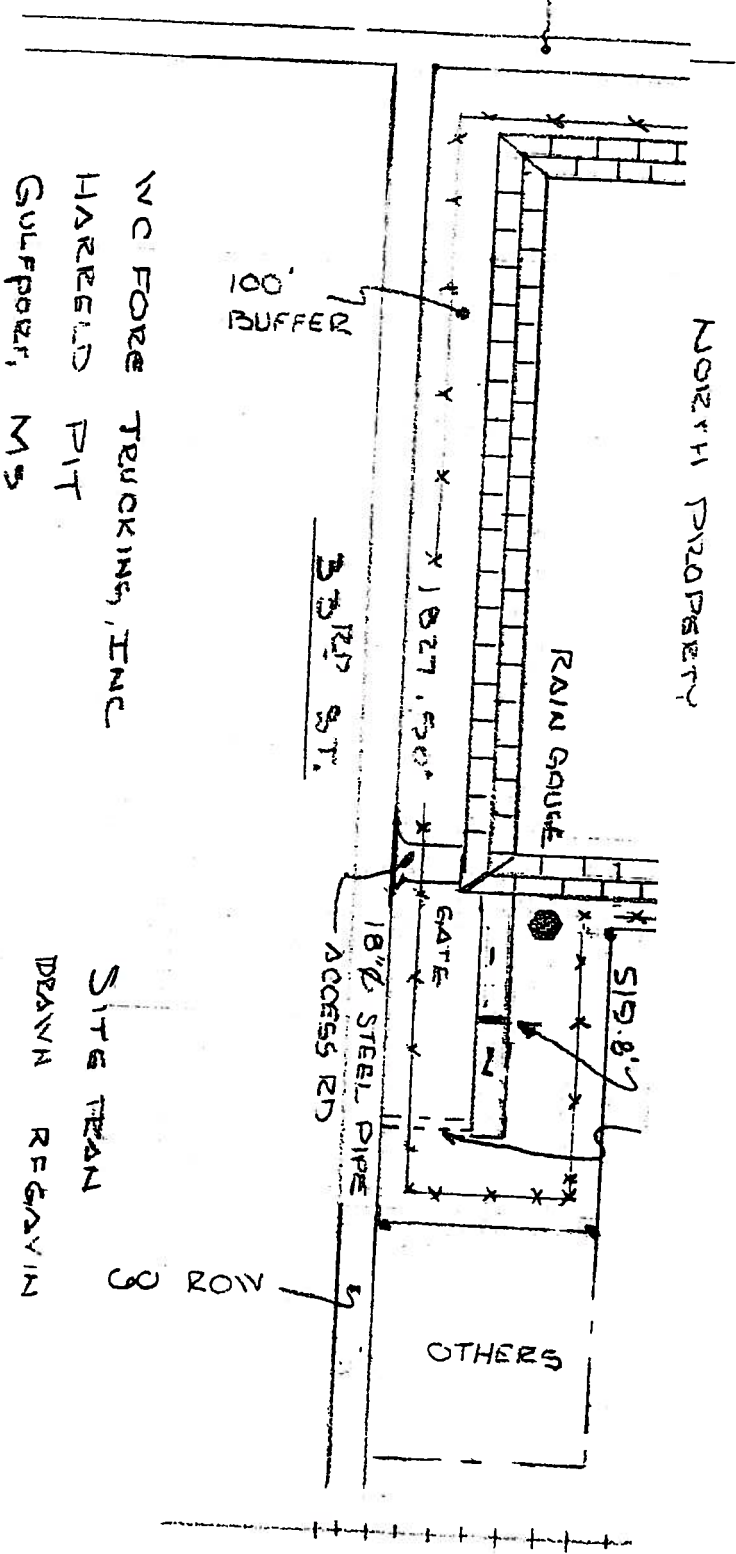
18" Ø STEEL PIPE
ACCESS RD

519.8' 7"

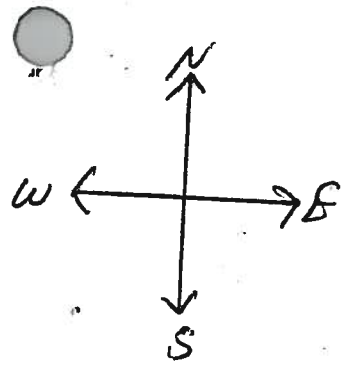
SITE TEAM
DRAWN REEAVIN

60' ROW

OTHERS



Site may be revised
Nov 6, 2002



- tie entry kop
- comml. laurant
- GWH al tate
- osp (?)
- 1P vragg
- dca's woty kop

Hwy 49

Estes Tire

Church

Berean Baptist Church

animal clinic

truck repair

field

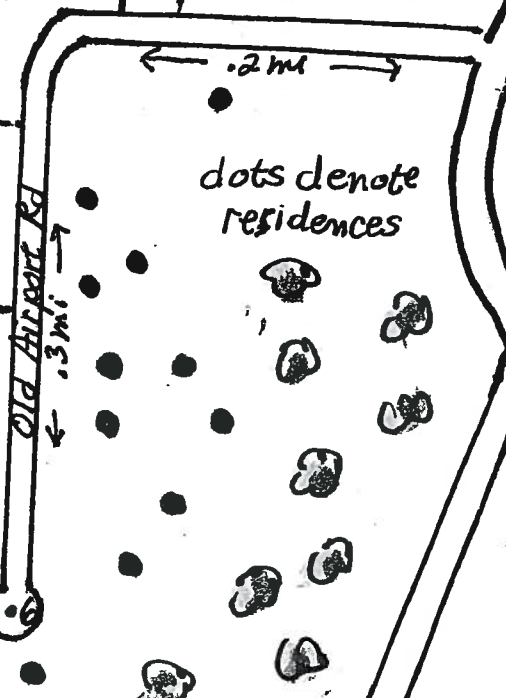
house

Stone Co. Carpet
Hilltop Sleep shop

Proposed site
480' (?)
1057.6'
1100'

stack
696'
686'

Wood treatment area
725.4'

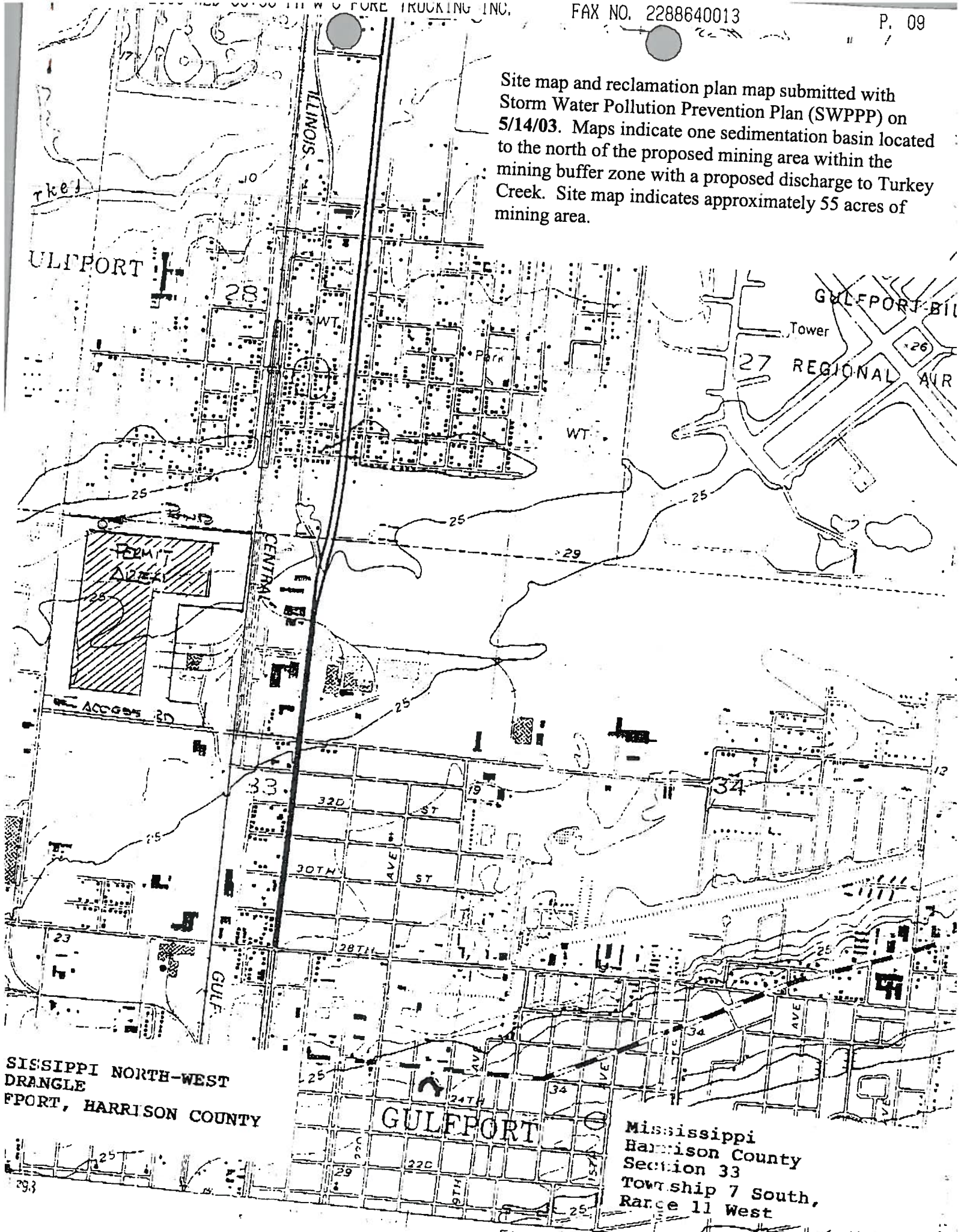


dots denote residences

Numbers indicate GPS locations - see next page.
R-1 and R-2 are the roads

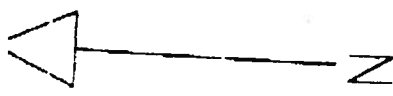
Woods

Site map and reclamation plan map submitted with Storm Water Pollution Prevention Plan (SWPPP) on 5/14/03. Maps indicate one sedimentation basin located to the north of the proposed mining area within the mining buffer zone with a proposed discharge to Turkey Creek. Site map indicates approximately 55 acres of mining area.

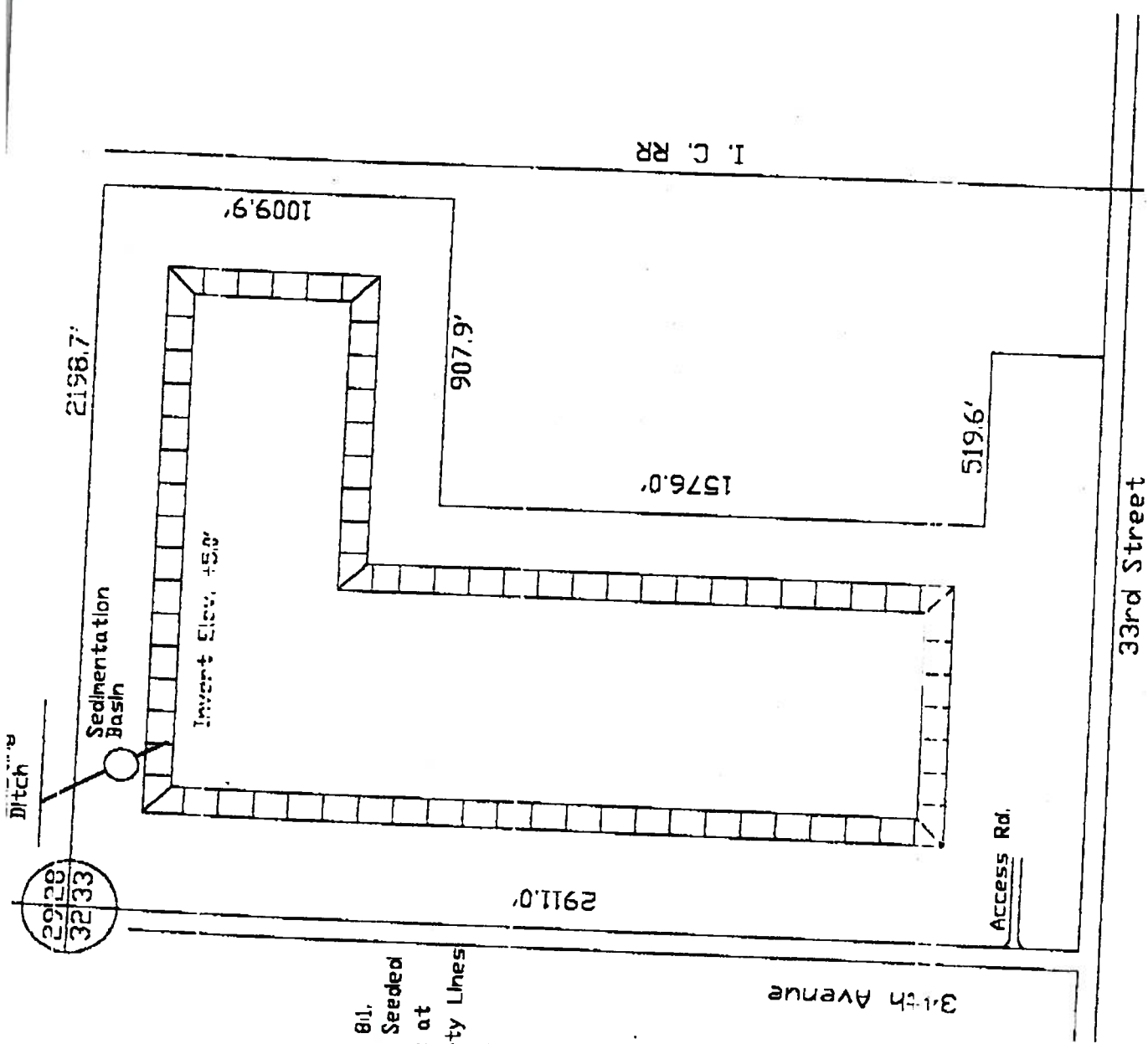


MISSISSIPPI NORTH-WEST
DRANGLE
PORT, HARRISON COUNTY

Mississippi
Harrison County
Section 33
Township 7 South,
Range 11 West



- 1. All Slopes To Be 8:1.
- 2. All Slopes To Be Seeded
- 3. All Buffer Zones at Road and Property Lines to be Maintained.



29128
3233

Ditch
Sedimentation Basin

Invert Elev. +5.0

2198.7'

1009.9'

907.9'

1576.0'

519.6'

2911.0'

Access Rd.

34th Avenue

33rd Street

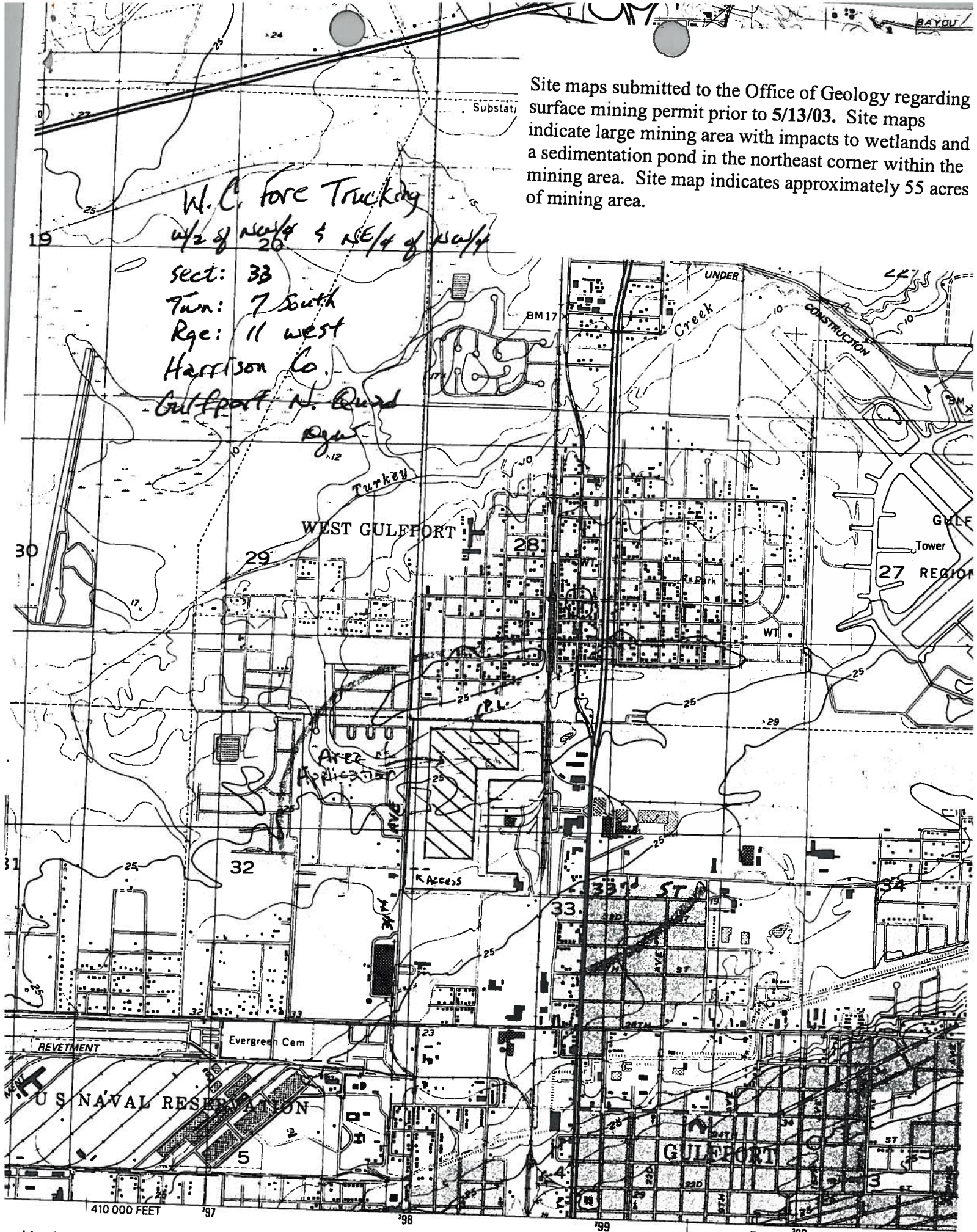
I. C. RR

W. C. Fore Trucking, Inc.
Harreld Pit, Gulfport

Reclamation Site Map
May 6, 2003

Site maps submitted to the Office of Geology regarding surface mining permit prior to 5/13/03. Site maps indicate large mining area with impacts to wetlands and a sedimentation pond in the northeast corner within the mining area. Site map indicates approximately 55 acres of mining area.

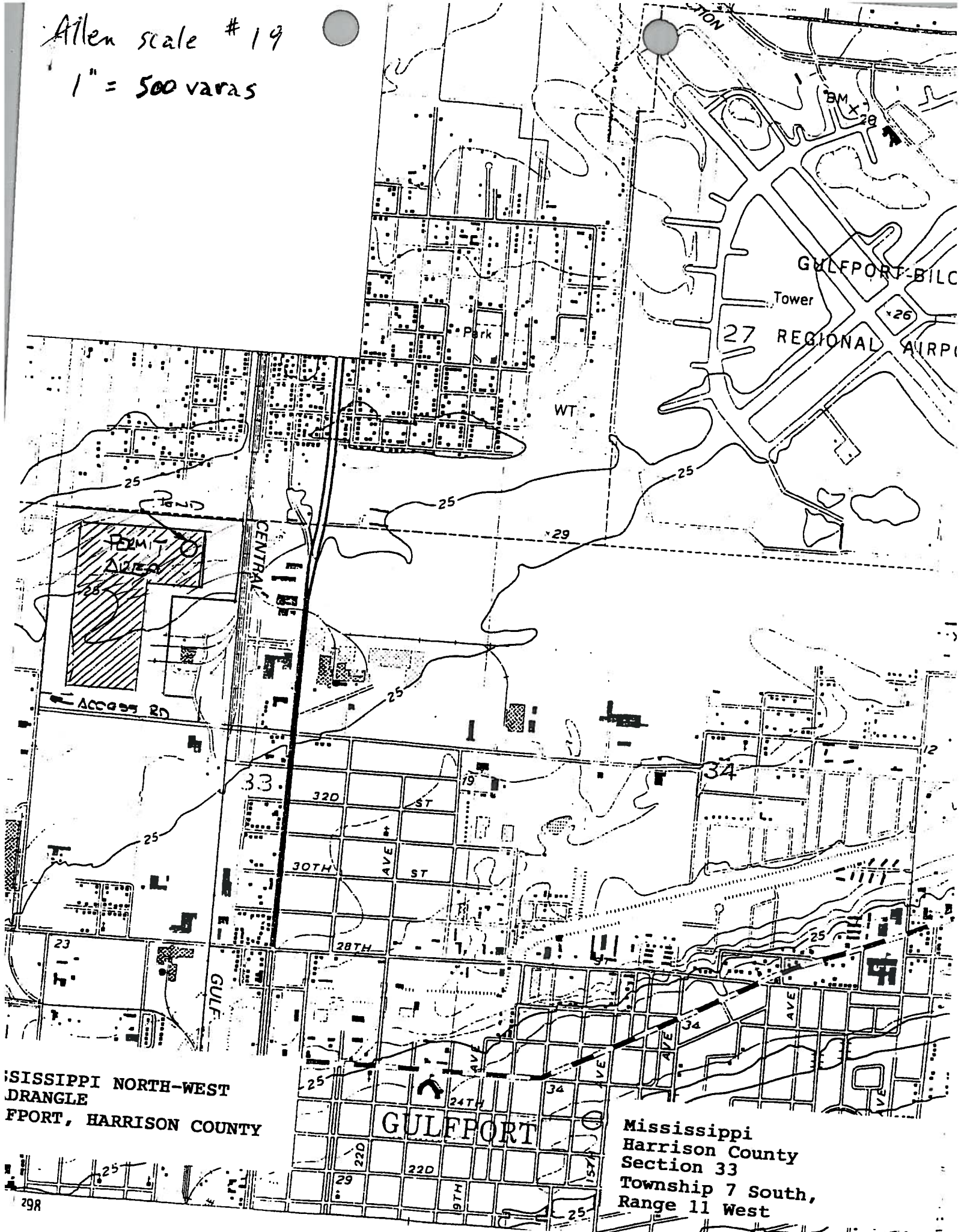
W.C. Fore Trucking
w/2 of NE/4 & NE/4 of NW/4
sect: 33
Twn: 7 South
Rge: 11 west
Harrison Co.
Gulfport N. Quad



410 000 FEET

Allen scale # 19

1" = 500 varas



MISSISSIPPI NORTH-WEST
DRANGLE
PORT, HARRISON COUNTY

Mississippi
Harrison County
Section 33
Township 7 South,
Range 11 West



2928
3233

2198.7'

34th Avenue

2911.0'

50.2ac ST



Pond

907.9'

1009.9'

111.2ac ST est

1576.0'

519.6'

Access Rd.

33rd Street

I. C. RR

W. C. Fore Trucking, Inc.
Harrelld Plt, Gulfport

Site Plan
May 6, 2003

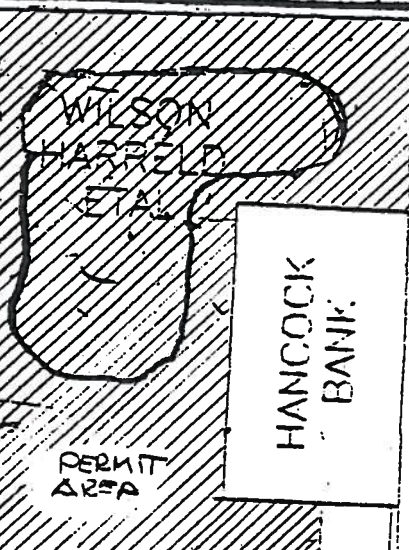
TRUST

COUNTY

PAMELA EDWARDS
ETAL

WILLIAM
DURHAM

HAROLD
WILLIAMS



GULF
CONDO INC

GULF
SOUTH
INC

COAST
COLA
BOTTLING

US
COUNTY

GULFPORT
SHOPPING
CENTER

WILLIAM
DURHAM

LOWES
HOME
CENTERS
INC

VINCENT
WEST

CORPORATION

HAROLD
WILLIAMS

ASH
CORP

HAROLD
WILLIAMS

WILSON
HARRIS
ETAL

WOOD
MANOR
INC

AVENUE
GULFPORT

MS GULFPORT
COMPRESS CO

33RD

WILSON
HARRIS, ETAL

STREET

SAMMY
KISER

WILSON
HARRIS

GULFPORT
DISTRICT

FAULKNER
CONCRETE
PIPE CO

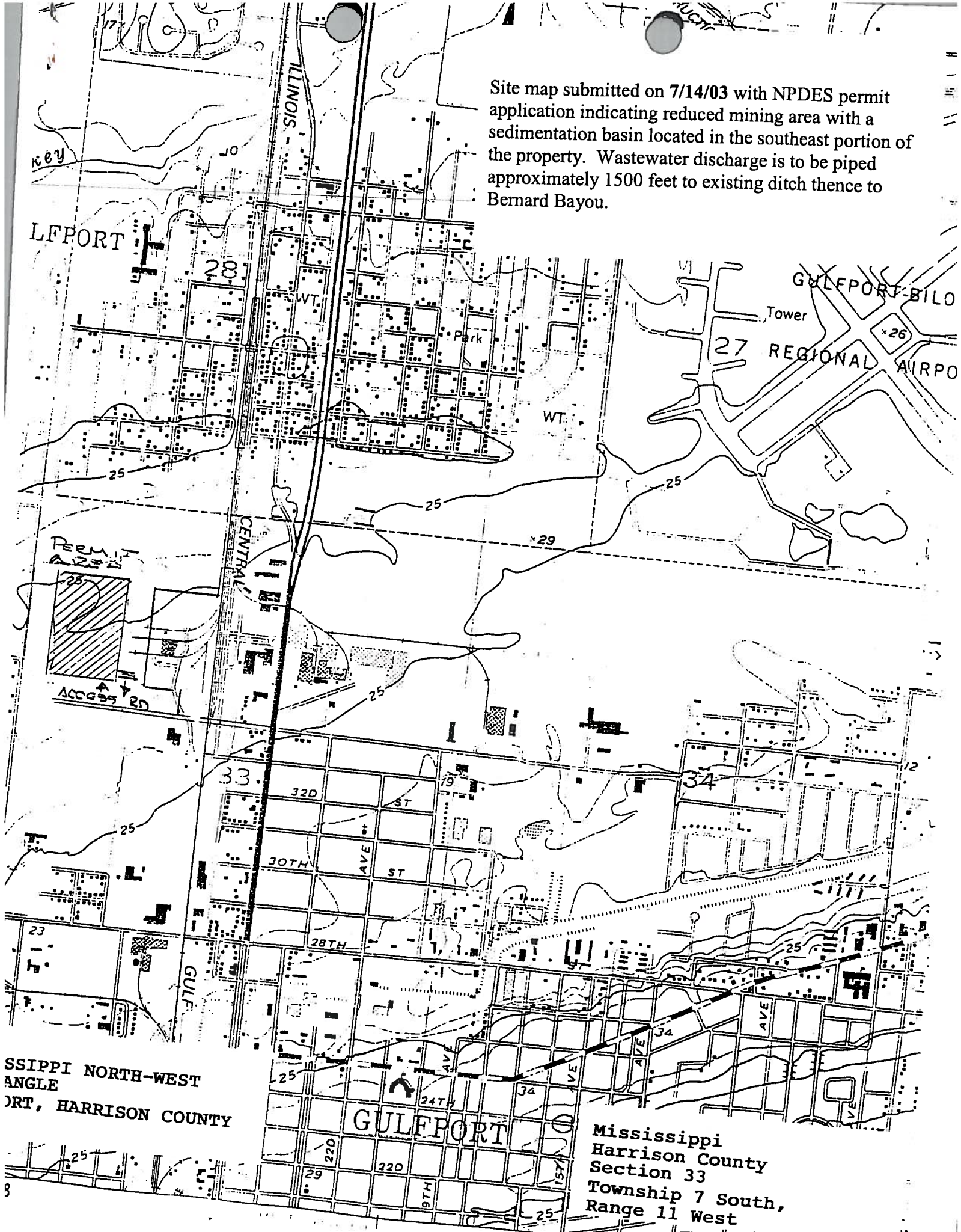
MS
POWER

EVERGREEN CLUB &
PIFF RIDGE GARDENS
CEM

34TH
AVENUE

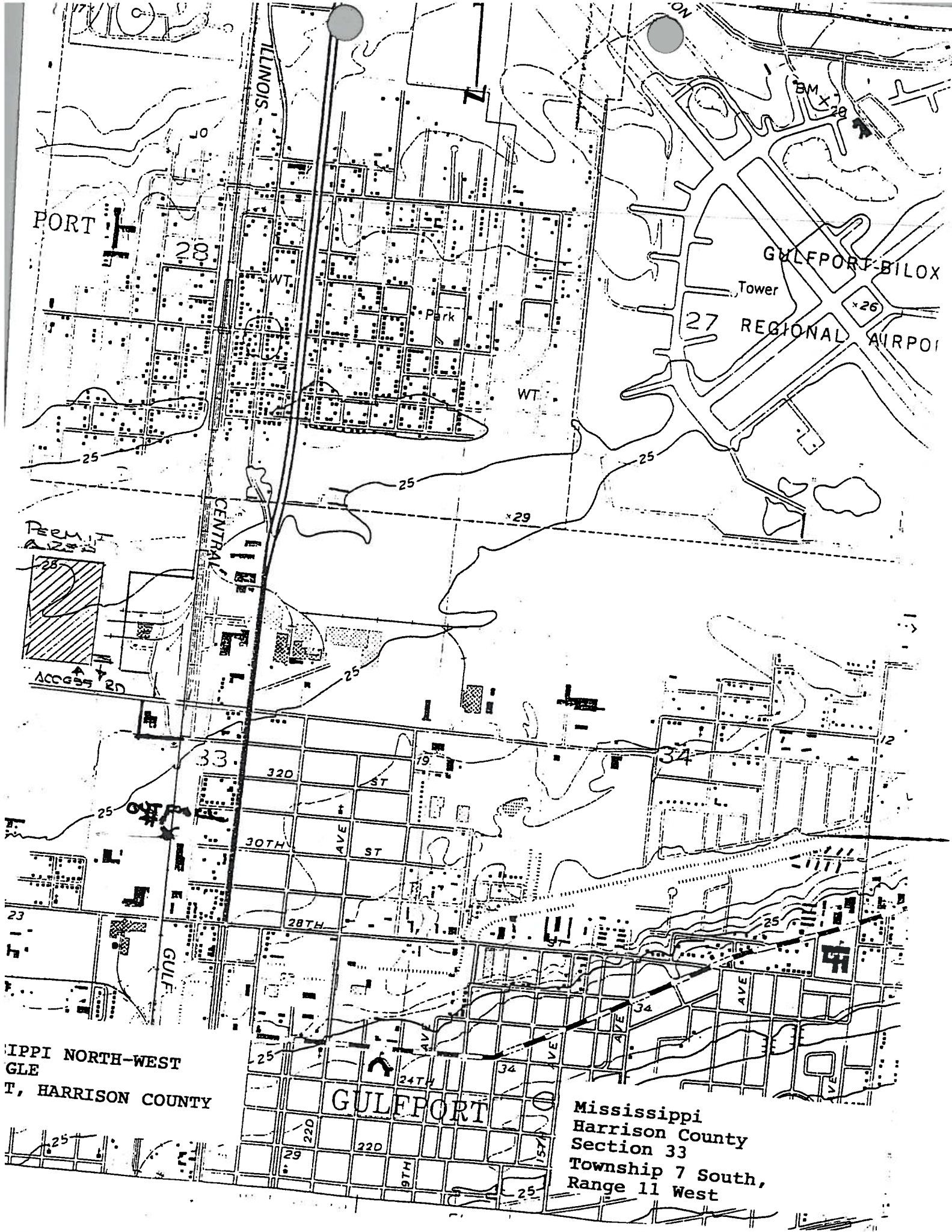
SEE SHEET

Site map submitted on 7/14/03 with NPDES permit application indicating reduced mining area with a sedimentation basin located in the southeast portion of the property. Wastewater discharge is to be piped approximately 1500 feet to existing ditch thence to Bernard Bayou.



MISSISSIPPI NORTH-WEST
HARRISON COUNTY

Mississippi
Harrison County
Section 33
Township 7 South,
Range 11 West




MISSISSIPPI NORTH-WEST
GLE
T, HARRISON COUNTY

Mississippi
Harrison County
Section 33
Township 7 South,
Range 11 West

RECEIVED
JAN 29 2004
MDEQ

FAX

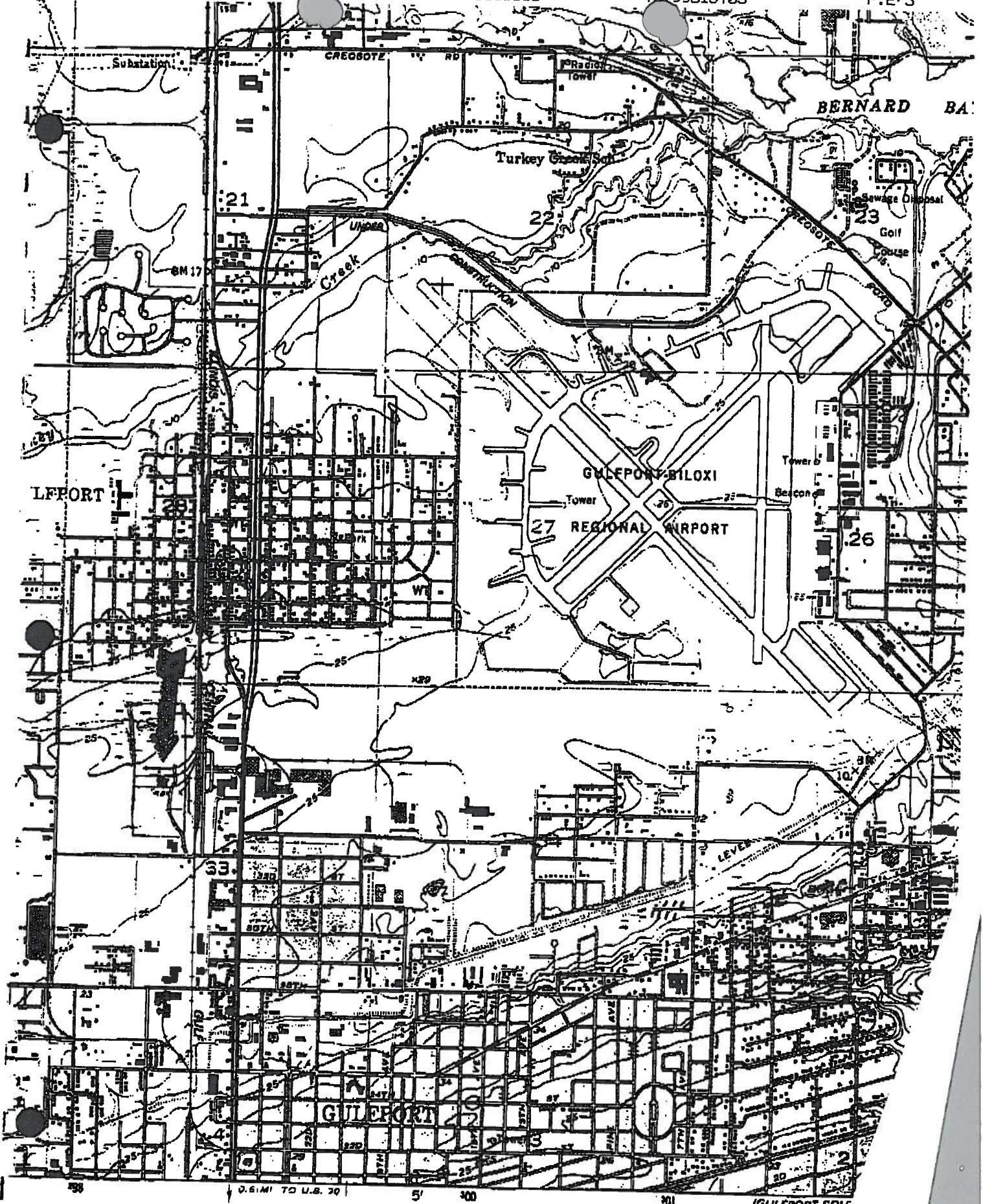
| | |
|--|--|
| To: <u>JERRY CAIN</u> <hr/> <hr/> <hr/> | From: <u>JERRY BANKS</u>  Office of Pollution Control P. O. Box 10385 Jackson, MS 39289-0385 |
| Phone: <u>(1-961-5073</u> Fax: <u>(1-961-5703</u> | Phone: <u>(601) 961- 5221</u> Fax: <u>(601) 961-5300</u> |

Date: JAN. 29, 2004

Routine Priority

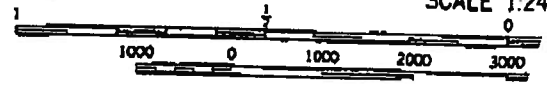
Number of pages, including this one: 3

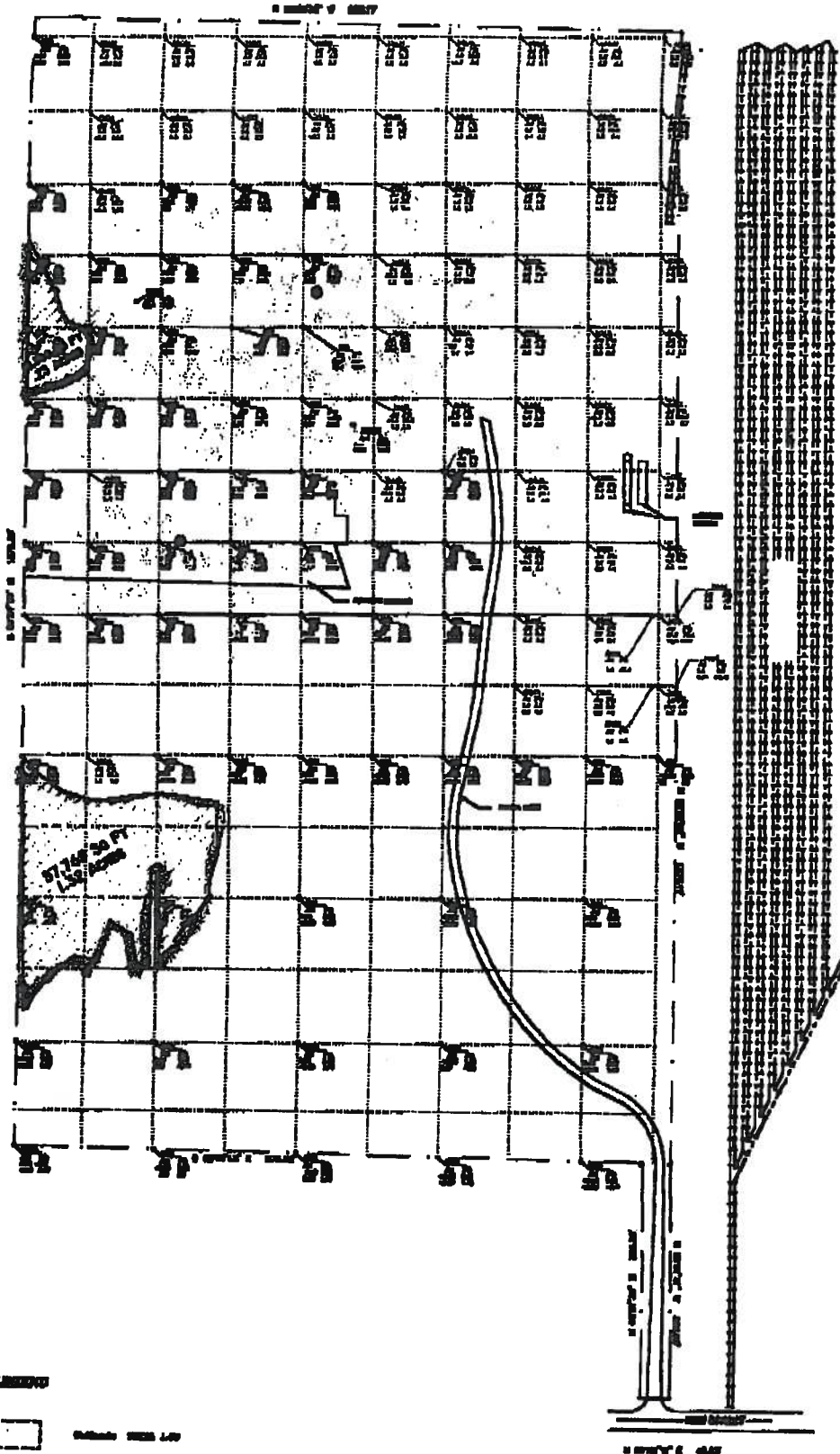
Messages: Jerry see attached (33 acre site), The maps of
the exact acreage are all on mostly 2'x3' drawings. Area is approximately
a rectangle with arrow point below the center.



0.61 MI TO U.S. 90

GULFPORT SOU
31441 SE
SCALE 1:241





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 **Tony Russell**
01/29/2004 01:02 PM

To: Billy Warden/GW/OPC/DEQ@DEQ
Subject: Re: gulf port fertilizer

Billy,

Talked to Penny and her email is attached.


The contamination does extend onto the neighboring property to the north and west of the northwest corner of the property. GW contamination has not been defined for arsenic. Lead contamination has been determined to be confined to the GP Fertilizer property.

We can get you copies of maps showing extent of soil contamination, just let me know.

Tony Russell
Mississippi Department of Environmental Quality
Assessment Remediation Branch Chief
101 West Capitol Street
Jackson, MS 39201
Phone 601-961-5318
Fax 601-961-5300

--- Forwarded by Tony Russell/HW/OPC/DEQ on 01/29/2004 12:17 PM ---

Penelope Johnston
01/29/2004 12:22 PM

To: Tony Russell/HW/OPC/DEQ@DEQ
cc:
Subject: Re: gulf port fertilizer 

The soil contamination and the groundwater plume extend onto the neighboring property. They have not determined the extent of the groundwater contamination, but the soil contamination encompasses approximately 15 acres of the neighboring property. I will copy the map depicting the location of the soil contamination if you would like.
Tony Russell

 **Tony Russell**
01/29/2004 11:43 AM

To: Penelope Johnston/HW/OPC/DEQ@DEQ
cc:
Subject: gulf port fertilizer

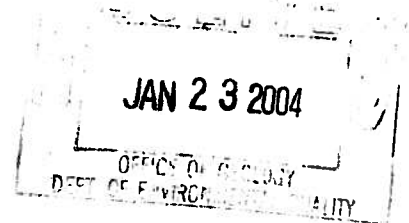
need info on GW plume and soil contamination.

there is a request in to do gravel and sand mining to the west of the site

Tony Russell
Mississippi Department of Environmental Quality
Assessment Remediation Branch Chief
101 West Capitol Street
Jackson, MS 39201
Phone 601-961-5318
Fax 601-961-5300

Captain Austin M. Lindsey, USN (Ret)
2201 Bullis Avenue
Gulfport, MS 39501
January 21, 2004

Mr. Ken McCarley
Office of Geology
PO Box 20307
Jackson, MS 39289-1307



Dear Mr. McCarley,

I noticed in the local newspaper that a mining permit for Mr. W. C. Fore is being considered for 115-acres in Gulfport, MS located west of the railroad and North of 33rd Street. The excavated material is to be used as fill for a port expansion and the resulting excavation would become a lake and dedicated to the city. I have not seen anything describing what went on at the site other than it was a fertilizer plant. My concern for this project is the possibility of exposing toxic waste during excavation. I cannot, with certainty; tell you that there are toxic wastes products there but I can tell you what went on at the site and perhaps you could address my concerns appropriately. Perhaps the past 50 years have changed the qualities of this property. Although my concerns are health related, I see no reason for the city to have an unusable hole in the ground within the city limits.

The Fertilizer Plant was erected in 1904 and was the first industrial plant in Gulfport. The plant encompassed an area bounded on the south by what would have been 34th Street, on the east by the railroad and on the west by 34th Avenue. The plant was located on the northern portion of this property.

I was born in 1931 and my parents lived on this property for about five years. My father worked for the plant for as bookkeeper. I also worked there in the 1940s while attending High School

My comments refer to the attached photographs. Along the northern edge of the property (A) there were about six homes allocated to black employees permanently employed by the plant. Just south and slightly west was a sulfuric acid plant. This was a large facility. There were about 24 large furnaces (B) that burned sulfurous rocks carried to Gulfport as ballast by sailing ships. Later, when pure sulfur became available, only two furnaces were needed. The sulfur dioxide gas produced by burning the sulfur was collected in lead pipes and conveyed to the adjacent acid production facility (C). This section had a number of large lead tanks about 15 to 20 feet high. All of the pipes, tanks and vats were made of lead. There were craftsmen employed by the company who specialized in welding the soft lead. They were very skilled and repaired the plant as needed. At the time the plant closed it had been making acid for well over forty years.

Then next building south (D) was a large storage shed for machinery and equipment and a steam plant that provided power for the conveyers and hoists.

The next building (E) was the fertilizer production facility. This large building stored bulk phosphate, potash, and sand on the ground. When a batch was to be run, railroad tank cars would bring in ammonia. These ingredients would then be mixed to make the fertilizer. The ammonia smell was very strong during this process. The wet fertilizer mixture was stored on the ground under cover in large piles for curing. The cured fertilizer piles would become very hard and dynamite was used to loosen the mixture for grinding and bagging. The dynamite was kept in case lots in a small shed in the field between the office and the plant. One of my jobs was to dynamite the piles. This required one or two sticks each time. The piles were very hard but cracked well enough so the fertilizer could be moved to the grinder.

The next building (F) was a storage facility for bags of Chili Nitrate also known as ammonia nitrate.

The remaining property, south of the plant, contained an office, some garages, homes for white employees and a cotton gin.

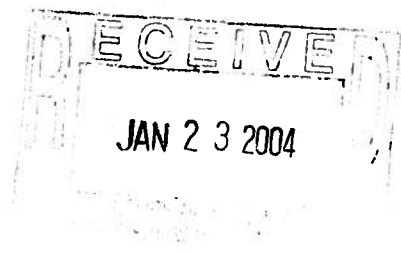
South of the plant's property but not in the tract under consideration was the Gulfport Airport. The airport property was bounded, east and west by the railroad and 34th Avenue and north and south from where 34th Street would have been to about 29th Street. Today, 33rd Street cuts through the old airport property and connects 34th Avenue with 25th Avenue.

I remember that the property west of the plant was always desolate in appearance but I never knew of any specific reasons why this was the case. There were drainage ditches which ran east and west toward 34th Avenue.

I hope this will assist you in making an appropriate decision on the usage of this property.

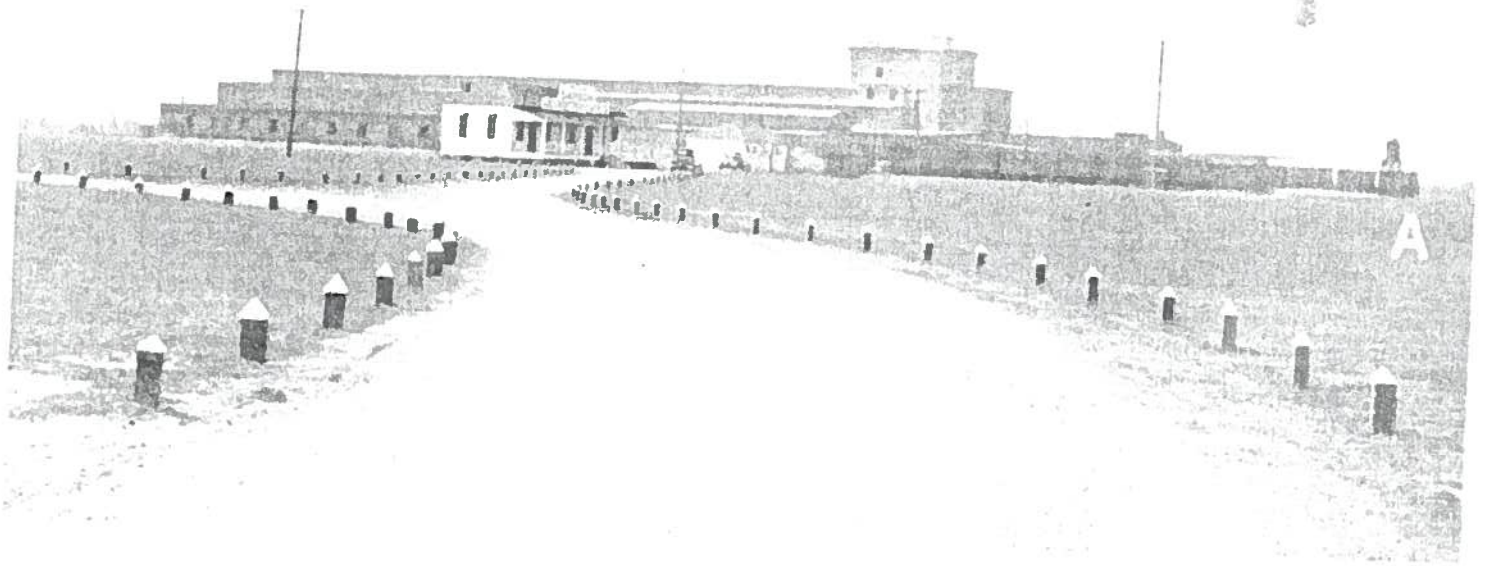
Sincerely yours,

Austin M. Lindsey

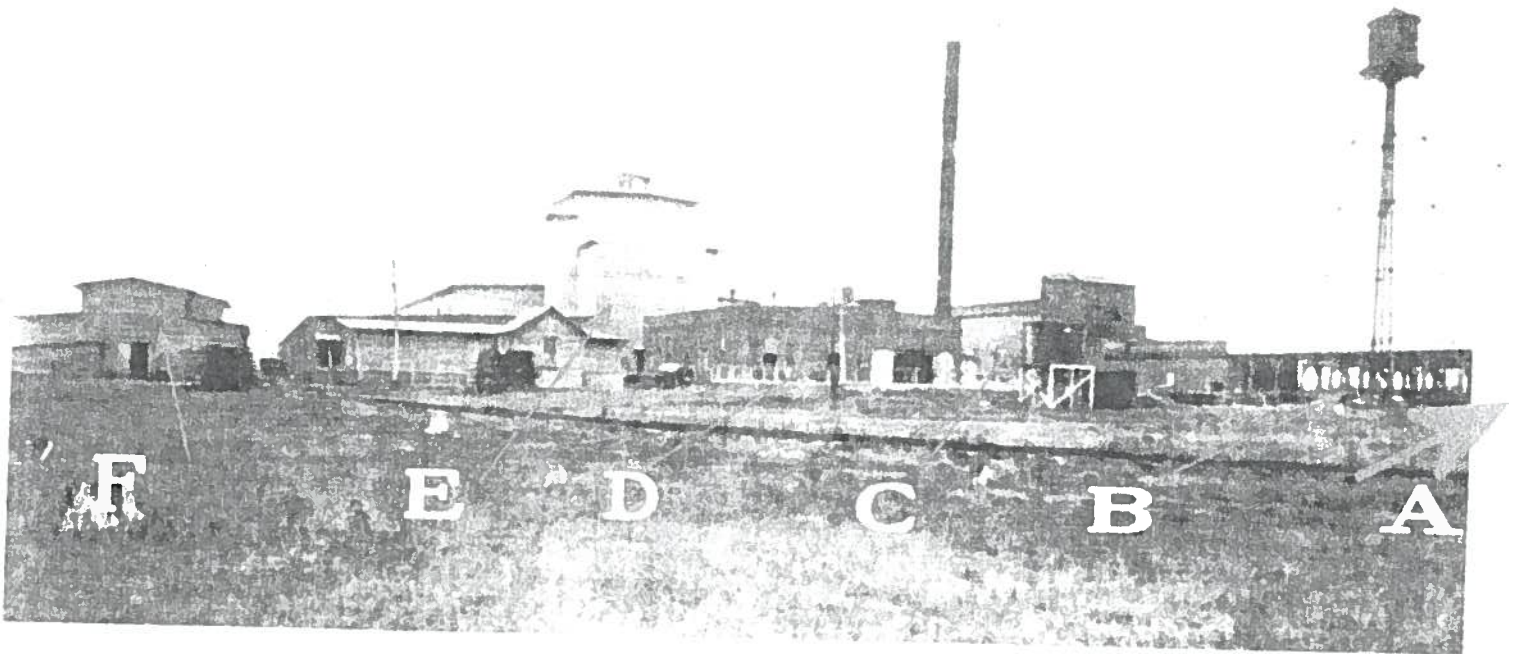


Attachment: Photographs

CC: Mayor Ken Combs
Councilwoman Ella Holmes Hines



*Gulfport Fertilizer Plant
1904 to Circa 1950*





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

FILE COPY

January 27, 2004

Mr. W. C. Fore, President
W. C. Fore Trucking, Inc.
Post Office Box 3058
Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref. No. MS0058912
Mining Permit P03-021

On January 13, 2004, the Environmental Quality Permit Board (Permit Board) considered your application for the above referenced National Pollutant Discharge Elimination System (NPDES) permit and amendment to the above referenced mining permit. Department of Environmental Quality (Department) staff briefly discussed the technical aspects of the proposed project and the public participation involved during the permit review process. Furthermore, Department staff discussed the local authorizations, permits and/or exemptions required for the proposed project. The Permit Board voted, unanimously, to table a decision on the proposed project until all local approvals are obtained.

If you have any questions or comments, please contact this office at 601-961-5171.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Vinson".

Michelle Vinson
Environmental Permits Division

cc: Michael Bograd, Geology

18002 PER20030001



FILE COPY

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

January 13, 2004

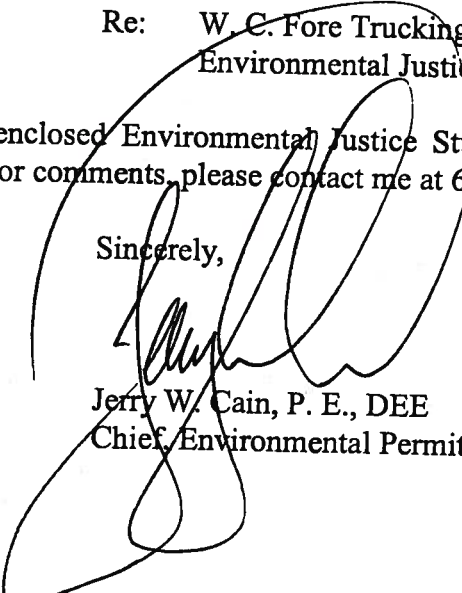
Ms. Ella Holmes-Hines
Councilwoman, City of Gulfport
Post Office Box 10183
Gulfport, Mississippi 39505-0183

Dear Ms. Holmes-Hines:

Re: W. C. Fore Trucking, Inc.
Environmental Justice Study

Pursuant to your request, please find the enclosed Environmental Justice Study prepared by Department staff. If you have any questions or comments, please contact me at 601-961-5073.

Sincerely,



Jerry W. Cain, P. E., DEE
Chief, Environmental Permits Division

Enclosure

18002 PER20030001



FILE COPY

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

January 13, 2004

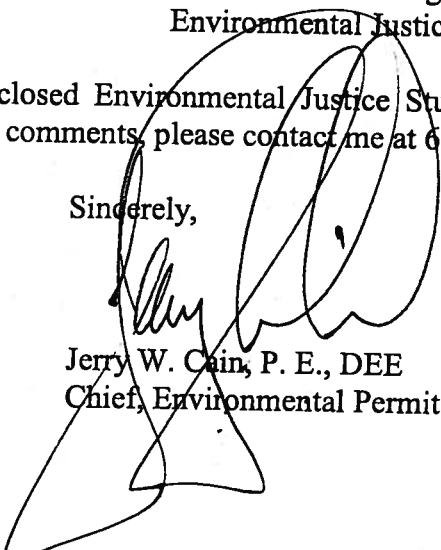
Representative Frances Fredricks
Mississippi House of Representatives
New Capital Building
Jackson, Mississippi 39209

Honorable Ms. Fredricks:

Re: W. C. Fore Trucking, Inc.
Environmental Justice Study

Pursuant to your request, please find the enclosed Environmental Justice Study prepared by Department staff. If you have any questions or comments, please contact me at 601-961-5073.

Sincerely,



Jerry W. Cain, P. E., DEE
Chief, Environmental Permits Division

Enclosure

18002 PER20030001



FILE COPY

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

January 6, 2004

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

Dear Mr. Fore:

Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref. No. MS0058912
Surface Mining Permit P03-021

The Department of Environmental Quality (Department) intends to present the above referenced project to the Environmental Quality Permit Board on Tuesday, January 13, 2004 at 10:00 AM in the Commission Hearing Room of the Department. The original notification, issued December 18, 2003, indicated that the Permit Board meeting would begin at 9:00AM. The Permit Board will begin at 9:00AM, however, the proposed project is on the agenda for presentation at 10:00AM to accommodate interested parties, as requested.

If you have any questions or comments regarding the Permit Board meeting or the proposed project, please contact me at 601-961-5703.

Sincerely,

Jerry W. Cain, P. E., DEE
Chief, Environmental Permits Division

18002 PER20030001



FILE COPY

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

December 18, 2003

Ms. Deborah McGee
2807 Palmer Drive
Gulfport, Mississippi 39507

Dear Ms. McGee:

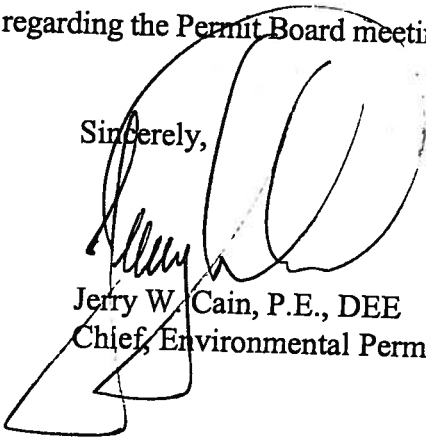
Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref. No. MS0058912

Pursuant to your request presented during the September 30, 2003 public hearing regarding the above referenced proposed project, the Department of Environmental Quality (Department) intends to present the project application to the Mississippi Environmental Quality Permit Board on Tuesday, January 13, 2004 for their consideration. The Permit Board meeting is scheduled to begin at 9:00 AM in the Commission Hearing Room of the Department. The central office of the Department is located at 2380 Highway 80 West, Jackson, Mississippi (map enclosed).

Please be aware that the above scheduled Permit Board meeting is not a public hearing. The decision made by the Permit Board will be based on the technical record generated from the permit application, comments received during the public notice and public hearing and Department response to those comments. Please note that the comment period was extended to October 14, 2003 and comments received during this period are included. Generally, the Permit Board will allow one (1) representative from each side approximately five (5) to ten (10) minutes to address the Permit Board concerning the proposed permit action.

If you have any questions or comments regarding the Permit Board meeting or the proposed project, please contact me at 601-961-5073.

Sincerely,


Jerry W. Cain, P.E., DEE
Chief, Environmental Permits Division

Enclosure

18002 PER20030001



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

FILE COPY

December 18, 2003

Councilwoman Ella Holmes-Hines
City of Gulfport
2309 15th Street
Gulfport, Mississippi 39501

Dear Mrs. Holmes-Hines:

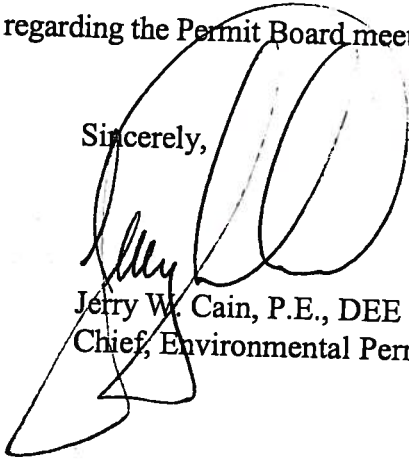
Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref. No. MS0058912

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If you have any questions or comments regarding the Permit Board meeting or the proposed project, please contact me at 601-961-5073.

Sincerely,



Jerry W. Cain, P.E., DEE
Chief, Environmental Permits Division

Enclosure

18002 PER20030001



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

FILE COPY

December 18, 2003

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

Dear Mr. Fore:

Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref. No. MS0058912

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If you have any questions or comments regarding the Permit Board meeting or the proposed project, please contact me at 601-961-5073.

Sincerely,

Jerry W. Cain, P.E., DEE
Chief, Environmental Permits Division

Enclosure

18002 PER20030001



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

FILE COPY

December 18, 2003

Senator Deborah J. Dawkins
Mississippi State Senate
22383 Meadowlark Drive
Pass Christian, Mississippi 39571

Honorable Ms. Dawkins:

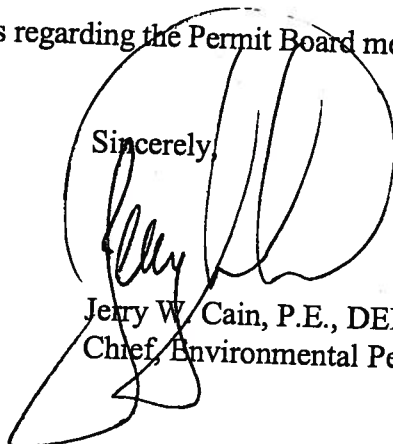
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Harrison County
Water Ref. No. MS0058912

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If you have any questions or comments regarding the Permit Board meeting or the proposed project, please contact me at 601-961-5073.

Sincerely,


Jerry W. Cain, P.E., DEE
Chief, Environmental Permits Division

Enclosure

18002 PER20030001



FILE COPY

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

December 18, 2003

Representative Frances Fredricks
Mississippi House of Representatives
Post Office Box 2305
Gulfport, Mississippi 39505

Honorable Ms. Fredricks:

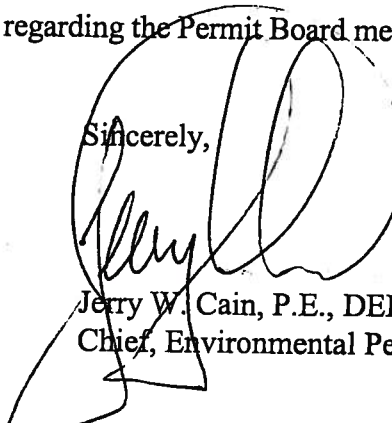
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Harrison County
Water Ref. No. MS0058912

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If you have any questions or comments regarding the Permit Board meeting or the proposed project, please contact me at 601-961-5073.

Sincerely,



Jerry W. Cain, P.E., DEE
Chief, Environmental Permits Division

Enclosure

18002 PER20030001

To: Charles Chisolm
From: Jerry W. Cain
Date: November 25, 2003
Re: W. C. Fore Trucking, Inc.

EPD and Office of Geology staff have identified issues presented during the public hearing on September 30, 2003 to address prior to presenting the request for modification of the Geology surface mining permit and issuance of the individual NPDES wastewater discharge permit. Many of these issues have been addressed satisfactorily; however, there are two issues that require additional study by Department staff and additional information from other state and local agencies.

- Flooding of Brickyard Bayou and surrounding residential and commercial areas: Department staff has reviewed a drainage improvement study completed by an independent engineering firm for the city of Gulfport and compared the information contained in that document to the maximum discharge anticipated from the proposed mining site. Department staff does not anticipate flooding conditions in Brickyard Bayou from the discharge from the proposed mining site.

The city of Gulfport has designated the area south and southeast of the proposed mining area and surrounding Brickyard Bayou as a Special Flood Plain and has enacted ordinances governing the discharge into Brickyard Bayou. This city ordinance requires proposals to discharge into Brickyard Bayou to demonstrate a "no rise" impact to Brickyard Bayou. The Mississippi Emergency Management Agency is currently involved in a \$33 million dollar buy-out of residences impacted by the flooding of Brickyard Bayou. Mr. Al Goodman, State Flood Plain Coordinator for MEMA, intends to meet with the city's Flood Plain Coordinator on Monday, December 1, 2003. Department staff understands that MEMA will request that the city require Mr. Fore to complete a study to ensure no rise conditions related to the proposed discharge prior to granting approval of Mr. Fore's activity.

- Environmental Justice:
Department staff is preparing an environmental justice review emphasizing the number of mining sites within residential communities in Harrison County and other counties within the state having similar populations based on 2000 census data for comparison with the racial distribution in the area of study. Additional information to be included in this review are the number of industrial discharges permitted within Harrison County and the location compared to majority non-white communities. This review is not complete nor has internal coordination with the Department's Environmental Justice Coordinator been completed.

- Adequate Notice to Interested Parties: The Department committed, at the public hearing regarding this project, that we would give interested parties adequate notice of the date this matter would be before the Permit Board. Typically, adequate notice has been interpreted as ten working days.

Because of the foregoing, we don't believe the staff can be adequately prepared to present the project to the Permit Board at their January meeting.

Proposed sand mine riles Gulfport residents

By **MIKE CUMMINGS**
THE SUN HERALD

GULFPORT — Residents filled the gymnasium at the 28th Street Elementary School in Gulfport on Tuesday to say they don't want sand taken from a nearby property.

W.C. Fore, a local construction contractor, has applied for permits from the state Department of Environmental Quality to mine sand from 49 acres of a 115-acre tract of land he owns off 34th Avenue and 33rd Street.

Fore has an \$18 million contract to expand the State Port at Gulfport, and he wants to mine

the property to provide fill for the expansion project. The mining project is scheduled to last three years.

At a City Council meeting in May, Fore proposed to transform the property into a lake with an adjoining park and donate it to the city once the material is excavated.

During Tuesday's public hearing, attended by more than 200, residents spoke against the park proposal and the excavation, saying the project will endanger their children and disrupt their community.

"I would like to say that we do not want this hole, we do not want this death trap,"

neighborhood resident Mary Wilson said to applause. "You can call it a lake or a pond, but it's a death trap for our children."

Residents expressed concern that the surface mine could cause flooding.

According to plans Fore submitted to the DEQ, the mine would drain an estimated 2 million gallons of wastewater into Brickyard Bayou per day.

Jerry Cain, chief of the environmental permits division for the DEQ, said 2 million gallons is not an overwhelming amount of water for the bayou to handle. The excavation project must be approved by city

zoning and planning boards before the state could issue mining and wastewater permits.

Last month, the Zoning Board of Adjustment and Appeals approved the project, but the Planning Commission denied it.

Councilwoman Ella Holmes-Hines said the City Council will hear appeals from Fore and neighbors at its Oct. 20 meeting.

Mike Cummings can be reached at 896-2393 or at mcummings@sunherald.com



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

RECEIVED
AUG 27 2003
Environmental Quality
& Pollution Control

August 22, 2003

Ms. Celia Barrett, Head Librarian
Gulfport Public Library
1300 21st Avenue
Gulfport, Mississippi 39501-2081

Dear Ms. Barrett:

Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref No. MS0058912
Surface Mining Permit P03-021

Enclosed is a copy of the public notice for comment on the above referenced environmental permits. Please post this notice in your library.

Also, enclosed is a copy of information pertinent to the permits. This information should be kept on hand for review by the public until September 30, 2003, after which it may be discarded. The public may photocopy all or any portion of this information, but it should not leave the library.

Finally, enclosed please find a duplication of this letter with a place for your signature and the date acknowledging your receipt of the package and your agreement to carry out our request. A self-addressed stamped envelope is enclosed for your convenience.

We are attempting to better keep the public informed of and involved in this Office's actions regarding environmental permits. Since access to the public library is so convenient for so many we hope to use these facilities as often as possible. Your cooperation in this matter is greatly appreciated.

If you have any questions, please let me know at (601) 961-5040.

Sincerely,

Michelle Vinson
Environmental Permits Division

Enclosure

Received and Agreed to By: Celia Barrett Title: Head Librarian

Date: 8/25/03



FILE COPY

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

August 22, 2003

Honorable Frances M. Fredericks
Mississippi House of Representatives
Post Office Box 2305
Gulfport, Mississippi 39505

Dear Representative Fredericks:

Re: Notice of Hearing
W. C. Fore Trucking, Inc.
Water Ref No. MS0058912
Surface Mining Permit P03-021

Enclosed please find a copy of the proposed draft permit and public notice for the above referenced facility. This draft permit contains conditions that we intend to incorporate as part of the final permit.

If you have any comments concerning the contents of the draft permit, please notify this office in writing no later than September 30, 2003. If you would like to contact me to discuss any of these concerns, please call me at (601) 961-5040.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Vinson".

Michelle Vinson
Environmental Permits Division

Enclosure



FILE COPY

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

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Michelle Vinson
Environmental Permits Division

Enclosure

18002 PER20030001



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 22, 2003

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Sincerely,

Michelle Vinson
Environmental Permits Division

Enclosure

Received and Agreed to By: _____ Title: _____

Date: _____

18002 PER20030001



FILE COPY

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

August 22, 2003

Postmaster
Gulfport, Mississippi 39505

Dear Postmaster:

Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref No. MS0058912
Surface Mining Permit P03-021

Please post the attached public notice in your post office on or before August 29, 2003.

If you are unable to do so or if you have any questions, please contact me at (601) 961-5040.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Vinson".

Michelle Vinson
Environmental Permits Division

Enclosure



FILE COPY

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

August 22, 2003

The Sun Herald
PO Box 4567
Biloxi, MS 39535

Dear Sir/Madam:

Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref No. MS0058912
Surface Mining Permit P03-021

Enclosed herewith is a legal notice to be published in your newspaper on or before August 29, 2003. Also, please furnish this office with statement and proof of publication in duplicate.

If there are questions concerning this legal notice, please contact this office at (601) 961-5040.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Vinson".

Michelle Vinson
Environmental Permits Division

Enclosure

cc: Ms. Linda Stanford, OPC (9701) w/enclosures



FILE COPY

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

August 22, 2003

Mr. John T. McAdams
Harrison County Chancery Clerk
Post Office Drawer CC
Gulfport, Mississippi 39502

Dear Mr. McAdams:

Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref No. MS0058912
Surface Mining Permit P03-021

Please post the attached public notice in your courthouse on or before August 29, 2003.

If you are unable to do so or if you have any questions, please contact me at (601) 961-5040.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Vinson".

Michelle Vinson
Environmental Permits Division

Enclosure



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

FILE COPY

August 22, 2003

Mr. Chris Lagarde
Congressman Taylor's Office
1314 Government Street
Ocean Springs, Mississippi 39564

Dear Mr. Lagarde:

Re: Notice of Hearing
W. C. Fore Trucking, Inc.
Water Ref No. MS0058912
Surface Mining Permit P03-021

Enclosed please find a copy of the proposed draft permit and public notice for the above referenced facility. This draft permit contains conditions that we intend to incorporate as part of the final permit.

If you have any comments concerning the contents of the draft permit, please notify this office in writing no later than September 30, 2003. If you would like to contact me to discuss any of these concerns, please call me at (601) 961-5040.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Vinson".

Michelle Vinson
Environmental Permits Division

Enclosure



FILE COPY

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 22, 2003

City of Gulfport
Post Office Box 1780
Gulfport, MS 39502-1780

Honorable Mayor:

Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref No. MS0058912
Surface Mining Permit P03-021

Enclosed please find a copy of the proposed draft permit and public notice for the above referenced facility. This draft permit contains conditions that we intend to incorporate as part of the final permit.

If you have any comments concerning the contents of the draft permit, please notify this office in writing no later than September 30, 2003. If you would like to contact me to discuss any of these concerns, please call me at (601) 961-5040.

Sincerely,

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Environmental Permits Division

Enclosure

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FILE COPY

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 22, 2003

Mr. W. C. Fore, President
W C Fore Trucking Inc.
Post Office Box 3058
Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref No. MS0058912
Surface Mining Permit P03-021

Enclosed is the public notice and draft of the above referenced permits. If you have not already done so, you are invited to submit written comments by no later than September 30, 2003. A decision regarding the proposed permit(s) will be made after all public comments have been duly considered.

If you have any questions, please contact me at (601) 961-5040.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Vinson".

Michelle Vinson
Environmental Permits Division

Enclosures

B. W. Fore
file

2807 Palmer Drive
Gulfport, MS 39507
August 22, 2003

Charles Chisolm
Director of DEQ
P. O. Box 10305
Jackson, MS 39289

Dear Charles Chisolm


Enclosed are the minutes to the meeting you attended on August 8th concerning W. C. Fore's "Harreld Pit" project and the August 18th community meeting concerns of the project.

A community meeting has been set for September 3rd at 6:30 p.m. at St. John Baptist Church. Your presence is requested at this meeting to inform the community of your department's role in overseeing the "Harreld Pit" project and they (the community) can get answers to their concerns. If you can not attend the meeting, please send a representative from your office.

Thank you for your continued support. Please do not hesitate to contact me at (228) 896-4582 for further information.

Sincerely,

Rep. Frances Fredericks
Community Co-Chair

Deborah McGhee 
Community Co-Chair



August 8, 2003

Fore's Proposed Construction

Meeting called to order by Rep. Frances Fredericks. Invocation by Rev. Lawrence Collins. Chris Laganre, from Gene Taylor's office, told both sides to get together to work out differences. Correction by Deborah McGhee stating the purpose of this meeting is to hear Mr. Fore's plans for the construction and this group will conduct a larger community meeting to present today's proposes to.

Mr. Fore yielded the floor to Bobby Gavin to present his proposed construction. He stated Mr. Fore has made application for a permit to mine \pm 48 acres. The project will be divided in three phases. Phase I will cut the pit. The water leaving its natural state mining a ditch. Currently 100% of the water in the site drains into Turkey Creek. Phase II and Phase III the water will stay in its natural state. In these phases the water will go through a limestone velocity break and will cross 33rd with discharge particles to natural ditch that runs parallel to the railroad track. The water will then go to Brickyard Bayou. They will clear right of way to the pit and install a 6' high safety fence with one access. Access to the mining area will be on 33rd with 2 -12' fences with lockable gates. North existing wetlands will stay a minimum of 300 ft away from the wetlands. There will be a 100' buffer between 33rd and a 150' buffer between the burn centiment pond. He will clear only enough land around the perimeter to install a 6' ft. There will be environmental controls to prevent runoff. When this area is completed, he will then start Phases 2 and 3. The surface water will be taken in stillen basins that has a baffel in it, then the water will cross 33rd and follow Fore's property line and dump into the existing ditch. The distance to residential area is 900'. This project will pump 2 million gallons of water a day.

Mr. Fore's plans for the park

- open air pavilion
- fence will remain
- surface walking track
- landscaping

He will provide a Performance Bond to the city to guarantee this work will be performed.

He also stated he saved the city \$18 million. He was the only local company that bided on this project. The other company's bids were \$28 million and \$39 million.

Questions from the floor:

Frank Hubiak, U. S. Army COE, asked the depth of the pit? Response: The depth of the pit will be 20', you will be able to walk all around before you get in deep water. It will be topsoil and grass to walk out to the pond.

Howard Page asked the depth of the natural water table. Response: 2-4'. All environment issues addressed to the Core of Engineers. It will take 3 to 4 years to complete the project, and at that time the property will be deeded to the City of Gulfport. The city has plans to use the area as a recreational park.

It was asked what will he (Mr. Fore) do with the remaining acres? Response: The remaining 35 acres south of 33rd, and he emphasized that this is just a thought, but he's seen on the news that there's a great need for affordable housing in this area.

What material will go to the port? Response: All upland material will go to the port. Wetland material can't go to the port.

Rev. Collins asked the name of the project? Response: The "Harreld Pit"

Rep Fredericks asked how will the water get to Brickyard Bayou? Response: There's currently an elevation pipe by the railroad that's 25' with a difference of 9'. And with the difference he will connect at that point and redirect the water.

Chris Laganre asked has all permits been secured? Response: Currently has a permit from the COE and the permit from the DEQ is in limbo.

Permits

Ron Krizman stated the COE issued a permit to the city for expansion dirt to come from the uplands. They now will have to retract that letter and Fore has to explain that he can avoid using wetlands in this project. It was stated that the elevated dike 3' around the pit, then you are filling wetlands and need a permit. Mining permit was issued with conditions: local approval, other environmental approval and if the mining site is changed then the permit has to be modified. Mr. Fore needs to complete the water permit application. Permit with DEQ is conditioned upon completed application, public hearings and all appeals has to be addressed.

It was asked who oversees the project once all permits are acquired? Response: DEQ oversees everything in their permit, waste water and mining oversees their areas and the city will have to enforce safety.

Rep Fredericks asked who determines the value of the Performance Bond? Response: The bonding company determines the value of the bond depending on the work stated to be performed.

Meeting adjourned with prayer by Rev. Collins

August 18, 2003

Community Meeting

On the above date, the surrounding community that will be affected by the "Harreld Pit" met to discuss the previous meeting held on August 8th when the proposed project was presented to the community representatives. The community unanimously voted to oppose the project because of the following concerns:

- **Safety of the children.** The park will be surrounded by 6 residential areas, an elementary school, and churches. The facility will not be upkept or manned by the city. The City of Gulfport by its own admission can't support the parks it currently has.
- **The future of the community.** The area will become a haven for crime because the park is wooded and isolated. (Ex. The "Clower Thornton Park" has become a crime haven and the residents are trying to get it closed.)
- **Will cause flooding in the Meadow Park Addition to the City of Gulfport.**
- **Health hazards** from the dust in the area, ie, allergies, asthma
- **There's currently no infrastructure in the area.**
- **Concerned about the water quality after the destruction of the wetlands.**
- **The water will be redirected to Brickyard Bayou and the city is currently having a \$14 million buyout for some of the areas surrounded by Brickyard Bayou because of flooding.**
- **Six feet fence not adequate to secure the lake from children.**

2807 Palmer Drive
Gulfport, MS 39507
August 22, 2003

Billy Warden
DEQ
P. O. Box 10385
Jackson, MS 39289

Dear Billy Warden


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Community Co-Chair

Deborah McGhee 
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FILE COPY

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

August 21, 2003

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

Dear Mr. Fore

Re: W C Fore Trucking Inc, Harreld Pit
Harrison County
Water Ref. No. MS0058912 (Revised Application)

This letter is to acknowledge receipt of your application on August 8, 2003. Within forty-five days after the date of receipt of the application, you will be notified either the submitted application is complete or of the major components required to complete the processing of your permit application.

If any of these actions involve construction activities, please notify us of your projected schedule for commencement of construction and completion of construction if this information is not already contained in the submitted application.

If you have any questions regarding the application or the permitting process, please contact Michelle Vinson at (601) 961-5171.

Sincerely,

Teresa Dennington
Environmental Permits Division

cc:

18002 PER20030001



FILE COPY

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

August 21, 2003

Ms. Phillis Bourn, Principal
28th Street Elementary School
3810 34th Avenue
Gulfport, Mississippi 39501

Dear Ms. Bourn:

Re: Facility Utilization Request
Public Hearing

Pursuant to our telephone conversation of August 21, 2003, the Department of Environmental Quality (Department) requests the use of the school auditorium for the purpose of a public hearing to solicit comments from the public regarding a proposed project requiring environmental permits on Tuesday, September 30, 2003. The following items were discussed during our telephone conversation:

1. The public hearing is scheduled for Tuesday, September 30, 2003 at 7:00 P. M. Registration will begin at 6:00 P.M.
2. Department staff will have access to the school auditorium at 3:00 P.M.
3. The school will set-up 300 folding chairs on the auditorium floor.
4. The school will allow the Department to utilize the sound system in place in the auditorium.
5. The school will provide a table located in the foyer outside of the auditorium with seating for two persons.
6. The school will allow the Department to utilize the school podium which will be located on the main floor of the auditorium.
7. The school will provide two tables to be located on either side of the podium with seating for four.
8. The school will provide an additional table with seating to be located near the front of the auditorium for the court reporter.

Furthermore, the Department will require a minimum of four (4) microphones to be placed within the audience seating area. One microphone should be placed at the front of audience seating facing the podium. Once microphone should be placed in the center aisle near the middle of the seating area. The remaining two (2) microphones should be placed in the outside aisles placed near the middle of the seating area. Additionally, a microphone should be placed on the podium and one microphone on each of the tables located beside the podium.

18002 PER20030001

Thank you for your assistance in this matter. If you have any questions please call this office at 601-961-5040 or you may discuss any concerns with Mr. Ross Williams.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Vinson".

Michelle Vinson
Environmental Permits Division



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

MEMORANDUM

Date: August 21, 2003
From: Louis Lavalley *LL*
Through: Chris Sanders
To: Michelle Vinson
Subject: Draft Permit for W . C. Fore, Harreld Pit
Sand Washing and Storm Water Discharges
Harrison County

Below are some comments and suggestions:

1. Outfall description is needed on page 2. You told me it was wash water and storm water.
2. BOD₅, COD and Oil & Grease may be inappropriate parameters. They should not be present and, therefore, an unreasonable expense for the permittee. The BOD₅, COD and Oil & Grease values may be low, yet the discharge impact receiving waters with high TSS and turbidity.
3. I would recommend adding turbidity monitoring of the discharge and stream at upstream and downstream locations. Limits in accordance with the State Water Quality Standards should be included. If the stream is already impaired for turbidity, stricter limits may be warranted.
4. Since you mentioned the receiving stream is impaired, I would suggest we require a no-discharge operation, if possible. Many mines operate in this manner.

Let me know if you have any questions. Thanks.

W. C. FORE TRUCKING, INC.

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

VIA FACSIMILE

August 12, 2003

State of Mississippi
Office of the Governor
P. O. Box 139
Jackson, Mississippi 39205

Fax 601-359-3741

Attention: Mr. Michael Boyd

Reference: Surface Mining Permit 03-021
Harrold Pit
Gulfport, Harrison County, Mississippi

Dear Mike:

Pursuant to our telephone conversation this afternoon regarding the above captioned mining permit, attached for your review are the following documents.

- Letter from the City of Gulfport, Planning, dated August 4, 2003.
- Page 5 of a letter from Mr. Jerry Cain, dated July 30, 2003, namely item 23.
- Copy of Supplementary Application for Case Review dated July 7, 2003.
- Copy of the motion of Councilman Savant, Gulfport City Council, to approve mining of sand.

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

Sincerely



R. F. Gavin





"Where your ship comes in"

KEN COMBS
Mayor

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three

Kim Savant
Councilman, Ward Four

Ricky Dombrowski
Councilman, Ward Five

Charles E. "Chuck" Teston
Councilman, Ward Six

Billy Hewes
Councilman, Ward Seven

**DEPARTMENT OF
URBAN DEVELOPMENT**

SANDY BAYLOR
Director

Community/Economic
Development Division
228-864-3657
Fax: 228-214-4187

Planning Division
228/868-5710
Fax: 228-868-5708

Building Code Services
228-868-5715
Fax: 228-868-5716

1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT

August 4, 2003

Mickey Bellande
W. C. Fore Trucking, LLC
192 B Seal Ave
Biloxi, MS 39530

RE: Case File Number: 03082B114 Mickey J. Bellande for W. C. Fore, LLC, property owner, requests Special Exception Use Permit to allow the extraction of sand (strip-mine) in a I-I district located on tax parcel number 0810L-01-004.000, 98.3 AC(C) THAT PART OF N 1039 FT OF NE 1/4 OF NW 1/4 LYING W OF RAIL-ROAD; ALSO THAT PART OF W 1/2 OF NW 1/4 LYING E OF 34TH AVE SEC 33-7-1 and tax parcel number 0810M-03 002, BEG AT N W COR OF S W 1/4 RUN E 25 FT TO REG TH RUN E 1829 FT S 378 FT W 1829 FT N 370 FT TO BEG PARCEL Containing 15.4 AC(C) SEC 33-07-11. (Located south of Washington Street, north of and adjacent to 33rd Street, east of and adjacent to 34th Avenue and west of Highway 49

Dear Mr. Bellande,

This letter is to inform you that your application will not make the August Special Exception Hearings before the Zoning Board and Planning Commission. A review of your application led us to this action based on the following:

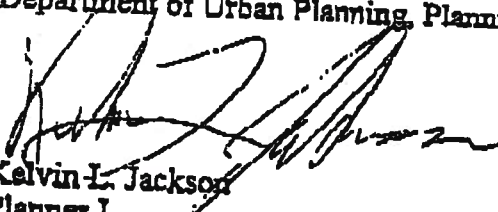
1. Information provided by you was found to be incomplete after review i.e. the surface mining permit did not include the actual application and reclamation plans which are considered integral parts of the permit as stated in permit number P03-021.
2. It was discovered "All necessary permits" were not obtained as specified in the City Council motion allowing the mine to operate. This was confirmed via a letter from DEQ dated July 30, 2003.

Our office and all response agencies (Public works, Engineering, etc) will continue to review your submittal since you are in the process of

securing the required permits but retain the right to return your application to you if this is not completed in a timely manner.

If you need any further assistance please contact me at 228-868-5710.

Respectfully,
Department of Urban Planning, Planning Division



Kelvin L. Jackson
Planner I

Enclosure

CC Sandy Baylor
Ray Eaton
Ronald Jones
Bill Powell, City Engineer
Kris Riemann, Public works
City attorney's office
W.C. Fore

Furthermore, if W.C. Fore Trucking, Inc., believes that the currently proposed planting frequency is adequate, please provide a narrative explanation that supports the current planting frequency. However, mulching of the site is a necessary activity for the establishment of vegetative cover and must be included in the planting proposal for this site.

21. W.C. Fore Trucking, Inc., has indicated that the cost of reclamation for this site is \$300.00 per acre. The Geology Regulations require a minimum bond of \$500.00 per acre. Although W.C. Fore Trucking, Inc., has provided an adequate bond for this mining site above the \$500.00 per acre requirement, please update the cost of reclamation listed to reflect compliance with the established regulations.
22. Geology requires the re-submittal of a scaled site map. The site map should include the mining permit boundary (all impacted areas as identified in Item #18 above), the mining/excavation acreage, north direction arrow, and all other pertinent information related to the development of this proposed mining site. The site map submitted should match all other map/drawing submittals to other offices of the Department.
23. Please provide a copy of the issued or executed special exceptions and other required City of Gulfport permits.
24. Since the original application to Geology for a surface mining permit was submitted, the applicant has made changes in the mining and reclamation plans, the location of the pit, and the acreage affected. Because of these proposed changes, the surface mining permit issued by Geology will have to be presented to the Permit Board for modification and reissuance. Pursuant to the Geology regulations, a modification fee of \$50.00 is required for any modification or reissuance of a surface mining permit.

From the Water Quality Management Branch:

25. The Water Quality Management Branch staff has discussed the proposed project as currently presented with the Mobile District Corps of Engineers (COE). Based on this discussion, the COE has confirmed that a Section 404 (Dredge and Fill) permit is not required. Therefore, a Section 401 Water Quality Certification from the Department is not required. However, the Department is concerned about the relationship of your project to the State Port at Gulfport expansion project. The Port project's Section 404 Permit only allows for fill material from an upland source. The Mobile COE has written Mr. John Webb of the Mississippi State Port Authority (and provided you a copy dated July 22, 2003) regarding this issue. The COE advises that if additional wetlands impacts are proposed by the Port expansion, a re-evaluation of the project will be required. This would result in a modification of the COE permit to the State Port, including wetlands mitigation, and therefore, a delay in implementation of the project.

The required process for the issuance of an individual NPDES such as this involves an application review for completeness as well as a review for technical deficiencies in the information provided. The Department has conducted both the completeness and technical review and the comments outlined above are a result of those reviews. Once the application for permit issuance is deemed

18002 PER20030001

CITY OF GULFPORT
Urban Development - Planning Division
(228) 868-3710
1410 24th Avenue, Room 206
Gulfport, MS 39501

For Official Use Only
Case # _____
Date: _____
Staff: _____

APPLICATION FOR CASE REVIEW
GENERAL APPLICATION

I. TYPE OF CASE (MARK ALL THAT APPLY):

- ZONING- MAP AMENDMENT
- ZONING- TEXT AMENDMENT
- SPECIAL EXCEPTION USE
- VARIANCE
- PLANNING COMMISSION APPROVAL
- HOME OCCUPATION
- SUBDIVISION - SKETCH PLAN
- SUBDIVISION - GENERAL PLAN
- SUBDIVISION - FINAL PLAT
- RE-SUBDIVISION
- STREET/ALLEY/R.O.W. VACATION
- OTHER _____

II. ADVALOREM TAX PARCEL NUMBER: _____
(Parcel Number available from Harrison County Tax Assessor at 865-4044.)

III. GENERAL LOCATION OF PROPERTY INVOLVED: SOUTH BY 33rd STREET, WEST BY 34th AVENUE, EAST BY CSX RAILROAD, NORTH BY RESIDENTIAL

ADDRESS OF PROPERTY INVOLVED: VACANT LOT
Lot _____, Block _____ and Subdivision SEE PLOT PLAN

IV. GENERAL DESCRIPTION OF REQUEST:
(If necessary, attach a separate piece of paper detailing the purpose of the request.)

WE ARE REQUESTING A SPECIAL EXCEPTION TO THE PROPERTY FOR THE PURPOSE OF BUILDING A DEDICATED PARK AND LAKE

V. REQUIRED ATTACHMENTS:

- A. SUPPLEMENTAL APPLICATION
- B. LIST OF ALL ADJACENT PROPERTY OWNERS
- C. SITE PLAN (Include distances/dimensions, buildings, property lines, and streets.)
- D. CASH OR CHECK PAYABLE TO THE CITY OF GULFPORT IN THE AMOUNT OF \$100.00
- E. PROOF OF OWNERSHIP (COPY OF DEED(S))
- F. IF APPLICABLE, PROOF OF AUTHORITY TO ACT AS AN AGENT

VI. OWNERSHIP AND CERTIFICATION:


I hereby certify that I have read and understood this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.


C. FORE (PRESIDENT) _____ MICKY J. BELLANDE
NAME OF OWNER (PRINT) NAME OF AGENT (PRINT)

1292 CRESOTE RD. _____ 192 B SEAL AVE.
AGENT STREET ADDRESS

GULFPORT, MISS _____ BILOXI, MISS 39530
STATE ZIP CITY STATE ZIP

06-0025 363-1314 _____ 297-0090 863-1314
PHONE # (H) PHONE # (W) PHONE # (H) PHONE # (W)


SIGNATURE OF OWNER (IF APPLICABLE)


SIGNATURE OF AGENT (IF APPLICABLE)

7-7-2003 _____ \$50.00
DATE FEE PAID
7-7-03

AUG-12-2003 TUE 02:26 PM W. C. FORE TRUCKING INC.
GULFPORT CITY COUNCIL

FAX NO. 40013
FAX NO. 228 888 3850

P. 06
P. 2

Councilman Savant moved to authorize administration to proceed with negotiations and allow W. C. Fore Trucking, Inc. to start mining of sand after obtaining the necessary permits. The motion was duly seconded by Councilman Jenkins and put to the following vote:

| | | |
|---------------------|-----------------------|---------------------|
| <u>YEAS:</u> | <u>ABSENT:</u> | <u>NAYS:</u> |
| Jenkins | Dombrowski | None |
| Savant | Rose | |
| Hewes | Toston | |
| Holmes-Hines | | |

Whereupon the President declared the motion carried.



FILE COPY

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

July 30, 2003

Mr. W. C. Fore, President
W. C. Fore Trucking Inc.
Post Office Box 3058
Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: W. C. Fore Trucking Inc., Harreld Pit
Harrison County
Water Ref. No. MS0058912

The Department of Environmental Quality (Department) Environmental Permits Division (EPD) staff has reviewed your applications for coverage under the Mining Storm Water Discharge National Pollutant Discharge Elimination System (NPDES) General Permit and an individual NPDES permit for the discharge of process wastewater. Additionally, EPD staff has completed a review of your response to a Letter of Deficiency (LOD) issued by the Department on June 26, 2003. EPD has met internally with other Department divisions associated with this project; therefore, the following comments incorporate the regulatory requirements for permit issuance managed by the Environmental Permits Division, the Office of Geology, and the Water Quality Management Branch and represent a full review of the proposed project. The Department does not anticipate issuing any additional letters of deficiency regarding the currently proposed project, unless your response to the issues outlined herein requires further clarification.

The Department is aware of recent conversations between the Mobile District Corps of Engineers (COE) and W. C. Fore Trucking, Inc., regarding the avoidance of the wetlands located within the planned excavation area to address the COE concerns regarding the Port expansion project. Please be aware that any change in the proposed operations or project footprint currently on file with the Department, resulting in a modification of the project currently being considered by the Department for permit issuance, may result in an additional LOD to address the proposed modifications. Furthermore, regardless of whether a COE 404, Dredge and Fill permit is required by the COE, the Department has concerns regarding the protection of the wetlands and secondary adverse impacts to those wetlands on site, which must be adequately addressed prior to completing the permitting process.

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- 1 -

Department comments are separated into the distinct office, division or branch from which the issue originated. Your response should be detailed and address every aspect of the offered comment. The comments may be related to completeness of the application or technical aspects of the required information.

Environmental Permits Division:

1. EPA Form 1 and Form 2D require the signature of a responsible official. A duly authorized representative signature is not acceptable as established by Chapter 1, Section II.C.1.a of the Mississippi Wastewater Regulations and 40 CFR 122.22(a)(1). Therefore, please complete and have the appropriate responsible official sign the enclosed Form 1 and Form 2D. The responsible official may be the president or vice-president of the company.
2. Section VII of EPA Form 1 requires the Standard Industrial Classification (SIC) Codes for the company and facility. Please add SIC code 1442 as a secondary code to represent the mining operation proposed at this location.
3. Section VIII of EPA Form 1 requires the name, as it is legally referred to, of the company or firm that operates the proposed facility. Please provide the full business name "W. C. Fore Trucking, Inc." in this section.
4. Section XI of EPA Form 1 requires the submittal of a topographic map that includes the following:
 - a. the area extending at least one (1) mile from the property boundary;
 - b. the legal boundaries of the property;
 - c. the boundaries of the mining operation;
 - d. location of the sedimentation/retention basin;
 - e. the process water discharge point to the receiving stream;
 - f. the route the discharged process water will flow from the basin to the discharge point.
5. Section I of EPA Form 2D requires the latitude and longitude of the discharge point. If the information provided does not refer to the discharge point from pipe to receiving stream, please provide that latitude and longitude.
6. Section III.A of EPA Form 2D requires the expected amount of process water to be discharged from each outfall. The values provided do not appear to include storm water. Please include the expected storm water to be collected and discharged from the basin. If you expect the amount from storm water to be negligible, please indicate that in this section.
7. Section III.B of EPA Form 2D requires a line drawing of the facility and proposed operations. This line drawing should include the route taken by water in the proposed facility from intake to discharge. The drawing should also include all sources of wastewater including process/production areas, and storm water run-on/run-off.

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The following comments refer to your response of July 7, 2003, to the LOD issued June 26, 2003:

8. Based on your response regarding the proposed location of the sedimentation/retention basin and the associated outfall/discharge point, a pipe will be installed from the basin to the receiving stream, an existing ditch located east of the railroad and south of your property. The installation of the pipe appears to involve the burrowing of the pipe under two (2) public roads. Please provide a copy of an authorization for this proposed activity from the City of Gulfport. Furthermore, it appears that this will also impact the railroad and/or the associated right-of-way. Please provide a copy of an authorization from the railroad owner for the proposed activity.
9. EPD staff requested that W.C. Fore Trucking acknowledge and accept the required buffer distances from the perennial stream located on this property. As indicated in the LOD issued June 26, 2003, this perennial stream runs first south to north and thence east to west, bisecting your property, including the proposed mining area, as determined by a review of the topographic map for this area. According to your response, the perennial stream runs east to west and is located north of the mining area in its entirety. Please provide a stream mapping report as prepared and certified by an independent consultant, such as a wetlands consultant, that indicates the actual location and flow direction of the perennial stream. Enclosed please find a copy of the topographic map that indicates the location of the stream for your information and review.
10. Your response indicated that an 8-inch (8") submersible pump will be utilized to maintain a low fluid level in the mining area so that a track hoe may be utilized for the mining method of operation. Please provide the manufacturer details related to the pump proposed, specifically the pumping rate.
11. Based on the scale provided on the survey map, the sedimentation basin does not meet the 150 foot buffer requirement on the southern edge. The measurement is made from the outer edge of the basin to the property line. Please confirm that the basin will be designed/constructed such that the 150-foot buffer requirement will be complied with or provide a letter of authorization for a reduction to the buffer distance from the City of Gulfport.
12. A review of the revised Storm Water Pollution Prevention Plan (SWPPP) states: "Storm water shall drain from the site through existing natural watercourses." The SWPPP also states: "The receiving waters will be Brickyard Bayou to the south of the project." Furthermore, you have indicated that all wastewaters will be collected and discharged to Brickyard Bayou. But "existing natural watercourses" will, apparently, flow to Turkey Creek. As indicated in the previous LOD, Turkey Creek is on the 303(d) list as an impaired waterbody. Therefore, the SWPPP should be updated and the management of all storm water originating from disturbed areas modified to address more adequately the prevention of adverse impacts to Turkey Creek.
13. The submitted SWPPP does not indicate anticipated storm water flow direction/patterns, storm water control methods, control method implementation schedule specific to the operation of this site, installation methods, and planned location of said control methods. The nature of this site requires the SWPPP to be very specific when addressing these issues. Furthermore, the scaled site map provided does not include the planned control methods or planned locations of the

18002 PER20030001

control methods. Please revise the SWPPP and site map to address these issues. Again, because of the number of environmental concerns at this location, it is necessary that the SWPPP be very specific in addressing storm water control and groundwater flow control.

14. The final receiving stream for the anticipated wastewater is Bernard Bayou. A Total Maximum Daily Load study has been completed for this receiving stream. While the proposed discharge does not, apparently, have an immediate impact to Bernard Bayou, the confluence between Brickyard Bayou and Bernard Bayou may be impacted. Therefore, W.C. Fore Trucking, Inc., may be required to sample the groundwater and analyze the same for certain metals and/or toxics to ensure no further adverse impacts to Bernard Bayou. The Department will endeavor to complete this aspect of the permit review process in the very near future and provide you with guidance related to this possible groundwater sampling and analysis.

The following comments are related to the permit and associated application from the Office of Geology (Geology):

15. Geology staff has indicated that the proposed method of operation outlined in the surface mining application (open pit) does not appear to be a manageable operation method for this site because of the depth of the mining operation and the expected level of groundwater. Please address the planned method of operation for the proposed site. An adequate response may be similar to your response to Item #10 above.
16. Geology regulations require a 100-foot buffer distance between mining operations and any public road. The buffer zone distance is measured from the property boundary to the outer edge of the road right-of-way. Please confirm that the required buffer distance will be met or provide a letter from the City of Gulfport allowing a reduced buffer distance.
17. Geology regulations require a 300-foot buffer distance between the property and all occupied dwellings. An occupied dwelling is a dwelling occupied on a consistent basis by someone other than the permit applicant. Please confirm that the site complies with this criteria and that all dwellings that meet the aforementioned definition are considered.
18. Please provide the total acreage to be disturbed or otherwise impacted by the proposed mining operation. This acreage should include, but is not limited to, wastewater control measures, storage areas, stockpile areas, equipment staging areas, excavation areas, sedimentation/retention basin, and all site security measures to be installed. Please be aware that the aforementioned activities cannot be planned within the required buffer zones as established by the Geology Regulations. Please also provide the exact acreage to be mined and/or excavated.
19. Please provide an updated reclamation plan. This plan should detail the final planned condition of the excavated areas as well as the surrounding impacted areas. Please ensure that no high-walls are intended for the site and that the maximum slope of the banks and bed of the planned lake/pond is no greater than 3:1.
20. Currently, the planting frequency is once/year. Based on the information currently available regarding this proposed site, this frequency appears to be inadequate. Please increase the planting frequency and include a mulching rate during the planting and maintenance of the area.

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Furthermore, if W.C. Fore Trucking, Inc., believes that the currently proposed planting frequency is adequate, please provide a narrative explanation that supports the current planting frequency. However, mulching of the site is a necessary activity for the establishment of vegetative cover and must be included in the planting proposal for this site.

21. W.C. Fore Trucking, Inc., has indicated that the cost of reclamation for this site is \$300.00 per acre. The Geology Regulations require a minimum bond of \$500.00 per acre. Although W.C. Fore Trucking, Inc., has provided an adequate bond for this mining site above the \$500.00 per acre requirement, please update the cost of reclamation listed to reflect compliance with the established regulations.
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23. Please provide a copy of the issued or executed special exceptions and other required City of Gulfport permits.
24. Since the original application to Geology for a surface mining permit was submitted, the applicant has made changes in the mining and reclamation plans, the location of the pit, and the acreage affected. Because of these proposed changes, the surface mining permit issued by Geology will have to be presented to the Permit Board for modification and reissuance. Pursuant to the Geology regulations, a modification fee of \$50.00 is required for any modification or reissuance of a surface mining permit.

From the Water Quality Management Branch:

25. The Water Quality Management Branch staff has discussed the proposed project as currently presented with the Mobile District Corps of Engineers (COE). Based on this discussion, the COE has confirmed that a Section 404 (Dredge and Fill) permit is not required. Therefore, a Section 401 Water Quality Certification from the Department is not required. However, the Department is concerned about the relationship of your project to the State Port at Gulfport expansion project. The Port project's Section 404 Permit only allows for fill material from an upland source. The Mobile COE has written Mr. John Webb of the Mississippi State Port Authority (and provided you a copy dated July 22, 2003) regarding this issue. The COE advises that if additional wetlands impacts are proposed by the Port expansion, a re-evaluation of the project will be required. This would result in a modification of the COE permit to the State Port, including wetlands mitigation, and therefore, a delay in implementation of the project.

The required process for the issuance of an individual NPDES such as this involves an application review for completeness as well as a review for technical deficiencies in the information provided. The Department has conducted both the completeness and technical review and the comments outlined above are a result of those reviews. Once the application for permit issuance is deemed

18002 PER20030001

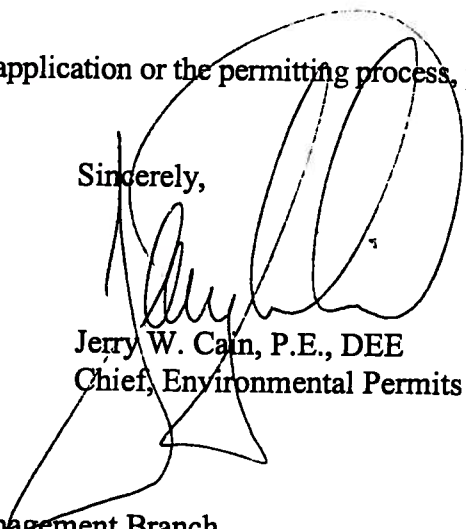
complete and technically correct, a draft permit and permit rationale will be prepared by EPD staff. You will have the opportunity to review this draft permit and rationale. Once your review is complete, the Department will provide the Environmental Protection Agency (EPA) with a copy of the proposed permit and rationale. The EPA must accept the draft permit and the requirements therein. The EPA has a minimum of thirty days to review the draft permit. Upon EPA approval of the draft permit, the Department will issue a 30-day Notice of Public Hearing to solicit comments regarding the proposed project and permit from the general public, prior to preparing any recommendation for the Mississippi Environmental Quality Permit Board (Permit Board). All comments received during the public comment period or the public hearing will be considered by Department staff, and modifications made to the draft permit as necessary will be completed, prior to presentation to the Permit Board. Please be aware that mining operations cannot be initiated until all required permits have been issued.

As you have been previously informed, an evidentiary hearing has been requested related to the mining permit issued to W.C. Fore Trucking, Inc. The requested hearing will not be scheduled until the Permit Board has acted on the NPDES application currently under review. Any evidentiary hearings necessary at that time concerning this project then will be consolidated into one formal hearing.

Please be aware that the Department does not intend to present this application for Permit Board consideration until such time as all local government approvals, variances and/or exceptions have been issued.

If you have any questions regarding the application or the permitting process, please contact Michelle Vinson of my staff at 601-961-5040.

Sincerely,



Jerry W. Cain, P.E., DEE
Chief, Environmental Permits Division

cc: Kelvin Jackson, City of Gulfport
Ken McCarley, Office of Geology
Robert Seyfarth, Water Quality Management Branch

18002 PER20030001

WC Fore Trucking Company, Inc.
July 22, 2003

5/13/03 – The Office of Geology issues Public Notice #1454 for a 55.53 acre mining site to a depth of 25 feet indicating WC Fore Trucking as the applicant.

The application submitted to the Office of Geology indicates:

- Site located in Section 33, Township 7 South, Range 11 West, Harrison County
- Open pit mining operation
- 53.6 total mined acreage producing 50,000 tons/year of dirt/sand
- Settling ponds will be used to control erosion
- Mined area to be reclaimed through grass establishment on pile without highwalls
- Topo map indicates wetlands on-site.

5/14/03 – Geology and Fore notified to the required MNOI coverage by EPD

5/14/03 – EPD received generic SWPPP from Fore by fax. SWPPP included:

- Construction of berms
- Construction of sedimentation basins
- Construction of diversion dikes
- Sedimentation basin to be located on northern boundary
- Indicated a pond/lake at mining completion

5/14/03 – WQMB indicates a 401 Certification not required based on determination made by Corps of Engineers (COE).

5/23/03 – EPD receives NOI for mining stormwater coverage.

6/3/03 – Geology issues mining permit.

6/13/03 – COE issues determination. COE determination included:

- 45 acres to be mined
- 42% of the 85 acre property is wetland
- 404 not required provided wetland is excavated and all material removed is deposited in upland area and confined
- all remaining wetlands will be avoided
- all clearing activities will be done without the use of heavy equipment

6/18/03 – Geology permit appealed.

6/18/03 – SRO conducted inspection. Inspection indicates the following:

- Stormwater discharge to Turkey Creek (303d)
- Stormwater discharge to Brickyard Bayou
- Discharge flows through residential areas.

- Perennial stream bisects the mining area.

6/19/03 – Inspection by WQMB indicates some land clearing by heavy equipment (apparently). Wetland impact not determined.

6/24/03 – DEQ Legal responds to request for evidentiary hearing.

6/26/03 – EPD issues a letter of deficiency to Fore.

7/7/07 – EPD staff conducts site inspection and meets with Fore Trucking.

7/7/03 – Fore submits response to LOD. Response includes:

- Sedimentation basin in southeast corner meeting 150 foot buffer requirement.
- Outfall pipe will be 18 inch HPDE
- Site perimeter will be secured by chain link fence
- No dredging operations
- Indicates that perennial stream does not run through mining area.
- 55.5 acres to be mined
- Construction of chain link fence around site.
- Mining operations to be south to north 1/3 of the area at a time
- Berms to be constructed around mining area to control run-on
- Diversion dikes to be constructed around mining area to control run-on
- Site will be converted to lake and deeded to City of Gulfport
- Letter from Covington and Associates to COE indicating 40 acres to be mined and avoiding 35 acres of wetlands

7/10/03 – Fore submitted surveys of the area

7/14/03 – Fore submitted NPDES Application

July 21, 2003

Billy Warden:

I received this packet of information this morning from the City of Gulfport; this copy is for your files. It documents their efforts to obtain the information they need from W. C. Fore for his Special Exception approval for the proposed surface mine in the city. Included is a map of the proposed route of the port connector road that would pass through part of the site. I first heard about this road in a telephone conversation with Kelvin Jackson of Gulfport last week.

I looked at the site from 34th Avenue and from 33rd Street on Saturday, July 19. The site is wooded, but not thickly, with pine trees up to about 30-40 feet and thick undergrowth. Two access "roads" have been cleared into the site from 33rd Street on the south. I did not go into the site to determine their extent. The area is sparsely developed with industrial buildings and some houses. The building close to the proposed sedimentation ponds at the southeast corner of the site is a trucking company and warehouse.

There is a roadbed cleared through the undeveloped land south of the site that runs three or four blocks north-south. It might be part of Mr. Fore's plan to use this route to the south with the trucks, with a zig-zag to 30th Avenue, which is a designated truck route that runs directly to the west pier of the Port of Gulfport.

Michael B. E. Bograd
MDEQ Office of Geology



"Where your ship comes in"

KEN COMBS
Mayor

Jimmie Jenkins
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DEPARTMENT OF
URBAN DEVELOPMENT

SANDY BAYLOR
Director

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1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT

July 11, 2003

Mike Bograd
Mississippi Office of Geology
Post Office Box 20307
Jackson, MS 39289

Dear Mr. Bograd,

On July 7, 2003, Mr. Mickey Bellande turned in an application for Special Exception approval for his proposed development of a strip mine in side of the City of Gulfport. This was a major step in getting local approval for his proposed development. When I spoke to you last, we both were concerned that all the appropriate local, state, and federal required permits were not obtained as stipulated by Gulfport's City Council and the DEQ permit issued by your office.

Mr. Ray Eaton, the Planning Administrator for the City of Gulfport, and I reviewed the submitted application for Special Exception approval. We had several concerns, which prompted our call to your office for assistance in resolving the matter. I was present during your telephone conversation with Mr. Eaton when you mentioned your efforts to co-ordinate the many different requirements from the myriad of response agencies. Enclosed are two letters addressed to Mr. Mickey Bellande requesting an application for Special Exception approval and detailing the requirements for application for Special Exception approval. A copy of a MDOT map detailing the preferred alternate route for the connector road to the port is enclosed also. Mr. Eaton and I hope these letters will help in your efforts.

Please contact me at 228-868-5710 if you have any questions or if you come across something you think may help us. Thank you for all your help.

Respectfully,
Department of Urban Planning, Planning Division

Kelvin L. Jackson
Planner I
Encl.

CC Sandy Baylor
Ray Eaton
Ronald Jones



"Where your ship comes in"

KEN COMBS
Mayor

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three

Kim B. Savant
Councilman, Ward Four

Ricky Dombrowski
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Councilman, Ward Six

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Councilman, Ward Seven

DEPARTMENT OF
URBAN DEVELOPMENT

SANDY BAYLOR
Director

Community/Economic
Development Division
228-864-5657
Fax: 228-214-4487

Planning Division
228/868-5710
Fax: 228-868-5708

Building Code Services
228-868-5715
Fax: 228-868-5716

1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT

July 2, 2003

Mickey Bellande
192 B Seal Ave
Biloxi, MS 39530

Dear Mr. Bellande,

On May 16, 2003, we met to discuss your Map Amendment application. When that meeting ended, I mentioned your sand mining operation on 34th Ave, pointing out to you that the City Council approval of the project was contingent on you securing the required permits. This applies to appropriate local, state, and federal permits. A Special Exception approval is the first step in the approval process for any mining activity.

You were given an application for Special Exception approval with a deadline of June 3, 2003, for the July group of hearings. We discussed your plans to start expeditiously. I am concerned that we did not receive your application. That fact seriously delays your plans. We need this time to review the application and meet the publication deadlines prescribed by the zoning ordinance. The next deadline for the Special Exception approval is rapidly approaching. That date is July 8, 2003.

Since we last met, we have had two other discussions about the application for Special Exception approval; the last one was June 23, 2003. You stated your employer's position. Please keep in mind that the City Council's approval of the project was contingent on you securing the required permits. The required local permits included Special Exception approval and a tree permit. I have enclosed a copy of the chart of permitted uses as well as relevant sections of the Tree Protection section of the City of Gulfport's Code of ordinance.

On June 30, 2003 I talk to Mike Bograd at Mississippi Department of Environmental Quality. Mr. Bograd informed me that you were awarded a DEQ permit for surface mining. He pointed out that your DEQ Permit is contingent on you securing the required permits. I also contacted the Department of Marine resources on that same day and was informed that you only filed a letter of intent. Although the property is located in an Uplands area, three of the five soil types (Ponzer, Plummer, and Atmore) on the site are hydric soils indicative

of wetlands. These soil types force the application of a DMR permit and may force the Army Corps to revisit your approval as well.

If you need any further assistance please contact me at 228-868-5710. Your submittal will assist us in trying to accommodate your case and time table as soon as legally possible.

Respectfully,
Department of Urban Planning, Planning Division



Kelvin L. Jackson
Planner I

Encl.
CC Sandy Baylor
Ray Eaton
Ronald Jones
W.C. Fore



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P.O. Box 59
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CITY of GULFPORT

July 9, 2003

Mickey Bellande
192 B Seal Ave
Biloxi, MS 39530

Dear Mr. Bellande,

Thank you for your quick response to my July 2, 2003 letter. When you called on July 7, 2003 you acknowledged that you did not have every thing but wanted turn in as much as possible. Your expression of a willingness to work and obtain all appropriate local, state, and federal required permits was greatly received. I sent via facsimile the section detailing what the ordinance requires for Special Exception approval.

On July 7, 2003, we met to discuss your Special Exception application as you submitted. You gave this office proof of ownership; proof of authority; site plan and payment. In return, you received a copy of you cover sheet with the words "need to turn in supplemental application." You agreed to this quite readily.

This should included:

- We need copies of all appropriate local, state, and federal required permits with their respective conditions on file as called for by the City Council.
- Section VIII (A)(2)(c) requires a site plan, drawn to scale, showing the location and dimensions of existing and proposed structures with supporting open facilities, the ground area to be maintained for the proposed structure or structures.
- Section VIII (B)(2)(b)(4) requirements with close attention being paid to ingress and egress, circulation, and parking to name a few of the requirements. You received this section via facsimile.
- Fencing as we discussed in the context of site security.
- Verification that you contacted and received approval for any roads, drainage, etc. from public works and City Engineering. This along with permits must be accomplished before any work activity begins.

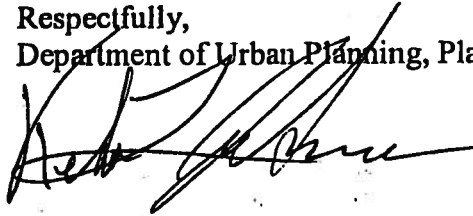
This information submittal will aid you in applying for the various permits you will need.

It is now understood that this Special Exception application solely applies to the Strip Mining activity. The recreation portion of the overall project will be accomplished at a later time through another permit process. This would involve a zoning change and Planning Commission Approval.

The required supplemental application information requested herein must be submitted to this office by July 21, 2003. If this is not met, you will be rescheduled for the September meetings. If you do not meet the deadline for the September Meetings August 5, 2003. You will need to reapply.

If you need any further assistance please contact me at 228-868-5710.

Respectfully,
Department of Urban Planning, Planning Division



Kelvin L. Jackson
Planner I

Encl.

CC Sandy Baylor
Ray Eaton
Ronald Jones
W.C. Fore



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CITY of GULFPORT

December 19, 2003

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

Re: Sand Mine Project, 33rd Street
Impact on Floodplain and Base Flood Elevation of Brickyard
Bayou

Dear Mr. Fore:

You currently have an application of file under consideration by the Department of Environmental Quality. After inquiries from DEQ, Mississippi Emergency Management Agency and consultation with Department of Homeland Security, FEMA Region IV, as the floodplain coordinator for the City of Gulfport, a professional judgement will need to be rendered by a professional engineer stating that the project will not have any effect on the floodplain elevation and will not cause any additional flooding in that drainage basin i.e. Brickyard Bayou. Documentation and supporting data must be submitted as well.

If you have any questions or comments, you may contact this office at 228-868-5715.

Sincerely,

Ronald R. Jones, CBO
Building Official/Floodplain Coordinator

RECEIVED
JAN - 9 2004
Dept. of Environmental Quality
Office of Pollution Control



100
100
100



December 19, 2003

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

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Sincerely,

Ronald R. Jones, CBO
Building Official/Floodplain Coordinator



BWAZ

W. C. FORE TRUCKING, INC.

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

October 9, 2003

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

RECEIVED
OCT 14 2003
Dept. of Environmental Quality
Office of Pollution Control

Attention: Mr. Jerry W. Cain, PE

Reference: **Surface Mining Permit Number 03-021**
Harreld Pit, 55.5 Acres,
Harrison County, Mississippi

Dear Mr. Cain,

Pursuant to the various comments that were made during the public meeting held by the DEQ on September 30, 2003, the following is being offered in repudiation.

- There will be no pumped water discharge from the mining pit during the periods of a hurricane.
- Our Transportation Plan outlines that our delivery units will not travel any streets in the North Gulfport community. Part of our haul route includes 26th Avenue. There are no businesses on 26th Street. Our haul route also includes 28th Street and 30th Avenue. These roadways are part of truck route system in Gulfport. There are a few residences and businesses along 30th Avenue.
- A water truck, dedicated to the mining site, with a pump and five discharge nozzles, for dust control will minimize the dust generated by our mining and trucking activities. The only dirt road that will be traveled by our delivery units is the on-site haul road.
- Our hours of operation shall be:
 - Monday through Friday 6:00 am to 5:00 pm.
 - Saturday 7:00 am to noon.
 - Sunday: No hauling

Also attached, for your information is a copy of a drawing depicting the cross-sections of the unnamed outfall ditch to the South, maintained by the City of Gulfport.

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

Sincerely,


W. C. Fore
President

Encl: As-Noted

RECEIVED
JUN 14 1964

TRANSPORTATION PLAN

**For Use With
The Surface Mining Pit
Known As**

**Harreld Pit
S33, T7S, R11W
33rd Street And 34th Avenue
Gulfport,
Harrison County,
Mississippi**



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



11/11/11

INTRODUCTION

This document is the Transportation Plan for W. C. Fore Trucking, Inc., Post Office Box 3058, Gulfport, Mississippi 39505, for the surface (sand) mining pit known as "Harreld Pit", a 48.3-acre site located at 33rd Street and 34th Avenue in Gulfport, Harrison County, Mississippi.

OBJECTIVE

The Purpose of this Transportation Plan is to meet the trucking regulations of the State of Mississippi, City of Gulfport, Mississippi and the safety of; the motoring public, the public in general and for other traffic related activities associated with this surface mining operation for sand and it's safe delivery to the Mississippi State Port at Gulfport.

General Requirements

This Traffic Control Plan consists of certain major activities and controls appropriate for surface mining activities.

A stabilized construction entrance shall be installed on 33rd Street for ingress and egress of all construction traffic. The use of this crushed limestone construction entrance will minimize mud and debris from the pit area to tracked on the streets of Gulfport. A 6-0" high security fence 'perimeter shall be installed around the perimeter of the site to control entrance to the site. Adequate Warning notice signs shall be placed at strategic locations to warn and inform the public.



If the situation dictates, the services of a flagman will be utilized at the point of egress from the mining pit.

TRAFFIC ROUTING

The following truck routing is respectively submitted to the City of Gulfport for its review and approval. It is our objective to route the legally loaded transport units

- Exit the surface mining site through the stabilized construction entrance and east on 33rd Street.
- East to 26th Avenue, turning south.
- South to 28th Street
- West on 28th Street to 30th Avenue.
- South on 30th Avenue to the main gate of the Mississippi Stat Port.

The delivery units will return to the Harreld pit by reversing the above sequence of travel.

POST CONSTRUCTION

Upon completion of mining activities, after proper post construction measures have completed, those warning devices that were placed prior to construction activities commenced shall be removed.

TERMINATION

Upon successful completion of all mining activities, the proper authorities with the City of Gulfport shall be notified.



PROOF OF PUBLICATION



STATE OF MISSISSIPPI COUNTY OF HARRISON

Before me, the undersigned Notary Public of Harrison County, Mississippi, personally appeared Markell Miles who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a newspaper published in the city Gulfport, in Harrison County, Mississippi, and that publication of the notice, a copy of which is hereto attached, has been made in said paper 1 times in the following numbers and on the following dates of such paper, viz:

Vol. 119 No., 326 dated 28 day of August, 2003
 Vol. _____ No., _____ dated _____ day of _____, 20____
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Affiant further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

Markell Miles
Clerk

Sworn to and subscribed before me this 28th day of August, A.D., 2003.

My Commission Expires April 30, 2005

Dana Elaine Miller
Notary Public

Printer's Fee \$ 117.60
 Furnishing proof of publication \$ 3.00
 TOTAL \$ 123.60

18002 PER20030001
 Notice of Public Hearing
 Mississippi Environmental
 Quality Permit Board
 P. O. Box 10385
 Jackson, Mississippi
 39289-0385
 Telephone No. (601)
 961-5171
 August 29, 2003
 W. C. Fore Trucking Inc., Post
 Office Box 3058, Gulfport,
 Mississippi, has
 applied to the Mississippi De-
 partment of Environmental
 Quality for the
 following permitting actions:
 Issuance of Water Safety
 No. MS0058912 and the
 amendment of Office of Ge-
 ology Surface Mining permit
 number P03-021 for the
 development and operation of
 the Harrelt Pit located at the
 intersection of
 33rd Street and 34th Avenue,
 Gulfport, Mississippi. The ap-
 plicant's
 operations fall within SIC
 Codes 1629 and 1442. The
 Permit Board will hold
 a public hearing on this matter
 at 7:00 P. M. on Tuesday,
 September 30,
 2003, at the 28th Street El-
 ementary School, 2810 34th
 Avenue, Gulfport,
 Mississippi 39501.
 The applicant proposes the
 open pit mining of approxi-
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 The mining
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 approximately 0.34 acres of
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 The environmental impact of
 this project has been evalu-
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 The purpose of this hearing is
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Page 1 of 1



Wish to speak, comments should be as brief as reasonably possible. Comments can be presented in writing if preferred. In order to help facilitate understanding between citizens and the Permit Board staff, the staff will attempt to answer questions at the hearing. However, such interchanges should be as brief as possible so that everyone who wants to speak has the opportunity as promptly as possible.

All comments made during this public hearing will be transcribed and made a part of the Permit Board file in this matter. Before making any decision, the Board will consider all issues and concerns raised regarding

environmental protection. Any interested party aggrieved by the decision of the Permit Board may file a written request for a formal hearing, after which the Permit Board will make its final decision in the matter. Any person aggrieved by that decision may appeal to the chancery court in the county of the proposed project.

Additional details about the applications, including a copy of the draft permit, are available by writing or calling Debbie Pridgen at the above Permit Board address and telephone number. This information is also available for review at the following locations during normal business hours:

Mississippi Department of Environmental Quality Gulfport Public Library
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Southport Center Building
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39501-2081
2380 Highway 80 West
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Please bring the foregoing to the attention of persons whom you know will be interested.
Y65adv28,1x



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Debra Elaine Miller
Notary Public

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Y85adv28,1x

708088



Mississippi Library Commission

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[Special Libr](#)

System: Harrison County Library System Gulfport Public Library

1300 21st Avenue
Gulfport, MS 39501 -2081

Phone: 228-863-6411

Fax: 228-868-8413

Director: Ms. Celia Barrett, Head Librarian

Hours: M-TH 9-8 , FS 9-5 , , , ,

County: Harrison

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Submit corrections/updates at: [Libraries Correction Form](#)

For questions about the contents of this web page, contact:
Ethel Ewing at 601-961-4039
e-mail: ewing@mlc.lib.ms.us

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Twenty-Eighth Street Elementary
Phillis Bourn, Principal
Charlotte Taylor, Asst. Principal
2810 34th Street
Gulfport, MS 39501
228.865.4662
Fax: 228.865.4672
E-mail: teselem@gulfport.k12.ms.us



28th Street Elementary School



Children First

School Colors: Royal Blue and White

Mascot: Buccaneers

Grades K-5

Student Population: 323

2810 34th Avenue

Gulfport, MS 39501

Office Phone: (228) 865-4662

Office Fax: (228) 865-4672

Gulfport School District

Mississippi Department of Education

Feedback

Principal

Assistant Principal

Faculty

Library

Phillis
Ms. Bourne, Principal

228-865-4662

Ross, be sure to ~~check~~ inspect ~~to~~ the ditch and
railroad area at the discharge point to verify
whether on west or east of RR.

M.

$$\begin{array}{r} 107928 \\ 107542 \\ \hline 386 \end{array}$$



DRAFT FOR
AUG 29 2003
PUBLIC NOTICE

STATE OF MISSISSIPPI WATER POLLUTION CONTROL PERMIT

TO DISCHARGE WASTEWATER IN ACCORDANCE WITH THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

THIS CERTIFIES THAT
W C Fore Trucking Inc, Harreld Pit
33rd Street and 34th Avenue
Gulfport, Mississippi
Harrison County

has been granted permission to discharge wastewater into
An Unnamed Tributary thence to Brickyard Bayou

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof. This permit is issued in accordance with the provisions of the Mississippi Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 402(b) of the Federal Water Pollution Control Act.

MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD

AUTHORIZED SIGNATURE

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Issued:

Permit No. MS0058912

Expires: [Permit Expiration Date]

Part I.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning upon permit issuance, and lasting until [Permit Expiration Date], the permittee is authorized to discharge from outfall serial number 001 (Discharge consists of process wastewater and storm water. Process wastewater, as defined for the purposes of this permit, means groundwater mixed with storm water only and does not include wastewater from any industrial process.)

Such discharges shall be limited and monitored by the permittee as specified below:

| PARAMETER | DISCHARGE LIMITATIONS | | | | MONITORING REQUIREMENTS | |
|-----------------------------------|-----------------------|------------|-----------------------|---------------|-------------------------|-------------|
| | kg/day (lbs/day) | | Other Units (Specify) | | Measurement Frequency | Sample Type |
| | Monthly Avg. | Daily Max. | Monthly Avg. | Daily Max. | | |
| Flow-M ³ /Day (MGD) | | | Report | Report | Twice/Month | Grab |
| Biochemical Oxygen Demand (5-day) | | | Report (mg/L) | Report (mg/L) | Twice/Month | Grab |
| Total Suspended Solids | | | 30 (mg/L) | 60 (mg/L) | Twice/Month | Grab |
| Oil and Grease | | | Report (mg/L) | Report (mg/L) | Twice/Month | Grab |

2. The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units and shall be monitored twice per month.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.
4. The discharge shall not cause the occurrence of a visible sheen on the surface of the receiving waters.

5. The discharge shall be free from substances attributable to municipal, industrial, agricultural or other discharges that will settle to form putrescent or otherwise objectional sludge deposits pursuant to Section II.1 of the Mississippi Water Quality Criteria for Intrastate, Interstate and Coastal Waters.
6. The discharge shall be free from floating debris, oil, scum, and other floating materials attributable to municipal, industrial, agricultural or other discharges in amounts sufficient to be unsightly or deleterious pursuant to Section II.2 of the Mississippi Water Quality Criteria for Intrastate, Interstate and Coastal Waters.
7. The discharge shall be free from materials attributable to municipal, industrial, agricultural or other discharges producing color, odor, taste, total suspended or dissolved solids, sediment, turbidity, or other conditions in such a degree as to create a nuisance, render the waters injurious to public health, recreation or to aquatic life and wildlife or adversely affect the palatability of fish, aesthetic quality, and Coastal Waters.
8. The discharge shall be free from substances attributable to municipal, industrial, agricultural or other discharges producing color, odor, combinations that are toxic or harmful to humans, animals or aquatic life pursuant to Section II.4 of the Mississippi Water Quality Criteria for Intrastate, Interstate and Coastal Waters.
9. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: **the nearest accessible point after final treatment but prior to mixing with the receiving stream.**

B. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the effluent limitations specified for discharge in accordance with the following schedule:
 - a. **Upon permit issuance.**
 - b. **Permittee shall implement the submitted Storm Water Pollution Prevention Plan (SWPPP), with the Best Management Practices for the prevention of storm water contamination during development and operation of the mining area and associated buffer zones.**
2. Within 14 days after either an interim or final date of compliance specified in Part I. B.1., the permittee shall provide the Permit Board with written notice of his compliance or noncompliance with the requirements or conditions specified to be completed by that date.

C. DEFINITIONS

1. "Monthly average" means the average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during the month. The monthly average for fecal coliform bacteria is the geometric mean of "daily discharges" measured during the calendar month. In computing the geometric mean for fecal coliform bacteria, the value one (1) shall be substituted for sample results of zero.
2. "Daily discharge" means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily average" is calculated as the average measurement of the discharge of the pollutant over the day.
3. "Daily maximum" means the highest "daily discharge" over a calendar month.
4. "Toxic pollutants" include, but are not limited to: (a) any toxic substance listed in Section 307(a)(1) of the Clean Water Act (CWA), any chemical listed in Section 313(c) of the Superfund Amendments and Reauthorization Act of 1986; and (b) any substance (that is not also a conventional or nonconventional pollutant) for which EPA or the State has published an acute or chronic toxicity criterion.
5. "Hazardous substances" are defined in 40 CFR 116.4.

D. MONITORING AND REPORTING**1. Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored wastewater.

2. Reporting

- a) Monitoring results obtained during the previous month shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1) **POSTMARKED NO LATER THAN THE 28TH DAY OF THE MONTH FOLLOWING THE COMPLETED REPORTING PERIOD. THE FIRST REPORT IS DUE ON [month day, year] AND REPORTED MONTHLY THEREAFTER.** Copies of these, and all other reports required herein, shall be signed in accordance with Chapter One Sections II.C. and II.E. of the Mississippi Wastewater Permit Regulations, and shall be submitted to the Mississippi Environmental Quality Permit Board at the following address.

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL**

P. O. Box 10385

Jackson, Mississippi 39289-0385

- b) If the results for a given sample analysis are such that any parameter (other than fecal coliform) is not detected at or above the minimum level for the test method used, a value of zero will be used for that sample in calculating an arithmetic mean value for the parameter. If the resulting calculated arithmetic mean value for that reporting period is zero, the permittee shall report "NODI = B" on the DMR. For fecal coliform, a value of 1.0 shall be used in calculating the geometric mean. If the resulting fecal coliform mean value is 1.0, the permittee shall report "NODI = B" on the DMR. For each quantitative sample value that is not detectable, the test method used and the minimum level for that method for that parameter shall be attached to and submitted with the DMR. The permittee shall then be considered in compliance with the appropriate effluent limitation and/or reporting requirement.
- c) If the permittee monitors any pollutant as prescribed in the permit more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Permit Board.

- d) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Permit Board in the permit.

3. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Federal Water Pollution Control Act, as amended or alternative procedures approved and/or promulgated by EPA. For those parameters listed in Exhibit D of the Mississippi Wastewater Permit Regulations, the permittee shall use approved methods with minimum quantification levels as sensitive as those found in Exhibit D of the regulations.

4. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall maintain records of all information obtained from such monitoring including:

- a) The exact place, date, and time of sampling;
- b) The dates the analyses were performed;
- c) The person(s) who performed the analyses;
- d) The analytical techniques, procedures or methods used; and
- e) The results of all required analyses.

5. Records Retention

All records and results of monitoring activities required by this permit, including calibration and maintenance records, shall be retained by the permittee for a minimum of three (3) years, unless otherwise required or extended by the Permit Board, copies of which shall be furnished to the Department upon request.

6. Falsifying Reports

Any permittee who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the Permit Board to be maintained as a condition in a permit, or who alters or falsifies the results obtained by such devices or methods and/or any written report required by or in response to a permit condition, shall be deemed to have violated a permit condition and shall be subject to the penalties provided for a violation of a permit condition pursuant to Section 49-17-43 of the Code.

Part II.

A. MANAGEMENT REQUIREMENTS

1. Facility Expansion and/or Modification

Any facility expansion, production increases, process modifications, changes in discharge volume or location or other changes in operations or conditions of the permittee which may result in a new or increased discharge of waste, shall be reported to the Permit Board by submission of a new application for a permit pursuant to Section II.A. of the Mississippi Wastewater Regulations, or if the discharge does not violate effluent limitations specified in the permit, by submitting to the Permit Board a notice of a new or increased discharge.

2. Duty to Comply 40 CFR 122.41(a)

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

3. Noncompliance Notification

a) Twenty-Four Hour Reporting

(1) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and/or prevent recurrence of the noncompliance.

(2) The following shall be included as information which must be reported within 24 hours under this paragraph.

- i. Any unanticipated bypass which exceeds any effluent limitation in the permit.
- ii. Any upset which exceeds any effluent limitation in the permit.
- iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Permit Board in the permit to be reported within 24 hours.

iv. The Executive Director may waive the written report on a case-by-case basis for reports under paragraph a. of this section if the oral report has been received within 24 hours.

b) Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph (a)., at the time monitoring reports are submitted or within 30 days from the end of the month in which the noncompliance occurs. The reports shall contain the information listed in paragraph (a).

c) Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permit Board, it shall promptly submit such facts or information.

4. Proper Operation, Maintenance and Replacement

The permittee shall at all times properly operate, maintain, and when necessary, promptly replace all facilities and systems of collection, treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. Proper replacement includes maintaining an adequate inventory of replacement equipment and parts for prompt replacement when necessary to maintain continuous collection and treatment of wastewater. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit

5. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of the permit that has a reasonable likelihood of adversely affecting human health or the environment.

6. Bypassing

The permittee shall comply with the terms and conditions regarding bypass found in 40 CFR 122.41(m).

7. Upsets

Permittee shall meet the conditions of 40 CFR 122.41(n) regarding "Upsets" and as follows:

- a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph c) of this section are met. Any determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, shall not constitute final administrative action subject to judicial review.
- c) Conditions necessary for demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (2) The permitted facility was at the time being properly operated; and
 - (3) The permittee submitted notice of the upset as required in 40 CFR 122.41(L)(6)(ii)(B)(24-hour notice of noncompliance).
 - (4) The permittee complied with any remedial measures required under 40 CFR 122.41(d) (Duty to Mitigate).
- d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

8. Removed Substances

Solids, sludges, filter backwash, or other residuals removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent such materials from entering State waters and in a manner consistent with the Mississippi Solid Waste Disposal Act, the Federal Resource Conservation and Recovery Act, and the Mississippi Water Pollution Control Act.

9. Power Failures

If electric power is required, in order to maintain compliance with the conditions and prohibitions of the permit, the permittee shall either:

- a) Provide an alternative power source to operate the wastewater control facilities; or, if such alternative power source is not in existence, and no date for its implementation appears in the permit,
- b) Halt, reduce, or otherwise control production and/or all wastewater flows upon reduction, loss, or failure of the primary source of power to the wastewater control facilities.

B. RESPONSIBILITIES

1. Inspection and Entry

The permittee shall allow any authorized Commission representative to enter the permittee's premises at any reasonable time, to have access to and copy any applicable records, to inspect process facilities, treatment works, monitoring methods or equipment or to take samples, as authorized by Section 49-17-21 of the Code. In the event of investigation during an emergency response action, a reasonable time shall be any time of the day or night. Follow-up investigations subsequent to the conclusion of the emergency event shall be conducted at reasonable times.

2. Transfer of Ownership or Control

This permit is not transferable to any person except after proper notice and approval by the Permit Board. In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the Mississippi Environmental Quality Permit Board at least thirty (30) days in advance of the proposed transfer date. The notice should include a written agreement between the existing and new permittees containing a specific date for the transfer of permit responsibility, coverage, and liability.

3. Signatory Requirements 40 CFR 122.41(k)

All applications, reports, or information submitted to the Permit Board shall be signed and certified.

- a) All permit applications shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (1) a president, secretary, treasurer or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy - or decision-making function for the corporation, or (2) the manager of one or more manufacturing, production, or operating facilities employing more than

250 persons or having gross annual sales or expenditures exceeding 25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
 - (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
- b) All reports required by the permit and other information requested by the Permit Board shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described above;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
 - (3) The written authorization is submitted to the Permit Board.
- c) Changes to authorization. If an authorization under paragraph b) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph b) of this section must be submitted to the Permit Board prior to or together with any reports, information, or applications.
- d) Certification. Any person signing a document under paragraphs a) or b) of this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under the direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate 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."

4. Availability of Records

Except for data determined to be confidential under the Mississippi Water Pollution Control Law, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Mississippi Department of Environmental Quality Office of Pollution Control.

5. Duty to Provide Information

The permittee shall furnish to the Permit Board within a reasonable time any relevant information which the Permit Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.

6. Toxic Pollutants

The permittee shall comply with any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) established under Section 307(a) of the Federal Water Pollution Control Act.

7. Toxic Pollutants Notification Requirements

The permittee shall comply with the applicable provisions of 40 CFR 122.42.

8. Civil and Criminal Liability

- a) Any person who violates a term, condition or schedule of compliance contained within this permit or the Mississippi Water Pollution Control Law is subject to the actions defined by law.
- b) Except as provided in permit conditions on "Bypassing" and "Upsets" (Part II. A.6 and 7), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.
- c) It shall not be the defense of the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

9. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Federal Water Pollution Control Act and applicable provisions under Mississippi Law pertaining to transportation, storage, treatment, or spillage of oil or hazardous substances.

10. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

11. Severability

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstances, is challenged or held invalid, the validity of the remaining permit provisions and/or portions thereof or their application to other persons or sets of circumstances, shall not be affected thereby.

12. Expiration of Permit

At least 180 days prior to the expiration date of this permit pursuant to the State law and regulation, the permittee who wishes to continue to operate under this permit shall submit an application to the Permit Board for reissuance. The Permit Board may grant permission to submit an application later than this, but no later than the expiration date of the permit.

13. Protection of Confidential Information

- a) Pursuant to Miss. Code Ann. '49-17-39 and 40 CFR 123.41, the Permit Board shall make available to the public all information contained on any form and all public comments on such information. Effluent data and information concerning air or water quality shall also be made available to the public. Information that is determined by the Commission to be trade secrets shall not be disclosed to the public without prior consent of the source of such information. When a claim of confidentiality is made by a person in accordance with the provisions of Miss. Code Ann. '49-17-39, a recommendation on the questions of confidentiality shall be made by the Commission and forwarded to the Regional Administrator (or his/her designee) of EPA for his concurrence in such determination of confidentiality.
- b) A copy of a State, UIC, or NPDES permit application, public notice, fact sheet, draft permit and other forms relating thereto, including written public comment and other reports, files and information relating to the application not classified as confidential information by the Commission pursuant to Part II. B.13.a), shall be available for public inspection and copying during normal business hours at the office of the Department in Jackson, Mississippi.
- c) Upon determination by the Commission that information submitted by a permit applicant is entitled to protection against disclosure as trade secrets, the information shall be so labeled and otherwise handled as confidential. Copies of the information and a notice of the Commission's action shall be forwarded to the Regional Administrator (or his/her designee). In making its determination of entitlement to protection as a trade secret, the Commission shall follow the procedure set forth in

Miss. Code Ann. ' 49-17-39. In the event the Commission denies the claim of confidentiality, the applicant shall have, upon notification thereof, the right to appeal the Commission's determination in the same manner provided for other orders of the Commission. No disclosure, except to EPA, shall be allowed until any appeal from the determination of the Commission is completed.

14. Spill Prevention and Best Management Plans

Any permittee which has above ground bulk storage capacity, of more than 1320 gallons or any single container with a capacity greater than 660 gallons, of materials and/or liquids (including but not limited to, all raw, finished and/or waste material) with chronic or acute potential for pollution impact on waters of the State and not subject to Mississippi Hazardous Waste Management Regulations or 40 CFR 112 (Oil Pollution Prevention) regulations shall provide secondary containment as found in 40 CFR 112 or equivalent protective measures such as trenches or waterways which would conduct any tank releases to a permitted treatment system or sufficient equalization or treatment capacity needed to prevent chronic/acute pollution impact.

Part III.**A. REOPENER CLAUSE**

This permit shall be modified, or alternately, revoked and reissued, to comply with any applicable effluent standard, limitation or storm water regulation issued or approved under Section 301(b)(2)(C), and (D), 304(b)(2), 307(a)(2) and 402(p) of the Federal Water Pollution Control Act if the effluent standard, limitation or regulation so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
2. Controls any pollutant not limited in the permit.

B. CLOSURE REQUIREMENTS

Should the permittee decide to permanently close and abandon the premises upon which it operates, it shall provide a Closure Plan to the Permit Board no later than 90 days prior to doing so. This Closure Plan shall address how and when all manufactured products, by-products, raw materials, stored chemicals, and solid and liquid waste and residues will be removed from the premises or permanently disposed of on site such that no potential environmental hazard to the waters of the State will be presented. Closure plan(s) submitted to and approved by Mississippi Department of Environmental Quality for compliance with other environmental regulations will satisfy the closure requirements for those items specifically addressed in the closure plan(s) as long as the closure does not present a potential for environmental hazard to waters of the State.

C. REQUIREMENTS REGARDING COOLING AND BOILER WATER ADDITIVES

Notification shall be made to the permitting authority in writing not later than sixty (60) days prior to initiating the addition of any chemical product to the cooling water and/or boiler water which is subject to discharge, other than those previously approved and/or used. Such notification should include, but not be limited to:

1. Name and composition of the proposed additive,
2. Proposed discharge concentration,
3. Dosage addition rates,
4. Frequency of use,
5. EPA registration, if applicable, and
6. Aquatic species toxicological data.

Written approval must be received from the permitting authority prior to initiating use.

D. OTHER CONDITIONS

- 1. The Permittee shall comply with all other local and federal laws, ordinances, regulations and permit conditions.**
- 2. The Permittee shall install security measures as proposed within the submitted application and SWPPP upon initial development of the site.**
- 3. The Permittee shall regularly inspect the areas surrounding the discharge point for erosion, sediment accumulation in the ditch and other possible adverse impacts and shall immediately remediate or otherwise repair all impacted areas.**
- 4. The Permittee shall maintain and regularly update the approved Storm Water Pollution Prevention Plan (SWPPP) for the site and all associated areas. The permittee shall evaluate the applicability of the SWPPP for each change in operation at the site and all associated areas.**
- 5. A buffer zone shall be maintained between the edge of the mining activity and the highest point of the top bank of the stream. The buffer zone widths shall be the same as those set forth in Section IV.C3.a(1), (2) and (3) of Chapter Three of the State of Mississippi Wastewater Regulations. The buffer zone shall not be disturbed by any of the facility's activities.**



"Where your ship comes in"

CITY of GULFPORT

URBAN DEVELOPMENT DEPARTMENT PLANNING DIVISION



KEN COMBS
Mayor

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three

Kim B. Savant
Councilman, Ward Four

Ricky Dombrowski
Councilman, Ward Five

Charles E. "Chuck" Teston
Councilman, Ward Six

Billy Hewes
Councilman, Ward Seven

DEPARTMENT OF URBAN DEVELOPMENT

SANDY BAYLOR
Director

Community/Economic
Development Division
228-864-5657
Fax: 228-214-4487

Planning Division
228/868-5710
Fax: 228-868-5708

Building Code Services
228-868-5715
Fax: 228-868-5716

1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

August 27, 2003

Mr. Mickey Bellande
C/o W. C. Fore Trucking Co., Inc.
P. O. Box 3058
Gulfport, MS 39505

RE: Case File No. 0308ZB114/0308PC115 – Sand Pit
project

Dear Mr. Bellande:

As several of us discussed in Sandy Baylor's office a short time ago, it was agreed that Urban Development would accept the information your group presented for review and passed it on to the other appropriate City departments for their review and comments. This step was accomplished, and a meeting/telephone conversation was held between appropriate City departments August 26, 2003.

It was agreed by all those involved on August 26, 2003 that a conditional special exception use regarding your strip mining project would be recommended to the Zoning Board and Planning Commission at the special meetings of both boards on September 9, 2003. The Zoning Board will meet at 3:00 P.M. and the Planning Commission will meet at 5:30

P.M. I want to again reiterate that this conditional use is being recommended so the State of Mississippi, Department of Environmental Quality can begin their review process which was specifically outlined in their July 30, 2003 letter to Mr. Fore with a copy to the Urban Development Department.

In addition, this Department called DEQ at the request of Ms. Baylor, and asked if a conditional special exception use would be acceptable to begin their process. The answer was that a conditional special exception use would be acceptable, and upon receiving this information from the Zoning Board and Planning Commission, they could begin their process.

Your ability to proceed will be evidenced by your applying for and obtaining a City construction permit through the Building Code Service Division. Until this step is completed, no work of any kind is to begin on this project until the Urban Development Department receives all necessary and approved permits from appropriate State and Federal agencies and you have complied with the following requests from the various City departments a result of our joint review meeting of your information received to date. The joint departments' comments are outlined as follows:

1. The proposed location of the highway project which will possibly cut across the southwest corner of your project shall be shown on your site plan as previously requested. Even though this thoroughfare is not completely official at this point, there has been enough field work and various investigations to show that this highway could very possibly be located in this area.

The City does not want to approve any project that could interfere with the Highway Department, City

Engineering, Public Works, etc. until this important situation is properly coordinated. Due to this situation, the Planning and Zoning Division will call MDOT and request their comments in letter form. This information will be forwarded to you and others. As you know, the location of a highway in this area would not only affect your pit area but would affect the City's water, sewer and related infrastructure facilities, roadway/right-of-way, drainage conditions, existing homes, etc.

2. The City's Engineering Department forwarded a letter to Mr. W. C. Fore on August 5, 2003. This was a very important and technical letter requesting various engineering inputs, drawings, etc. which must be submitted, reviewed and approved by the Engineering Department. A copy of this August 5, 2003 letter to Mr. Fore is enclosed.
3. The August 27, 2003 letter to Mr. W. C. Fore from the Building Code Services division within the Urban Development Department is enclosed. This letter outlines the last permit you must obtain before you start your project.
4. Also enclosed is a copy of a July 22, 2003 letter to Mr. Webb from Mr. Ronald Krismann, Chief of the Regulatory Branch, Operations Division (COE), requesting coordination between your project and his office. This needs to be addressed unless it has already been accomplished. Two points in this letter specifically states: "If you wish to proceed with the Gulfport borrow pit proposed by Mr. Fore, please advise at the earliest so we can issued a public notice and begin our re-evaluation

of your DOA permit. Also, be advised that additional impacts to wetlands will require appropriate mitigation.” It further states: “Pending our evaluation and permit modification, the Gulfport site shall not be used as a source of fill for the port expansion.” I am assuming that the proper coordination has been completed regarding this July 22, 2003 letter to Mr. Webb, however, this office has received no further information other than a copy of the enclosed letter as to the present status. Please provide us with your response.

5. Mr. Fore stated during our previous meeting that within the 100 to 150-foot buffer strips around the pit area, a road with a structure and possibly some recreational facilities was being considered for construction within this area. You should check with DEQ or other appropriate agencies to find out whether this type of development can take place within these buffer areas. Also, your site plan shows a 100-foot buffer strip on the 34th Avenue side and a 150-foot buffer along the sediment basins. Please re-check and make sure that all buffer strips, as shown, meet DEQ requirements.

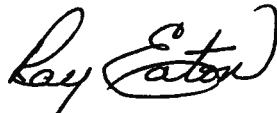
This letter outlines that the review process has taken place, a special meeting was called between City agencies, review comments have been addressed accordingly, a special Zoning Board and Planning Commission meeting has been established for September 9, 2003 as set forth in this letter, and it is the general consensus of all City departments involved that a recommendation will be made for the issuance of a conditional Special Exception Use permit. This procedure will enable the State Department of Environmental Quality to begin their review process as set

forth in their July 30, 2003 letter to Mr. Fore (copy enclosed).

The City wants to thank Mr. W. C. Fore for his quick response and working with Mr. Brion Capo, the City's tree advisor. The tree permit application has been approved.

If any additional information is needed, please do not hesitate to contact us and we will be more than happy to meet at your convenience.

Sincerely,



Ray Eaton
Planning Administrator

Encls.

- | | |
|---|--------------------|
| CC: Mayor Ken Combs | Mr. Kris Riemann |
| Mr. Jerry Smith | Mr. George DeCoux |
| Mr. Harry Hewes | Mr. W. C. Fore |
| Ms. Sandy Baylor | Mr. Kelvin Jackson |
| Mr. Ronald Jones | Ms. Paula Doyle |
| Mr. Bill Powell | |
| Mr. Jerry Cain, PE & DEE, Chief, Environmental Permits Div., DEQ | |
| Mr. Ken McCarley, Office of Geology | |
| Mr. Robert Seyfarth, Water Quality Management Branch | |

ATTACHMENTS

(These attachments do not include several letters from Mr.

Kelvin Jackson – Urban Development Department)



DEPARTMENT OF THE ARMY

MOBILE DISTRICT, CORPS OF ENGINEERS

P.O. BOX 2288

MOBILE, ALABAMA 36628-0001

July 22, 2003

REPLY TO
ATTENTION OF:

Regulatory Branch
Operations Division

SUBJECT: Department of the Army (DOA) Permit Application
Number MS96-02828-U, Mississippi State Port Authority

Mississippi State Port Authority
Attention: Mr. John Webb
Post Office Box 40
Gulfport, Mississippi 39502

Dear Mr. Webb:

Reference is made to your DOA permit to expand the State Port at Gulfport, Harrison County, Mississippi.

It has come to our attention that Mr. W. C. Fore proposes to open a borrow pit (Harreld Pit) located in Gulfport to provide fill for the Port's expansion. It appears that wetlands comprise approximately 42 percent of borrow pit property.

Please be advised that the evaluation of your permit to expand the port was based on borrow material being obtained only from "upland sources", that is, no impact to wetlands. The utilization of the new borrow pit proposed by Mr. Fore, or any other borrow pit which impacts wetlands will require additional coordination and evaluation of your DOA permit prior to use.

If you wish to proceed with the Gulfport borrow pit proposed by Mr. Fore, please advise at the earliest so we can issue a public notice and begin our reevaluation of your DOA permit. Also be advised that additional impacts to wetlands will require appropriate mitigation.

Pending our evaluation and permit modification, the Gulfport site shall not be used as a source of fill for the Port expansion.

If I can be of further assistance, please contact me or Mr. John McFadyen at (251) 690-3261.

Sincerely,

A handwritten signature in black ink, appearing to read "RS/".

Ronald A. Krizman
Chief, Regulatory Branch
Operations Division

Copy Furnished:

Brown and Mitchell
521 34th Street
Gulfport, Mississippi 39507

Mr. W. C. Fore
Post Office Box 3958
Gulfport, Mississippi 39505

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

Mississippi Department of
Marine Resources
1141 Bayview Avenue, Suite 101
Biloxi, Mississippi 39530

✓ City of Gulfport
Department of Urban Development
Planning Division
1410 24th Avenue, Room 206
Gulfport, Mississippi 39501

Mr. Chris Lagarde
2424 14th Street
Gulfport, Mississippi 39501



COPY

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

July 30, 2003

Mr. W. C. Fore, President
W. C. Fore Trucking Inc.
Post Office Box 3058
Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: W. C. Fore Trucking Inc., Harreld Pit
Harrison County
Water Ref. No. MS0058912

The Department of Environmental Quality (Department) Environmental Permits Division (EPD) staff has reviewed your applications for coverage under the Mining Storm Water Discharge National Pollutant Discharge Elimination System (NPDES) General Permit and an individual NPDES permit for the discharge of process wastewater. Additionally, EPD staff has completed a review of your response to a Letter of Deficiency (LOD) issued by the Department on June 26, 2003. EPD has met internally with other Department divisions associated with this project; therefore, the following comments incorporate the regulatory requirements for permit issuance managed by the Environmental Permits Division, the Office of Geology, and the Water Quality Management Branch and represent a full review of the proposed project. The Department does not anticipate issuing any additional letters of deficiency regarding the currently proposed project, unless your response to the issues outlined herein requires further clarification.

The Department is aware of recent conversations between the Mobile District Corps of Engineers (COE) and W. C. Fore Trucking, Inc., regarding the avoidance of the wetlands located within the planned excavation area to address the COE concerns regarding the Port expansion project. Please be aware that any change in the proposed operations or project footprint currently on file with the Department, resulting in a modification of the project currently being considered by the Department for permit issuance, may result in an additional LOD to address the proposed modifications. Furthermore, regardless of whether a COE 404, Dredge and Fill permit is required by the COE, the Department has concerns regarding the protection of the wetlands and secondary adverse impacts to those wetlands on site, which must be adequately addressed prior to completing the permitting process.

18002 PER20030001

- 1 -

Department comments are separated into the distinct office, division or branch from which the issue originated. Your response should be detailed and address every aspect of the offered comment. The comments may be related to completeness of the application or technical aspects of the required information.

Environmental Permits Division:

1. EPA Form 1 and Form 2D require the signature of a responsible official. A duly authorized representative signature is not acceptable as established by Chapter 1, Section II.C.1.a of the Mississippi Wastewater Regulations and 40 CFR 122.22(a)(1). Therefore, please complete and have the appropriate responsible official sign the enclosed Form 1 and Form 2D. The responsible official may be the president or vice-president of the company.
2. Section VII of EPA Form 1 requires the Standard Industrial Classification (SIC) Codes for the company and facility. Please add SIC code 1442 as a secondary code to represent the mining operation proposed at this location.
3. Section VIII of EPA Form 1 requires the name, as it is legally referred to, of the company or firm that operates the proposed facility. Please provide the full business name "W. C. Fore Trucking, Inc." in this section.
4. Section XI of EPA Form 1 requires the submittal of a topographic map that includes the following:
 - a. the area extending at least one (1) mile from the property boundary;
 - b. the legal boundaries of the property;
 - c. the boundaries of the mining operation;
 - d. location of the sedimentation/retention basin;
 - e. the process water discharge point to the receiving stream;
 - f. the route the discharged process water will flow from the basin to the discharge point.
5. Section I of EPA Form 2D requires the latitude and longitude of the discharge point. If the information provided does not refer to the discharge point from pipe to receiving stream, please provide that latitude and longitude.
6. Section III.A of EPA Form 2D requires the expected amount of process water to be discharged from each outfall. The values provided do not appear to include storm water. Please include the expected storm water to be collected and discharged from the basin. If you expect the amount from storm water to be negligible, please indicate that in this section.
7. Section III.B of EPA Form 2D requires a line drawing of the facility and proposed operations. This line drawing should include the route taken by water in the proposed facility from intake to discharge. The drawing should also include all sources of wastewater including process/production areas, and storm water run-on/run-off.

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The following comments refer to your response of July 7, 2003, to the LOD issued June 26, 2003:

8. Based on your response regarding the proposed location of the sedimentation/retention basin and the associated outfall/discharge point, a pipe will be installed from the basin to the receiving stream, an existing ditch located east of the railroad and south of your property. The installation of the pipe appears to involve the burrowing of the pipe under two (2) public roads. Please provide a copy of an authorization for this proposed activity from the City of Gulfport. Furthermore, it appears that this will also impact the railroad and/or the associated right-of-way. Please provide a copy of an authorization from the railroad owner for the proposed activity.
9. EPD staff requested that W.C. Fore Trucking acknowledge and accept the required buffer distances from the perennial stream located on this property. As indicated in the LOD issued June 26, 2003, this perennial stream runs first south to north and thence east to west, bisecting your property, including the proposed mining area, as determined by a review of the topographic map for this area. According to your response, the perennial stream runs east to west and is located north of the mining area in its entirety. Please provide a stream mapping report as prepared and certified by an independent consultant, such as a wetlands consultant, that indicates the actual location and flow direction of the perennial stream. Enclosed please find a copy of the topographic map that indicates the location of the stream for your information and review.
10. Your response indicated that an 8-inch (8") submersible pump will be utilized to maintain a low fluid level in the mining area so that a track hoe may be utilized for the mining method of operation. Please provide the manufacturer details related to the pump proposed, specifically the pumping rate.
11. Based on the scale provided on the survey map, the sedimentation basin does not meet the 150 foot buffer requirement on the southern edge. The measurement is made from the outer edge of the basin to the property line. Please confirm that the basin will be designed/constructed such that the 150-foot buffer requirement will be complied with or provide a letter of authorization for a reduction to the buffer distance from the City of Gulfport.
12. A review of the revised Storm Water Pollution Prevention Plan (SWPPP) states: "Storm water shall drain from the site through existing natural watercourses." The SWPPP also states: "The receiving waters will be Brickyard Bayou to the south of the project." Furthermore, you have indicated that all wastewaters will be collected and discharged to Brickyard Bayou. But "existing natural watercourses" will, apparently, flow to Turkey Creek. As indicated in the previous LOD, Turkey Creek is on the 303(d) list as an impaired waterbody. Therefore, the SWPPP should be updated and the management of all storm water originating from disturbed areas modified to address more adequately the prevention of adverse impacts to Turkey Creek.
13. The submitted SWPPP does not indicate anticipated storm water flow direction/patterns, storm water control methods, control method implementation schedule specific to the operation of this site, installation methods, and planned location of said control methods. The nature of this site requires the SWPPP to be very specific when addressing these issues. Furthermore, the scaled site map provided does not include the planned control methods or planned locations of the

18002 PER20030001

control methods. Please revise the SWPPP and site map to address these issues. Again, because of the number of environmental concerns at this location, it is necessary that the SWPPP be very specific in addressing storm water control and groundwater flow control.

14. The final receiving stream for the anticipated wastewater is Bernard Bayou. A Total Maximum Daily Load study has been completed for this receiving stream. While the proposed discharge does not, apparently, have an immediate impact to Bernard Bayou, the confluence between Brickyard Bayou and Bernard Bayou may be impacted. Therefore, W.C. Fore Trucking, Inc., may be required to sample the groundwater and analyze the same for certain metals and/or toxics to ensure no further adverse impacts to Bernard Bayou. The Department will endeavor to complete this aspect of the permit review process in the very near future and provide you with guidance related to this possible groundwater sampling and analysis.

The following comments are related to the permit and associated application from the Office of Geology (Geology):

15. Geology staff has indicated that the proposed method of operation outlined in the surface mining application (open pit) does not appear to be a manageable operation method for this site because of the depth of the mining operation and the expected level of groundwater. Please address the planned method of operation for the proposed site. An adequate response may be similar to your response to Item #10 above.
16. Geology regulations require a 100-foot buffer distance between mining operations and any public road. The buffer zone distance is measured from the property boundary to the outer edge of the road right-of-way. Please confirm that the required buffer distance will be met or provide a letter from the City of Gulfport allowing a reduced buffer distance.
17. Geology regulations require a 300-foot buffer distance between the property and all occupied dwellings. An occupied dwelling is a dwelling occupied on a consistent basis by someone other than the permit applicant. Please confirm that the site complies with this criteria and that all dwellings that meet the aforementioned definition are considered.
18. Please provide the total acreage to be disturbed or otherwise impacted by the proposed mining operation. This acreage should include, but is not limited to, wastewater control measures, storage areas, stockpile areas, equipment staging areas, excavation areas, sedimentation/retention basin, and all site security measures to be installed. Please be aware that the aforementioned activities cannot be planned within the required buffer zones as established by the Geology Regulations. Please also provide the exact acreage to be mined and/or excavated.
19. Please provide an updated reclamation plan. This plan should detail the final planned condition of the excavated areas as well as the surrounding impacted areas. Please ensure that no high-walls are intended for the site and that the maximum slope of the banks and bed of the planned lake/pond is no greater than 3:1.
20. Currently, the planting frequency is once/year. Based on the information currently available regarding this proposed site, this frequency appears to be inadequate. Please increase the planting frequency and include a mulching rate during the planting and maintenance of the area.

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Furthermore, if W.C. Fore Trucking, Inc., believes that the currently proposed planting frequency is adequate, please provide a narrative explanation that supports the current planting frequency. However, mulching of the site is a necessary activity for the establishment of vegetative cover and must be included in the planting proposal for this site.

21. W.C. Fore Trucking, Inc., has indicated that the cost of reclamation for this site is \$300.00 per acre. The Geology Regulations require a minimum bond of \$500.00 per acre. Although W.C. Fore Trucking, Inc., has provided an adequate bond for this mining site above the \$500.00 per acre requirement, please update the cost of reclamation listed to reflect compliance with the established regulations.
22. Geology requires the re-submittal of a scaled site map. The site map should include the mining permit boundary (all impacted areas as identified in Item #18 above), the mining/excavation acreage, north direction arrow, and all other pertinent information related to the development of this proposed mining site. The site map submitted should match all other map/drawing submittals to other offices of the Department.
23. Please provide a copy of the issued or executed special exceptions and other required City of Gulfport permits.
24. Since the original application to Geology for a surface mining permit was submitted, the applicant has made changes in the mining and reclamation plans, the location of the pit, and the acreage affected. Because of these proposed changes, the surface mining permit issued by Geology will have to be presented to the Permit Board for modification and reissuance. Pursuant to the Geology regulations, a modification fee of \$50.00 is required for any modification or reissuance of a surface mining permit.

From the Water Quality Management Branch:

25. The Water Quality Management Branch staff has discussed the proposed project as currently presented with the Mobile District Corps of Engineers (COE). Based on this discussion, the COE has confirmed that a Section 404 (Dredge and Fill) permit is not required. Therefore, a Section 401 Water Quality Certification from the Department is not required. However, the Department is concerned about the relationship of your project to the State Port at Gulfport expansion project. The Port project's Section 404 Permit only allows for fill material from an upland source. The Mobile COE has written Mr. John Webb of the Mississippi State Port Authority (and provided you a copy dated July 22, 2003) regarding this issue. The COE advises that if additional wetlands impacts are proposed by the Port expansion, a re-evaluation of the project will be required. This would result in a modification of the COE permit to the State Port, including wetlands mitigation, and therefore, a delay in implementation of the project.

The required process for the issuance of an individual NPDES such as this involves an application review for completeness as well as a review for technical deficiencies in the information provided. The Department has conducted both the completeness and technical review and the comments outlined above are a result of those reviews. Once the application for permit issuance is deemed

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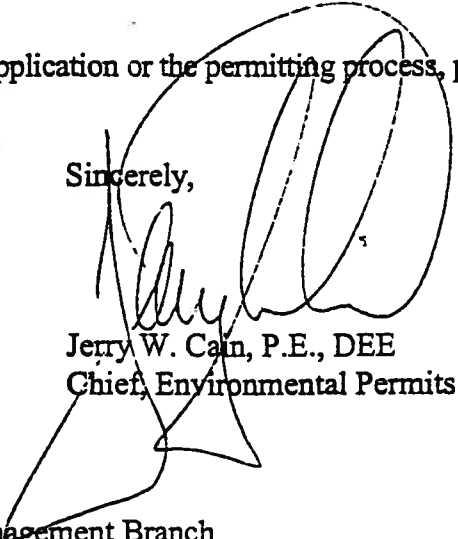
complete and technically correct, a draft permit and permit rationale will be prepared by EPD staff. You will have the opportunity to review this draft permit and rationale. Once your review is complete, the Department will provide the Environmental Protection Agency (EPA) with a copy of the proposed permit and rationale. The EPA must accept the draft permit and the requirements therein. The EPA has a minimum of thirty days to review the draft permit. Upon EPA approval of the draft permit, the Department will issue a 30-day Notice of Public Hearing to solicit comments regarding the proposed project and permit from the general public, prior to preparing any recommendation for the Mississippi Environmental Quality Permit Board (Permit Board). All comments received during the public comment period or the public hearing will be considered by Department staff, and modifications made to the draft permit as necessary will be completed, prior to presentation to the Permit Board. Please be aware that mining operations cannot be initiated until all required permits have been issued.

As you have been previously informed, an evidentiary hearing has been requested related to the mining permit issued to W.C. Fore Trucking, Inc. The requested hearing will not be scheduled until the Permit Board has acted on the NPDES application currently under review. Any evidentiary hearings necessary at that time concerning this project then will be consolidated into one formal hearing.

Please be aware that the Department does not intend to present this application for Permit Board consideration until such time as all local government approvals, variances and/or exceptions have been issued.

If you have any questions regarding the application or the permitting process, please contact Michelle Vinson of my staff at 601-961-5040.

Sincerely,



Jerry W. Cain, P.E., DEE
Chief, Environmental Permits Division

cc: Kelvin Jackson, City of Gulfport
Ken McCarley, Office of Geology
Robert Seyfarth, Water Quality Management Branch

18002 PER20030001

KEN COMBS
Mayor

CITY of GULFPORT

WILLIAM W. POWELL, P.E.
Director of Engineering

ENGINEERING DEPARTMENT
4050 Hewes Avenue
Gulfport, Mississippi 39507
Telephone (228) 868-5815
Fax (228) 868-5822



"WHERE YOUR SHIP COMES IN"

Mayor-Council Form of Government

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three

Kim B. Savant
Councilman, Ward Four

Ricky Dombrowski
Councilman, Ward Five

Charles E. Teston
Councilman, Ward Six

Billy Hewes
Councilman, Ward Seven

August 5, 2003

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

Re: Request for Outfall Discharge
W. C. Fore Strip Mine, 33rd Street

Dear Mr. Fore:

On August 4, 2003 you came by my office to request a letter from the City granting you permission to utilize the existing ditch on the west side of the KCS railroad right-of-way as an outfall for the effluent from your sedimentation basin/detention pond. According to the Clifford Crosby survey dated June 3, 2003, the location of this discharge point is noted as "OUTFALL" on the drawing, and is located in an apparent City easement, at the southeast corner of Parcel "C". You provided me with a copy of the Clifford Crosby survey.

You stated that you planned to pipe the entirety of the outfall from the sedimentation basin to the outfall ditch, and that W.C. Fore Trucking, Inc., would be the owner of this line and therefore responsible for all operation and maintenance.

Your request is approved, contingent on the following understandings, terms and conditions:

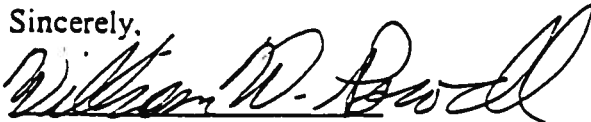
1. All effluent from your outfall must meet all requirements of your Stormwater Pollution Prevention Plan, and must be in conformance with all water quality requirements of the City ordinances and the Mississippi Department of Environmental Quality.
2. W. C. Fore Trucking, Inc. will be the owner of the outfall line in its entirety, from the sedimentation basin north of 33rd Street to its discharge, and will be responsible for all operation and maintenance of the outfall line.
3. Engineering drawings showing all proposed work in City easements and public rights-of-way must be submitted for approval by the Engineering Department and

Public Works Department prior to beginning construction. These drawings should be prepared by a Registered Professional Engineer and should show all relevant data, including but not limited to grades, elevations, topographic features, existing utilities, erosion control methods, pavement repair materials and specifications for all work.

4. For work within the City right-of-way, only reinforced concrete pipe is permitted. For the discharge point at the KCS railroad ditch, permanent erosion control must be provided.
5. Any improvements to the existing City storm drainage required as a result of the proposed outfall discharge will be done by W.C. Fore Trucking, Inc. at its cost. The engineer for W. C. Fore Trucking shall provide to the City the estimated flow volumes at the discharge point.
6. Following the completion of the work, W. C. Fore Trucking will submit as-built record drawings to the Engineering Department.

The purpose of this letter is solely to provide approval in principle of the proposed discharge to the City storm drainage system. Approval to construct will be granted only after all of the above requirements have been met. Failure to comply with the terms and conditions of this letter, including all reasonable requirements of the City, will result in the invalidation of this contingent approval.

Sincerely,



William W. Powell, P.E.
Director of Engineering

WWP/cb

Attachment: Clifford Crosby Survey, signed 6/3/03

cc: (w/o attachments) Mayor Combs
Harry Hewes
Kris Riemann
Sandy Bayor
George DeCoux
Jerry Smith

Received By:



Date: 5-5-03



"Where your ship comes in"

KEN COMBS
Mayor

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three

Kim B. Savant
Councilman, Ward Four

Ricky Dombrowski
Councilman, Ward Five

Charles E. "Chuck" Teston
Councilman, Ward Six

Billy Hewes
Councilman, Ward Seven

DEPARTMENT OF
URBAN DEVELOPMENT

SANDY BAYLOR
Director

Community/Economic
Development Division
228-864-5657
Fax: 228-214-4487

Planning Division
228/868-5710
Fax: 228-868-5708

Building Code Services
228-868-5715
Fax: 228-868-5716

1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT

August 27, 2003

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

Re: Harreld Pit; SXU Permit Application
Case File Number 0308ZB114/0208PC115

Dear Mr. Fore:

After obtaining the Special Exception Use Permit from the City of Gulfport and the other federal and/or state permits, you must obtain a permit from the Building Code Services office for the site improvements and the excavation of sand at the above referenced location in accordance with Ordinance #2331 and Section 7-5 (e) of the Code of Ordinances, City of Gulfport, MS. The permit fee shall be based on the value of the project.

If you have any questions or comments, you may contact this office at 228-868-5715.

Sincerely,

Ronald R. Jones, CBO
Building Official

PERMIT RATIONALE FOR ISSUANCE
W C Fore Trucking Inc., Harreld Pit
Harrison County
Gulfport, Mississippi
Water NPDES No. MS0058912
August 20, 2003

I. FACILITY INFORMATION

Facility Name: W C Fore Trucking Inc, Harreld Pit
Facility Address: 33rd Street and 34th Avenue
Gulfport, MS 39505

Permit No.: MS0058912
SIC: 1629
Permit Writer: Michelle Vinson
EPD Branch: Mining and Solid Waste Management Branch

II. NATURE OF BUSINESS

The applicant has proposed the surface mining of approximately 49 acres of materials to a depth of 25 feet below natural grade in Section 33, Township 7 South, Range 11 West, Harrison County.

III. EFFLUENT AND RECEIVING STREAM FLOW DATA

There is one proposed outfall from this site. Wastewater will be discharged to an unnamed tributary thence to Brickyard Bayou.

IV. 303(d) ISSUES

Neither the unnamed tributary nor Brickyard Bayou are listed on the 2002 State of Mississippi 303 (d) list of impaired waterbodies. However, Bernard Bayou is listed and Brickyard Bayou ultimately discharges to Bernard Bayou.

V. TYPE OF WASTEWATER TREATMENT:

The applicant proposes the construction of a sedimentation basin to allow settling time prior to discharge from the site.

VI. EPA APPLICABLE CATEGORICAL GUIDELINES

None.

VII. DATA FROM APPLICATION FORM 2D

| | |
|-----------|---------------------|
| Parameter | Maximum Daily Value |
| None | |

VIII. WATER QUALITY LIMITATIONS BASED ON WASTELOAD ALLOCATION

| | |
|-----------|---------|
| Parameter | Average |
| None | |

IX. CATEGORICAL GUIDELINE LIMITATIONS CALCULATIONS

Not Applicable

X. TOXICITY SCREENING

Not Applicable

XI. PROPOSED FINAL LIMITATIONS

1. Average Permit Limitations

| Outfall | Parameter | Categorical Limitation | Water Quality Limitation | Present Permit Limitation | Proposed Permit Limitation | Basis |
|---------|------------------|------------------------|--------------------------|---------------------------|----------------------------|-------|
| 001 | Flow | None | None | None | Report | BPJ |
| 001 | BOD ₅ | None | None | None | Report | BPJ |
| 001 | TSS | None | None | None | Report 30mg/L | BPJ |
| 001 | Oil & Grease | None | None | None | Report | BPJ |

2. Maximum Permit Limitations

| Outfall | Parameter | Categorical Limitation | Water Quality Limitation | Present Permit Limitation | Proposed Permit Limitation | Basis |
|---------|------------------|------------------------|--------------------------|---------------------------|----------------------------|-------|
| 001 | Flow | None | None | None | Report | BPJ |
| 001 | BOD ₅ | None | None | None | Report | BPJ |
| 001 | TSS | None | None | None | Report 60mg/L | BPJ |
| 001 | Oil & Grease | None | None | None | Report | BPJ |

Sampling must be conducted twice per month and reported montly.

XII. BPJ STATEMENT:

It is our Best Professional Judgement that the foregoing limitations represent BPJ.

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

Project Awareness Checklist

The primary purpose of this checklist 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, Harreld Pit

AI

18002

Permit type

- | | |
|--|---|
| <input checked="" type="checkbox"/> Issuance | <input type="checkbox"/> Modification |
| <input type="checkbox"/> Reissuance without Modification | <input type="checkbox"/> Reissuance with Modification |
| <input type="checkbox"/> Routine | <input checked="" type="checkbox"/> Priority |

Critical path

- | | | | |
|------------------------------|---|--|--------------------------------------|
| <input type="checkbox"/> Air | <input checked="" type="checkbox"/> Water | <input type="checkbox"/> Hazardous Waste | <input type="checkbox"/> Solid Waste |
|------------------------------|---|--|--------------------------------------|

Notes/Comments

- B3. Are there universal waste considerations? (Examples: used oil, car batteries, fluorescent tubes.)

C. Solid Waste

Section Not Applicable

- C1. Is this a new or existing solid waste management facility?
- These projects may have opposition.
 - Does the existing facility (or other facilities owned or operated by the applicant) have a history of non-compliance? Yes / No / NA
 - Has a disclosure statement been filed? Yes / No / NA
 - Is the application a result of enforcement action by ECED?
 Yes / No / NA
- C2. Will solid waste be sent to a third-party landfill?
- Contact the landfill owner to verify that the landfill can and will accept the waste.
 - Does the County Solid Waste Management Plan need to be modified?
 Yes / No / NA

D. Water

Section Not Applicable

- D1. Will the facility discharge wastewater to a third-party wastewater treatment plant (WWTP)?
- Is the WWTP willing and able to accept the discharge?
 Yes / No / NA
 - Is a pretreatment permit needed? Yes / No / NA
- D2. Review Permit Board Policy on Suitable Points to Discharge Treated Wastewaters, January 2002 for acceptable locations of new discharges. (The document is located in the Knowledge Center.)
- Specific locations where wastewater discharges are prohibited or are strongly discouraged include:
 - Ross Barnett Reservoir and surrounding drainage basin
 - Old Run Tombigbee River north of Fulton
 - Pickwick Lake
 - Mississippi Sound (including the coastal waters)
 - Okatoma Creek
 - Wolf Creek
 - Red Creek
 - Black Creek (located south of Hattiesburg)
 - Typically, lakes, reservoirs, bayous, ponds or other confined, low flushing waterbodies, and drainage ways leading to them, are not suitable points of discharge.

- Check with WQAB/Standards, Regional Offices, Mississippi Department of Wildlife, Fisheries, and Parks, and Mississippi Forestry Commission.
 - Discharge is discouraged. Consider alternative receiving streams/locations or no-discharge systems.
 - Have distances of actual water contact activity been evaluated?
 Yes / No / NA

- D9. Is the receiving stream classified as an ephemeral stream?
 - Check with WQAB/Standards
 - Alternate discharge points or no-discharge systems must be investigated before this stream is considered.

- D10. Will the project violate water buffer zone requirements?
 - How is the surrounding area zoned?
 - Will there be a discharge near a state forest or park or other recreational area? Yes / No / NA

- D11. Has the stream been proposed for inclusion in the State Scenic Streams Stewardship Program (Section 51-4 et seq., Mississippi Code)?
 - As of March 12, 2003, the streams include
 - Chunky Creek in Newton County from the confluence of Chunky Creek and Tallasher Creek.
 - Chunky River in Newton, Lauderdale and Clarke Counties to the junction with the Chickasawhay River in Clarke County.
 - Magee's Creek in Walthall County from the confluence of Varnell Creek to the Bogue Chitto River.
 - Tangipahoa River in Pike County beginning at U.S. Highway 51 and extending to the Mississippi-Louisiana state line.
 - 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.
 - Discharge is discouraged. Consider alternative receiving streams/locations or no-discharge systems.

- D12. Will the facility obtain water from an existing Public Water System (PWS)?
 - Does the PWS have adequate capacity? Yes / No / NA
 Contact MSDH/Division of Water Supply if needed.
 - Check with OLWR if the water use will be $\geq 300,000$ gpd or if the PWS will need a permit modification.

- D13. Will the facility use surface water or build a dam?
 - Check with OLWR for permit requirements.
 - Check with WQMB for requirements regarding intake structures or wetlands issues.

- What is the nature of the historical compliance problems (if applicable)?
- Are there any pending agreed orders? Yes / No / NA

F4.

- Are there EJ considerations?
- Review demographic maps and per capita income information.
 - Does the area around the site appear to be a low-income or minority area?
Yes / No / NA
 - Is there a significant amount of industrial activity? Yes / No / NA
 - Are there indications that there is a significant population of non-English-speaking people near the site? Yes / No / NA
 - Are we aware of any variances or violations in local zoning?
Yes / No / NA
 - Are there quality of life issues? Yes / No / NA
 - Contact the EJ coordinator if there appear to be EJ concerns.
 - Determine what kind of additional public information activities need to be done.

F5.

- Has it been determined that there is public interest in this project?
- Is there organized public opposition? Yes / No / NA
 - Who is the opposition?
Representative Francis Fredricks
 - Has there been media coverage or the possibility of media coverage?
Yes / No / NA
 - Are there regulation changes on the horizon that would result in more stringent requirements for the project? Yes / No / NA
 - Are there actual, potential, or alleged human health or environmental impacts? Yes / No / NA
- If yes, explain.

Area is surrounded by residential area with a number of children. The site will be re-claimed through creating a lake which may endanger the children. The project also involves the excavation of approximately 7 acres of wetlands.

F6.

- Are there cumulative impact issues?
- Is there a concentration of emissions in the area?
Yes / No / NA
 - 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.
 - Is GIS information available? Yes / No / NA
Has it been used? Yes / No / NA

DRAFT
8/25/97

ANTIDEGRADATION POLICY REVIEW CHECKLIST

Facility/Waterbody ID

- 1. Facility Name: WOC Fore Trucking Inc Harrelld Pit
- 2. NPDES Permit No.: MS00 58912 Outfall Serial No.: 001
- 3. County: Harrison
- 4. Name of Receiving Waterbody R.M. of Bridgwood Bayou
- 5. Use Classification: Fish & Wildlife

Applicability of Antidegradation Policy

- 6. Is this a new or expanding discharge? If yes, continue.
- 7. Does background water quality exceed Criteria? Yes ___ No ___ If yes, continue. DX
- 8. Does discharge lower water quality from background levels? Yes ___ No ___ If yes, continue.

Comments: New discharge - no data available at this time.

Alternatives Analysis

- 9. Does a feasible alternative exist which would avoid water quality degradation? Yes ___ No X If yes, reevaluate proposed permit. If no, continue.
(Alternatives to be considered include, but are not limited to, no discharge system, connection to an existing wastewater treatment facility, an alternative discharge point, product or raw material substitution, and other treatment options.)

Comments: Alternative discharge pt chosen to avoid 303(d) receiving stream

Socio-Economics vs. Water Quality Issues

- 10. Are there any socio-economic or environmental/public health issues which would justify the proposed degradation. Yes X No X If yes, continue.

Comments: Site is located closely to residential area and light industrial. Site will install security fence.

Public Review/Input

11. Was notice published indicating that an antidegradation policy review had been conducted for this discharge and was available for review? Yes ___ No X
Were comments/input received? Yes ___ No ___ If yes, note below.

Comments: antidegradation should be included
in upcoming public notice of hearing.

Final Action

12. Were comments on antidegradation significant? Yes ___ No ___ If yes, redraft permit.
If no, continue.
13. Permit issued as drafted. Yes ___ No ___ Date: _____

Since no analytical data is available at this time, antidegradation review may be conducted after permit issuance.

VIII. Rental Schedule - Cost Per Hour

| | Non-Charging | Charging |
|-------------------------|--------------|----------|
| A. Auditoriums | | |
| 1. Gulfport High School | \$50.00 | \$100.00 |
| 2. BVMS/GCMS | 25.00 | 50.00 |
| 3. Elementary Schools | 25.00 | 50.00 |
| B. Gymnasiums * | | |
| 1. B. Frank Brown | \$50.00 | \$100.00 |
| 2. BVMS/GCMS/GHS | 25.00 | 50.00 |
| 3. Elementary Schools | 25.00 | 50.00 |

* Long term (seasonal) use of gymnasiums may be arranged at reduced rates of \$20.00 per two hour blocks.

| | | |
|------------------------|---------|----------|
| C. Classrooms | | |
| 1. GHS | \$15.00 | \$ 30.00 |
| 2. BVMS/GCMS | 15.00 | 30.00 |
| 3. Elementary Schools | 15.00 | 30.00 |
| D. Cafeterias * | | |
| 1. GHS | \$25.00 | \$ 50.00 |
| 2. BVMS/GCMS | 20.00 | 40.00 |
| 3. Elementary Schools | 15.00 | 30.00 |

* School kitchens are not to be rented. Banquets or special food service needs are charged according to the cost of food prepared and hours of labor required. (The school administration and/or school principal must schedule these events with the school food service department.)

IX. School facility to be rented. Please complete after reading the other side of form.

School 28th St. Elementary Facility Auditorium

Type of Program Public Hearing

Program Date 9-30-03 Program Time 6:00 pm
- 10:00 pm

Fee(s) to be charged \$ _____

Approved by _____ Date _____
(Principal)

I/We hereby certify that I/We shall be personally responsible, on behalf of my/our organization, for any damage or unnecessary abuse of school buildings, grounds, or equipment growing out of the occupancy of said facility by our organization.

I/We further agree to abide by and enforce the rules and regulations of the Gulfport School District governing the non-school use of school facilities.

Name of Person or Organization Ms. Dept. of Environmental Quality

Address 2380 Hwy 80W Business Phone _____
Jackson, MS 39204 Residence Phone _____

Signature of Authorized Agent Charles [Signature]

Title Executive Director

GULFPORT SCHOOL DISTRICT
2010 15TH STREET
GULFPORT, MISSISSIPPI 39501

RENTAL AGREEMENT FOR USE OF SCHOOL FACILITIES
TERMS AND CONDITIONS

The Gulfport School District shall grant non-school use of school buildings/facilities to civic groups or organizations according to prescribed school board policy. The following policy is set forth by the Board of Trustees:

- I. School facilities may be used only when they are not needed for instructional or school related activities.
- II. School facilities may be used by the public in accordance with Board policy, local codes, state and federal laws.
- ~~III. Any individual group or organization using school facilities shall protect, defend, indemnify and hold the Gulfport School District, its governing board and all district officers and employees free and harmless from any loss, damage, liabilities, cost or expense that may arise during or be caused in any way by such use or occupancy of school property. The Gulfport School District in its sole discretion, may require such group or organization to furnish proof of liability insurance and/or other evidences of its financial ability to satisfy this requirement.~~
- IV. Person(s) renting buildings or facilities shall be responsible for the protection of school property and/or the welfare/safety and security of person(s) using the school facility. Included in these responsibilities are the following:
 - A. Behavior and conduct of person(s) in attendance;
 - B. Enforcement of "No Smoking" policy;
 - C. Prohibiting the possession or consumption of alcoholic beverages;
 - D. Prohibiting the consumption of food or beverage in auditoriums;
 - E. Prohibiting the use or possession of drugs; and,
 - F. Prohibiting the possession of weapons or explosive materials and/or devices.
- V. No group or organization may sublet the use of building or facilities to any other group or organization.
- VI. Any time a group or organization outside the school district is renting/leasing buildings or facilities, a paid school district employee must be on site to open, close and assist in cleaning and maintaining building/facility security.
- VII. A rental fee must be paid to the principal prior to facility use (see rental schedule). The rental fee is based on the following:
 - A. Payment of school personnel for opening and closing of school facilities.
 - B. Payment of custodial services required.
 - C. Payment for utilities (electricity, gas, and water) required.

PLEASE COMPLETE THE BACK SIDE OF THIS FORM AFTER READING THE ABOVE INFORMATION.



"Where your ship comes in"

KEN COMBS
Mayor

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three

Kim B. Savant
Councilman, Ward Four

Ricky Dombrowski
Councilman, Ward Five

Charles E. "Chuck" Teston
Councilman, Ward Six

Billy Hewes
Councilman, Ward Seven

DEPARTMENT OF
URBAN DEVELOPMENT

SANDY BAYLOR
Director

Community/Economic
Development Division
228-864-5657
Fax: 228-214-4487

Planning Division
228/868-5710
Fax: 228-868-5708

Building Code Services
228-868-5715
Fax: 228-868-5716

1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT
URBAN DEVELOPMENT DEPARTMENT
PLANNING DIVISION

RECEIVED
AUG 14 2003
Office of Environmental Quality
Division of Pollution Control

August 13, 2003

Mr. Mickey Bellande
C/O W. C. Fore Trucking Co., Inc.
P. O. Box 3058
Gulfport, MS 39505

RE: Case File Nos. 0308ZB114 & 0308PC115

Dear Mr. Bellande:

Pursuant to your request, and based on our conversation yesterday, this letter contains additional information still needed by this office in order to properly review everything and pass it on to the other City response agencies, such as, Engineering, Public Works, etc.

Depending on when you can return this material, it is possible that a conditional special exception use could be considered by the Zoning Board and Planning Commission at specially called meetings. Once the Planning Division receives all of the aforementioned requested materials and this information is passed on to the response agencies (Engineering, Public Works, etc.), the Planning Division will submit their findings to both the Zoning Board and Planning Commission. Our response agencies may request more technical documents after reviewing the items currently requested. Whatever the recommendation will be from the Planning Division regarding the special exception use, the Planning Commission and Zoning Board will make the final decision.

If these Boards grant a conditional use, it shall be expressly understood that no work of any kind is to begin on this project until all necessary permits are approved by the appropriate local, state and federal agencies. Upon the Planning Division

receiving all permits and our requested material, the conditions will be met and the project can proceed ahead.

The reason the Planning Division could not complete its review of your project is all the material that was requested was never submitted to the Planning Division. The items that are still needed based on my past letters (which are enclosed), and current discussions, include:

1. A current project site plan (same as submitted to other agencies) is needed, if it differs from what has been submitted.
2. Only the cover sheet of the permit was submitted. We need the rest of the permit and related documents, as indicated in the letter to you dated August 4, 2003.
3. The current site plan does not show the proposed pit area in relationship to the proposed possible highway location. This is needed.
4. The utility crossing which you are proposing under 33rd Street should be shown in detail.
5. Submit the most recent information requested from D.E.Q., which outlines 25± items you must accomplish in order to meet different criteria from state and/or federal agencies.
6. Show "supporting open facilities" in letter dated July 9, 2003. This includes drainage and/or swales, which are not shown.
7. Show detailed parking arrangements on site plan.
8. All buffers should comply with D.E.Q. requirements.
9. A tree permit application has not been submitted.

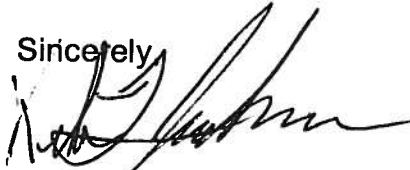
Since you cannot meet the Zoning Board and/or Planning Commission meetings in August, either a special meeting for both Boards may be considered for September or, you can be placed on the regularly scheduled September meeting dates which are September 18th for the Zoning Board and September

25th for the Planning Commission. This situation depends on when you return the requested information.

Even though the City Council has given their approval for the project, it was with the understanding that all needed permits would be secured by you from the necessary agencies and that the appropriate City departments would review the material.

The Urban Development Department is doing everything possible to assist you based on the enclosed letters that you have received from me. If you have any questions, please contact our office and we will meet at your convenience.

Sincerely,



Kelvin Jackson
Planner I

KJ:ap

Encls.

CC: Sandy Baylor, Director, Urban Development
Ray Eaton, Planning Administrator
Ronald Jones, Building Official
Bill Powell, City Engineer
Kris Rieman, Director, Public Works
Harry Hewes, City Attorney
Jerry Smith, CAO, City of Gulfport
Michelle Vinson, D.E.Q.
W. C. Fore



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DEPARTMENT OF
URBAN DEVELOPMENT

SANDY BAYLOR
Director

Community/Economic
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Planning Division
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Fax: 228-868-5708

Building Code Services
228-868-5715
Fax: 228-868-5716

1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT

July 2, 2003

Mickey Bellande
192 B Seal Ave
Biloxi, MS 39530



Dear Mr. Bellande,

On May 16, 2003, we met to discuss your Map Amendment application. When that meeting ended, I mentioned your sand mining operation on 34th Ave, pointing out to you that the City Council approval of the project was contingent on you securing the required permits. This applies to appropriate local, state, and federal permits. A Special Exception approval is the first step in the approval process for any mining activity.

You were given an application for Special Exception approval with a deadline of June 3, 2003, for the July group of hearings. We discussed your plans to start expeditiously. I am concerned that we did not receive your application. That fact seriously delays your plans. We need this time to review the application and meet the publication deadlines prescribed by the zoning ordinance. The next deadline for the Special Exception approval is rapidly approaching. That date is July 8, 2003.

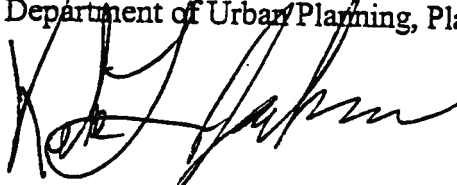
Since we last met, we have had two other discussions about the application for Special Exception approval; the last one was June 23, 2003. You stated your employer's position. Please keep in mind that the City Council's approval of the project was contingent on you securing the required permits. The required local permits included Special Exception approval and a tree permit. I have enclosed a copy of the chart of permitted uses as well as relevant sections of the Tree Protection section of the City of Gulfport's Code of ordinance.

On June 30, 2003 I talk to Mike Bograd at Mississippi Department of Environmental Quality. Mr. Bograd informed me that you were awarded a DEQ permit for surface mining. He pointed out that your DEQ Permit is contingent on you securing the required permits. I also contacted the Department of Marine resources on that same day and was informed that you only filed a letter of intent. Although the property is located in an Uplands area, three of the five soil types (Ponzer, Plummer, and Atmore) on the site are hydric soils indicative

of wetlands. These soil types force the application of a DMR permit and may force the Army Corps to revisit your approval as well.

If you need any further assistance please contact me at 228-868-5710. Your submittal will assist us in trying to accommodate your case and time table as soon as legally possible.

Respectfully,
Department of Urban Planning, Planning Division

A handwritten signature in black ink, appearing to read 'Kelvin L. Jackson', written over the typed name.

Kelvin L. Jackson

Planner I

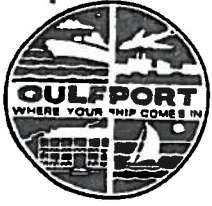
Encl.

CC Sandy Baylor

Ray Eaton

Ronald Jones

W.C. Fore



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DEPARTMENT OF
URBAN DEVELOPMENT

SANDY BAYLOR
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1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT

July 9, 2003

Mickey Bellande
192 B Seal Ave
Biloxi, MS 39530

Dear Mr. Bellande,

Thank you for your quick response to my July 2, 2003 letter. When you called on July 7, 2003 you acknowledged that you did not have every thing but wanted turn in as much as possible. Your expression of a willingness to work and obtain all appropriate local, state, and federal required permits was greatly received. I sent via facsimile the section detailing what the ordinance requires for Special Exception approval.

On July 7, 2003, we met to discuss your Special Exception application as you submitted. You gave this office proof of ownership; proof of authority; site plan and payment. In return, you received a copy of you cover sheet with the words "need to turn in supplemental application." You agreed to this quite readily.

This should included:

- We need copies of all appropriate local, state, and federal required permits with their respective conditions on file as called for by the City Council.
- Section VIII (A)(2)(c) requires a site plan, drawn to scale, showing the location and dimensions of existing and proposed structures with supporting open facilities, the ground area to be maintained for the proposed structure or structures.
- Section VIII (B)(2)(b)(4) requirements with close attention being paid to ingress and egress, circulation, and parking to name a few of the requirements. You received this section via facsimile.
- Fencing as we discussed in the context of site security.
- Verification that you contacted and received approval for any roads, drainage, etc. from public works and City Engineering. This along with permits must be accomplished before any work activity begins.

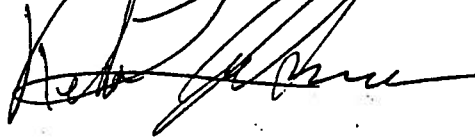
This information submittal will aid you in applying for the various permits you will need.

It is now understood that this Special Exception application solely applies to the Strip Mining activity. The recreation portion of the overall project will be accomplished at a later time through another permit process. This would involve a zoning change and Planning Commission Approval.

The required supplemental application information requested herein must be submitted to this office by July 21, 2003. If this is not met, you will be rescheduled for the September meetings. If you do not meet the deadline for the September Meetings August 5, 2003. You will need to reapply.

If you need any further assistance please contact me at 228-868-5710.

Respectfully,
Department of Urban Planning, Planning Division



Kelvin L. Jackson
Planner I
Encl.
CC Sandy Baylor
Ray Eaton
Ronald Jones
W.C. Fore



COPY

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

July 30, 2003

Mr. W. C. Fore, President
W. C. Fore Trucking Inc.
Post Office Box 3058
Gulfport, Mississippi 39505

Dear Mr. Fore:

Re: W. C. Fore Trucking Inc., Harreld Pit
Harrison County
Water Ref. No. MS0058912

The Department of Environmental Quality (Department) Environmental Permits Division (EPD) staff has reviewed your applications for coverage under the Mining Storm Water Discharge National Pollutant Discharge Elimination System (NPDES) General Permit and an individual NPDES permit for the discharge of process wastewater. Additionally, EPD staff has completed a review of your response to a Letter of Deficiency (LOD) issued by the Department on June 26, 2003. EPD has met internally with other Department divisions associated with this project; therefore, the following comments incorporate the regulatory requirements for permit issuance managed by the Environmental Permits Division, the Office of Geology, and the Water Quality Management Branch and represent a full review of the proposed project. The Department does not anticipate issuing any additional letters of deficiency regarding the currently proposed project, unless your response to the issues outlined herein requires further clarification.

The Department is aware of recent conversations between the Mobile District Corps of Engineers (COE) and W. C. Fore Trucking, Inc., regarding the avoidance of the wetlands located within the planned excavation area to address the COE concerns regarding the Port expansion project. Please be aware that any change in the proposed operations or project footprint currently on file with the Department, resulting in a modification of the project currently being considered by the Department for permit issuance, may result in an additional LOD to address the proposed modifications. Furthermore, regardless of whether a COE 404, Dredge and Fill permit is required by the COE, the Department has concerns regarding the protection of the wetlands and secondary adverse impacts to those wetlands on site, which must be adequately addressed prior to completing the permitting process.

18002 PER20030001

- 1 -

Department comments are separated into the distinct office, division or branch from which the issue originated. Your response should be detailed and address every aspect of the offered comment. The comments may be related to completeness of the application or technical aspects of the required information.

Environmental Permits Division:

1. EPA Form 1 and Form 2D require the signature of a responsible official. A duly authorized representative signature is not acceptable as established by Chapter 1, Section II.C.1.a of the Mississippi Wastewater Regulations and 40 CFR 122.22(a)(1). Therefore, please complete and have the appropriate responsible official sign the enclosed Form 1 and Form 2D. The responsible official may be the president or vice-president of the company.
2. Section VII of EPA Form 1 requires the Standard Industrial Classification (SIC) Codes for the company and facility. Please add SIC code 1442 as a secondary code to represent the mining operation proposed at this location.
3. Section VIII of EPA Form 1 requires the name, as it is legally referred to, of the company or firm that operates the proposed facility. Please provide the full business name "W. C. Fore Trucking, Inc." in this section.
4. Section XI of EPA Form 1 requires the submittal of a topographic map that includes the following:
 - a. the area extending at least one (1) mile from the property boundary;
 - b. the legal boundaries of the property;
 - c. the boundaries of the mining operation;
 - d. location of the sedimentation/retention basin;
 - e. the process water discharge point to the receiving stream;
 - f. the route the discharged process water will flow from the basin to the discharge point.
5. Section I of EPA Form 2D requires the latitude and longitude of the discharge point. If the information provided does not refer to the discharge point from pipe to receiving stream, please provide that latitude and longitude.
6. Section III.A of EPA Form 2D requires the expected amount of process water to be discharged from each outfall. The values provided do not appear to include storm water. Please include the expected storm water to be collected and discharged from the basin. If you expect the amount from storm water to be negligible, please indicate that in this section.
7. Section III.B of EPA Form 2D requires a line drawing of the facility and proposed operations. This line drawing should include the route taken by water in the proposed facility from intake to discharge. The drawing should also include all sources of wastewater including process/production areas, and storm water run-on/run-off.

18002 PER20030001

The following comments refer to your response of July 7, 2003, to the LOD issued June 26, 2003:

8. Based on your response regarding the proposed location of the sedimentation/retention basin and the associated outfall/discharge point, a pipe will be installed from the basin to the receiving stream, an existing ditch located east of the railroad and south of your property. The installation of the pipe appears to involve the burrowing of the pipe under two (2) public roads. Please provide a copy of an authorization for this proposed activity from the City of Gulfport. Furthermore, it appears that this will also impact the railroad and/or the associated right-of-way. Please provide a copy of an authorization from the railroad owner for the proposed activity.
9. EPD staff requested that W.C. Fore Trucking acknowledge and accept the required buffer distances from the perennial stream located on this property. As indicated in the LOD issued June 26, 2003, this perennial stream runs first south to north and thence east to west, bisecting your property, including the proposed mining area, as determined by a review of the topographic map for this area. According to your response, the perennial stream runs east to west and is located north of the mining area in its entirety. Please provide a stream mapping report as prepared and certified by an independent consultant, such as a wetlands consultant, that indicates the actual location and flow direction of the perennial stream. Enclosed please find a copy of the topographic map that indicates the location of the stream for your information and review.
10. Your response indicated that an 8-inch (8") submersible pump will be utilized to maintain a low fluid level in the mining area so that a track hoe may be utilized for the mining method of operation. Please provide the manufacturer details related to the pump proposed, specifically the pumping rate.
11. Based on the scale provided on the survey map, the sedimentation basin does not meet the 150 foot buffer requirement on the southern edge. The measurement is made from the outer edge of the basin to the property line. Please confirm that the basin will be designed/constructed such that the 150-foot buffer requirement will be complied with or provide a letter of authorization for a reduction to the buffer distance from the City of Gulfport.
12. A review of the revised Storm Water Pollution Prevention Plan (SWPPP) states: "Storm water shall drain from the site through existing natural watercourses." The SWPPP also states: "The receiving waters will be Brickyard Bayou to the south of the project." Furthermore, you have indicated that all wastewaters will be collected and discharged to Brickyard Bayou. But "existing natural watercourses" will, apparently, flow to Turkey Creek. As indicated in the previous LOD, Turkey Creek is on the 303(d) list as an impaired waterbody. Therefore, the SWPPP should be updated and the management of all storm water originating from disturbed areas modified to address more adequately the prevention of adverse impacts to Turkey Creek.
13. The submitted SWPPP does not indicate anticipated storm water flow direction/patterns, storm water control methods, control method implementation schedule specific to the operation of this site, installation methods, and planned location of said control methods. The nature of this site requires the SWPPP to be very specific when addressing these issues. Furthermore, the scaled site map provided does not include the planned control methods or planned locations of the

18002 PER20030001

control methods. Please revise the SWPPP and site map to address these issues. Again, because of the number of environmental concerns at this location, it is necessary that the SWPPP be very specific in addressing storm water control and groundwater flow control.

14. The final receiving stream for the anticipated wastewater is Bernard Bayou. A Total Maximum Daily Load study has been completed for this receiving stream. While the proposed discharge does not, apparently, have an immediate impact to Bernard Bayou, the confluence between Brickyard Bayou and Bernard Bayou may be impacted. Therefore, W.C. Fore Trucking, Inc., may be required to sample the groundwater and analyze the same for certain metals and/or toxics to ensure no further adverse impacts to Bernard Bayou. The Department will endeavor to complete this aspect of the permit review process in the very near future and provide you with guidance related to this possible groundwater sampling and analysis.

The following comments are related to the permit and associated application from the Office of Geology (Geology):

15. Geology staff has indicated that the proposed method of operation outlined in the surface mining application (open pit) does not appear to be a manageable operation method for this site because of the depth of the mining operation and the expected level of groundwater. Please address the planned method of operation for the proposed site. An adequate response may be similar to your response to Item #10 above.
16. Geology regulations require a 100-foot buffer distance between mining operations and any public road. The buffer zone distance is measured from the property boundary to the outer edge of the road right-of-way. Please confirm that the required buffer distance will be met or provide a letter from the City of Gulfport allowing a reduced buffer distance.
17. Geology regulations require a 300-foot buffer distance between the property and all occupied dwellings. An occupied dwelling is a dwelling occupied on a consistent basis by someone other than the permit applicant. Please confirm that the site complies with this criteria and that all dwellings that meet the aforementioned definition are considered.
18. Please provide the total acreage to be disturbed or otherwise impacted by the proposed mining operation. This acreage should include, but is not limited to, wastewater control measures, storage areas, stockpile areas, equipment staging areas, excavation areas, sedimentation/retention basin, and all site security measures to be installed. Please be aware that the aforementioned activities cannot be planned within the required buffer zones as established by the Geology Regulations. Please also provide the exact acreage to be mined and/or excavated.
19. Please provide an updated reclamation plan. This plan should detail the final planned condition of the excavated areas as well as the surrounding impacted areas. Please ensure that no high-walls are intended for the site and that the maximum slope of the banks and bed of the planned lake/pond is no greater than 3:1.
20. Currently, the planting frequency is once/year. Based on the information currently available regarding this proposed site, this frequency appears to be inadequate. Please increase the planting frequency and include a mulching rate during the planting and maintenance of the area.

18002 PER20030001

Furthermore, if W.C. Fore Trucking, Inc., believes that the currently proposed planting frequency is adequate, please provide a narrative explanation that supports the current planting frequency. However, mulching of the site is a necessary activity for the establishment of vegetative cover and must be included in the planting proposal for this site.

21. W.C. Fore Trucking, Inc., has indicated that the cost of reclamation for this site is \$300.00 per acre. The Geology Regulations require a minimum bond of \$500.00 per acre. Although W.C. Fore Trucking, Inc., has provided an adequate bond for this mining site above the \$500.00 per acre requirement, please update the cost of reclamation listed to reflect compliance with the established regulations.
22. Geology requires the re-submittal of a scaled site map. The site map should include the mining permit boundary (all impacted areas as identified in Item #18 above), the mining/excavation acreage, north direction arrow, and all other pertinent information related to the development of this proposed mining site. The site map submitted should match all other map/drawing submittals to other offices of the Department.
23. Please provide a copy of the issued or executed special exceptions and other required City of Gulfport permits.
24. Since the original application to Geology for a surface mining permit was submitted, the applicant has made changes in the mining and reclamation plans, the location of the pit, and the acreage affected. Because of these proposed changes, the surface mining permit issued by Geology will have to be presented to the Permit Board for modification and reissuance. Pursuant to the Geology regulations, a modification fee of \$50.00 is required for any modification or reissuance of a surface mining permit.

From the Water Quality Management Branch:

25. The Water Quality Management Branch staff has discussed the proposed project as currently presented with the Mobile District Corps of Engineers (COE). Based on this discussion, the COE has confirmed that a Section 404 (Dredge and Fill) permit is not required. Therefore, a Section 401 Water Quality Certification from the Department is not required. However, the Department is concerned about the relationship of your project to the State Port at Gulfport expansion project. The Port project's Section 404 Permit only allows for fill material from an upland source. The Mobile COE has written Mr. John Webb of the Mississippi State Port Authority (and provided you a copy dated July 22, 2003) regarding this issue. The COE advises that if additional wetlands impacts are proposed by the Port expansion, a re-evaluation of the project will be required. This would result in a modification of the COE permit to the State Port, including wetlands mitigation, and therefore, a delay in implementation of the project.

The required process for the issuance of an individual NPDES such as this involves an application review for completeness as well as a review for technical deficiencies in the information provided. The Department has conducted both the completeness and technical review and the comments outlined above are a result of those reviews. Once the application for permit issuance is deemed

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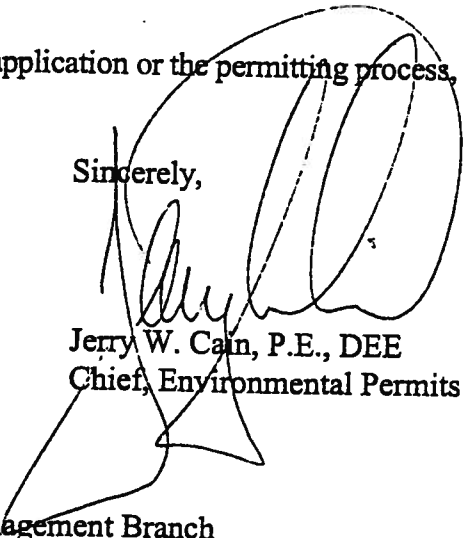
complete and technically correct, a draft permit and permit rationale will be prepared by EPD staff. You will have the opportunity to review this draft permit and rationale. Once your review is complete, the Department will provide the Environmental Protection Agency (EPA) with a copy of the proposed permit and rationale. The EPA must accept the draft permit and the requirements therein. The EPA has a minimum of thirty days to review the draft permit. Upon EPA approval of the draft permit, the Department will issue a 30-day Notice of Public Hearing to solicit comments regarding the proposed project and permit from the general public, prior to preparing any recommendation for the Mississippi Environmental Quality Permit Board (Permit Board). All comments received during the public comment period or the public hearing will be considered by Department staff, and modifications made to the draft permit as necessary will be completed, prior to presentation to the Permit Board. Please be aware that mining operations cannot be initiated until all required permits have been issued.

As you have been previously informed, an evidentiary hearing has been requested related to the mining permit issued to W.C. Fore Trucking, Inc. The requested hearing will not be scheduled until the Permit Board has acted on the NPDES application currently under review. Any evidentiary hearings necessary at that time concerning this project then will be consolidated into one formal hearing.

Please be aware that the Department does not intend to present this application for Permit Board consideration until such time as all local government approvals, variances and/or exceptions have been issued.

If you have any questions regarding the application or the permitting process, please contact Michelle Vinson of my staff at 601-961-5040.

Sincerely,



Jerry W. Cain, P.E., DEE
Chief, Environmental Permits Division

cc: Kelvin Jackson, City of Gulfport
Ken McCarley, Office of Geology
Robert Seyfarth, Water Quality Management Branch

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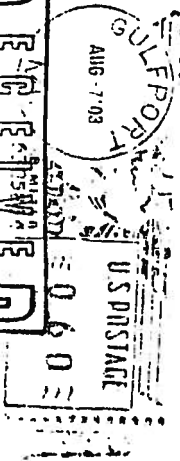
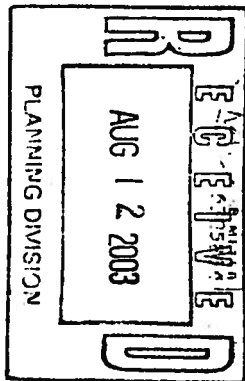


Department of Urban Development
 PLANNING DIVISION
 1410 24TH AVENUE • ROOM 206
 GULFPORT, MS 39501

Mickey Bellande
 W. C. Fore Trucking, LLC
 192 B Seal Av
 Biloxi, MS 395

39501003 1003 09 08/09/03
 RETURN TO SENDER
 BELLANDE, MICKEY
 MOVED LEFT NO ADDRESS
 UNABLE TO FORWARD
 RETURN TO SENDER

THIS IS A COPY OF ENVELOPE CONTAINING LETTER DATED
 AUGUST 4, 2003 (MAILED AUGUST 7, 2003) ADDRESSED TO
 AGENT MICKEY BELLANDE, RETURNED TO SENDER BY THE
 U.S. POSTAL SERVICE.





"Where your ship comes in"

KEN COMBS
Mayor

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three

Kim B. Savant
Councilman, Ward Four

Ricky Dombrowski
Councilman, Ward Five

Charles E. "Chuck" Teston
Councilman, Ward Six

Billy Hewes
Councilman, Ward Seven

DEPARTMENT OF
URBAN DEVELOPMENT

SANDY BAYLOR
Director

Community/Economic
Development Division
228-864-5657
Fax: 228-214-4487

Planning Division
228/868-5710
Fax: 228-868-5708

Building Code Services
228-868-5715
Fax: 228-868-5716

1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT

August 4, 2003

Mickey Bellande
W. C. Fore Trucking, LLC
192 B Seal Ave
Biloxi, MS 39530

RE: Case File Number: 0308ZB114 Mickey J. Bellande for W. C. Fore, LLC, property owner, requests Special Exception Use Permit to allow the extraction of sand (strip-mine) in a I-1 district located on tax parcel number 0810L-01-004.000, 98.3 AC(C) THAT PART OF N 1039 FT OF NE1/4 OF NW1/4 LYING W OF RAIL-ROAD; ALSO THAT PART OF W1/2 OF NW1/4 LYING E OF 34TH AVE SEC 33-7-1 and tax parcel number 0810M-03-002, BEG AT N W COR OF S W 1/4 RUN E 25 FT TO BEG TH RUN E 1829 FT S 378 FTW 1829 FT N 370 FT TO BEG PARCEL Containing 15.4 AC(C) SEC 33-07-11. (Located south of Washington Street, north of and adjacent to 33rd Street, east of and adjacent to 34th Avenue and west of Highway 49

Dear Mr. Bellande,

This letter is to inform you that your application will not make the August Special Exception Hearings before the Zoning Board and Planning Commission. A review of your application led us to this action based on the following:

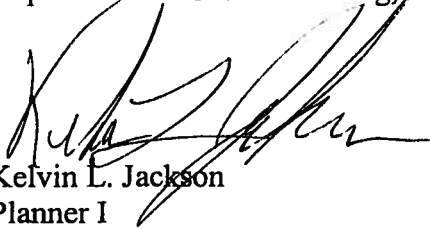
1. Information provided by you was found to be incomplete after review i.e. the surface mining permit did not include the actual application and reclamation plans which are considered integral parts of the permit as stated in permit number P03-021.
2. It was discovered "All necessary permits" were not obtained as specified in the City Council motion allowing the mine to operate. This was confirmed via a letter from DEQ dated July 30, 2003.

Our office and all response agencies (Public works, Engineering, etc) will continue to review your submittal since you are in the process of

securing the required permits but retain the right to return your application to you if this is not completed in a timely manner.

If you need any further assistance please contact me at 228-868-5710.

Respectfully,
Department of Urban Planning, Planning Division

A handwritten signature in black ink, appearing to read 'Kelvin L. Jackson', written over a horizontal line.

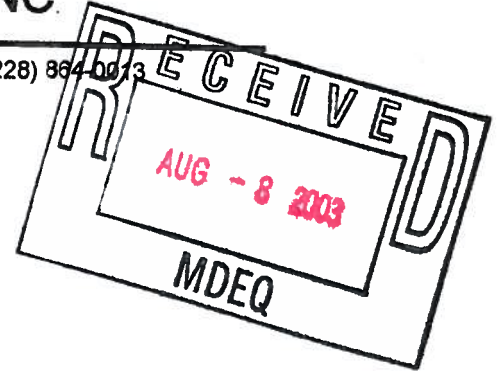
Kelvin L. Jackson
Planner I

Enclosure

CC Sandy Baylor
Ray Eaton
Ronald Jones
Bill Powell, City Engineer
Kris Riemann, Public works
City attorney's office
W.C. Fore

W. C. FORE TRUCKING, INC.

P. O. Box 3058 • Gulfport, MS 39505 • (228) 863-1314 • fax (228) 864-0073



August 6, 2003
Mississippi Department of Environmental Quality
Office of Pollution Control
Post Office Box 10385
Jackson, Mississippi 39289-0385

Attention: Mr. Jerry W. Cain, PE

Reference: **Surface Mining Permit Number 03-021**
Harreld Pit, 55.5 Acres,
Harrison County, Mississippi

Dear Mr. Cain,

Pursuant to your letter of July 30, 2003 regarding our Notice of Intent application and our revised package transmitted to Mr. Billy Warden on July 11, 2003 and page revisions sent to Mr. Ross Williams on July 14, 2003, members of your staff, you for the above captioned permit the following is offered to correct revise our NOI, EPA Form 1, EPA Form 2D and the obligatory drawing submittals that are required by regulations.

To avoid confusion, we are submitting a completely new EPA forms 1 and 2D. These forms have been corrected in accordance with the comments in your aforementioned letter.

In your letter you make reference to the Corps of Engineers, Mobile District and the project that we have at the State Port at Gulfport. Their requirement that all fill materials for this project shall come from an uplands source shall not be compromised. All wetlands excavated materials, mined according to the requirements set forth in the Tullock Rule and stockpiled on-site for other uses or moved to an uplands disposal area.

To address your specific concerns the following is offered:

Paragraphs 1 through 7 (inclusive) shall be addressed/corrected in the new EPA forms 1 and 2D and associated drawings, data sheets and attached correspondence.

Paragraph 8 addresses the mining pit and the outfall. The 24" diameter outfall to the receiving ditch affects only one public road. A City of Gulfport Drainage Easement abuts the east property line of Parcel C. This is west of the railroad right of way(row) and in no way affects railroad property. The outfall line and its terminus is depicted on the enclosed. Also attached for you information and use is a copy of Mr. William Powell's authorization letter dated August 5, 2003. Mr Powell is the Director of Engineering for the City of Gulfport.

Paragraph 9: We have attached a copy of a letter from Mr. Patrick Chubb, Senor Biologist with Covington and Associates, our wetlands consultant, regarding the perennial stream issue.

Mr. Jerry W. Cain
Office of Pollution Control
Page 2
August 6, 2003

We acknowledge the buffer zone requirement and locate a perennial stream bisecting the property at the most northern end of the property north of the mining area.

Paragraph 10 Attached is a copy of the pump data and the pump curves for the 8" centrifugal pump we intend to use to maintain the water level in the mining area.

Prior to commencement of any construction or mining activity silt fence shall be placed, erosion checks and other erosion control devices shall be installed and maintained along with the installation of the safety fence.

The surface mining pit shall be constructed in three phases. Each phase shall be approximately 400 feet in the south to north direction. Each phase will consist of the following activities:

- a. Clearing and stripping
- b. Construct containment levee
- c. Mining
- d. Groundwater/stormwater control
- f. Erosion control

While Phase One is being constructed, Phases Two and Three will remain in its natural, undisturbed state. Drainage from these undisturbed areas will follow its natural watercourse. Subsequent phases of construction and mining shall be accomplished by the same method.

In the undeveloped state, for the most part, all storm water drains to the north of the property or to perimeter ditches paralleling 33rd Street to the south and 34th Avenue on the west. Ultimately this stormwater flow is in a northerly direction with the receiving stream being Turkey Creek.

With each phase of work, more of the stormwater will be redirected to the south, with the receiving body of water being Bayou Bernard.

The sedimentation basin site is located at the southeast corner of the mining permit area. The sedimentation basin has been configured to comply with the 150-foot buffer zone requirements at each property line. The sedimentation basin is divided into two ponds, Pond 1 and Pond 2. A treated timber baffle will divide Ponds 1 and 2. The installation of this baffle will allow more suspended particles to precipitate out allowing a cleaner discharge to the outfall from Pond 2. To preclude extensive silt buildup in Pond 1, monitoring activities shall be performed on a regular basis. Pond 2 shall be monitored at the same time as the Pond 1 activities. The outfall from Pond 2 shall be 24" diameter HDPE pipe. Any crossing of City of Gulfport property, rights of way etc require the use of reinforced concrete drainage pipe.

Paragraph 11: The proposed sedimentation basin will be so constructed to meet the criteria of a 150-foot buffer zone. This is reflected in the attached drawings.

Paragraph 12: This is addressed by Mr. Chubb's letter referenced in paragraph nine above.

Paragraph 13: Based upon observations made during and after severe weather conditions in the area we have determined the stormwater flow patterns. These flow patterns are depicted on the attached drawings.

The entire mining site shall be encompassed with silt fence and erosion checks as necessary.

Mr. Jerry W. Cain
Office of Pollution Control
Page 3
August 6, 2003

Locations of the silt fencing and the erosion checks are noted on the attached plans.

Paragraph 15: See response for paragraph 10 above,

Paragraph 16: Our attached referenced drawings indicate the required 100-foot buffer zone and this zone will be maintained.

Paragraph 17: Our attached referenced drawings indicate the required 300-foot buffer zone and occupied dwellings requirement. This buffer zone shall be maintained.

| | |
|---------------------------------------|---------------|
| Paragraph 18: Total acreage disturbed | : |
| Mining Area | 48.3127 acres |
| Sedimentation Basin | 0.2689 |
| Access Road | <u>0.0689</u> |
| Total | 49.2669 acres |

Paragraph 19: Revised Reclamation Plan dated August 5, 2003 provided.

Paragraph 20: As stated in our SWPPP disturbed areas shall be mulched and seeded as incidents occur. Maintenance seeding and mulching will be ongoing on a as needed basis.

Paragraph 21 The reclamation cost per acre of \$300.00 per acre is increased to \$500.00 per acre.

Paragraph 22: A scaled site map is submitted with this letter.

Paragraph 23: The City of Gulfport Planning Commission meets again August 28, 2003. This is the earliest meeting that we could get on the agenda. Upon approval of the Special Exception, a copy will be forwarded to you.

Paragraph 25: This item is addressed in at the opening of this letter.:

I have taken the liberty of enclosing an engineering report by Mr. Robert J. Knesal, PE, of Robert J. Knesal, Engineers / Land Surveyor, Gulfport, Mississippi regarding his site water evaporation analysis of the Harreld pit.

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

Sincerely,



W. C. Fore
President



GENERAL INFORMATION

Consolidated Permit Program

Read the "General Instructions" before (R) (S) (P) (T)

LABEL ITEMS

EPA I.D. NUMBER

FACILITY NAME

FACILITY MAILING ADDRESS

FACILITY LOCATION

PLEASE PLACE LABEL IN THIS SPACE

RECEIVED AUG - 8 2003 MDEQ

GENERAL INSTRUCTIONS

If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

Table with 4 columns: SPECIFIC QUESTIONS, MARK 'X' YES NO FORM ATTACHED, SPECIFIC QUESTIONS, MARK 'X' YES NO FORM ATTACHED. Contains questions A through J regarding facility types and discharges.

NAME OF FACILITY

SKIP HAROLD PIT

FACILITY CONTACT

A. NAME & TITLE (last, first, & title)

W.E. FORE, PRESIDENT

B. PHONE (area code & no.)

228 863 1314

FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX

PO BOX 3058

B. CITY OR TOWN

GULFPORT, MS

C. STATE

MS

D. ZIP CODE

39503

FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER

33 RD STREET # 34TH AVENUE

B. COUNTY NAME

HARRISON

C. CITY OR TOWN

GULFPORT

D. STATE

MS

E. ZIP CODE

39501

F. COUNTY CODE (if known)

A. FIRST (specify) **1629 HEAVY CONSTRUCTION EX BUILDINGS**
 B. SECOND (specify) **7 1442 CONSTRUCTION SAND & GRAVEL**
 C. THIRD (specify) _____
 D. FOURTH (specify) _____

VIII. OPERATOR INFORMATION

A. NAME **W.C. FORE TRUCKING, INC**
 B. Is the name listed in Item VIII-A the owner? YES NO
 C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box. If "Other", specify.)
 F - FEDERAL M - PUBLIC (other than federal or state) P (specify) **P**
 S - STATE O - OTHER (specify) _____
 P - PRIVATE
 D. PHONE (area code & no.) **228 863 1314**

E. STREET OR P.O. BOX **P.O. Box 3058**

F. CITY OR TOWN **GULFPORT** G. STATE **MS** H. ZIP CODE **39505**
 IX. INDIAN LAND YES NO
 Is the facility located on Indian lands?

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water) B. CDD (Air Emissions from Proposed Sources)
 C. T. I. C. T. I.
9 N **9 P**
 E. OTHER (specify) _____
 D. UIC (Underground Injection of Fluids) E. OTHER (specify) _____
 C. T. I. C. T. I.
9 U **9**
 C. RCRA (Hazardous Wastes) E. OTHER (specify) _____
 C. T. I. C. T. I.
9 **9**

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

SAND MINING PT.

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and its attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in this application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print) **W.C. FORE PRESIDENT**
 B. SIGNATURE *W.C. Fore*
 C. DATE SIGNED **8-5-03**

COMMENTS FOR OFFICIAL USE ONLY

B. Attach a line drawing showing the water flow through the facility. Indicate sources of intake water, operations contributing wastewater to the effluent, and treatment units labeled to correspond to the more detailed descriptions in Item III-A. Construct a water balance on the line drawing by showing average flows between intakes, operations, treatment units, and outfalls. If a water balance cannot be determined (e.g., for certain mining activities), provide a pictorial description of the nature and amount of any sources of water and any collection or treatment measures.

C. Except for storm runoff, leaks, or spills, will any of the discharges described in item III-A be intermittent or seasonal?

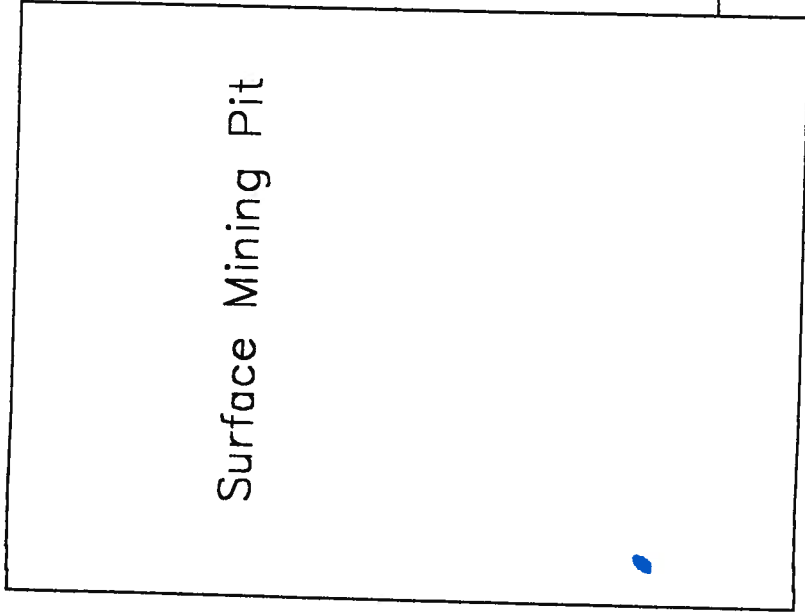
Yes (complete the following table) No (go to item IV)

| Outfall Number | 1. Frequency | | 2. Flow | | |
|---|------------------------------------|--------------------------------------|-------------------------------------|--|-----------------------|
| | a. Days Per Week (specify average) | b. Months Per Year (specify average) | a. Maximum Daily Flow Rate (in mgd) | b. Maximum Total Volume (specify with units) | c. Duration (in days) |
| 1 - PHASE 1 (1 st yr) | 7 | 12 | 2.18 mgd | | 365 |
| 1 - Phase 1 & 2 (2 nd yr) | 7 | 12 | 4.36 mgd | | 365 |
| 1 - Phase 1, 2 & 3 (3 rd yr) | 7 | 12 | 6.54 mgd | | 365 |

IV. Production

If there is an applicable production-based effluent guideline or NSPS, for each outfall list the estimated level of production (projection of actual production level, not design), expressed in the terms and units used in the applicable effluent guideline or NSPS, for each of the first 3 years of operation. If production is likely to vary, you may also submit alternative estimates (attach a separate sheet).

| Year | a. Quantity Per Day | b. Units of Measure | c. Operation, Product, Material, etc (specify) |
|------|---------------------|---------------------|--|
| 1 | 1700 | cy | MINING - CONSTRUCTION SAND |
| 2 | 1700 | cy | |
| 3 | 1700 | cy | |



Lat. 30-23-12
 Lon. 89-05-44 → Outfall 01

| | | | | | | | | |
|--|--|---|--|--|--|--|--|------------------------|
| Date: 08-08-03 Description: 0200 pit at 7-30-03 | | Drawn by: _____ Checked by: _____ Approved by: _____ Date: _____ | | W. C. Fore Trucking, Inc. Gulfport, Mississippi | | Harrel Pit S33, T7S, R11W Gulfport, Harrison, Mississippi | | Drawing 1 or 1 OF 1 |
| Schematic of Water Flow | | | | | | File No. 2003-12702 | | |

V. Effluent Characteristics

A, and B: These items require you to report estimated amounts (both concentration and mass) of the pollutants to be discharged from each of your outfalls. Each part of this item addresses a different set of pollutants and should be completed in accordance with the specific instructions for that part. Data for each outfall should be on a separate page. Attach additional sheets of paper if necessary.

General Instructions (See table 2D-2 for Pollutants)

Each part of this item requests you to provide an estimated daily maximum and average for certain pollutants and the source of information. Data for all pollutants in Group A, for all outfalls, must be submitted unless waived by the permitting authority. For all outfalls, data for pollutants in Group B should be reported only for pollutants which you believe will be present or are limited directly by an effluent limitations guideline or NSPS or indirectly through limitations on an indicator pollutant.

| 1. Pollutant | 2. Maximum Daily Value (include units) | 3. Average Daily Value (include units) | 4. Source (see instructions) |
|------------------------|--|--|------------------------------|
| TOTAL SUSPENDED SOLIDS | 1/2 LB | 1/2 LB | 4 |
| PH | 6 | 6 | 4 |
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VII. Other Information (Optional)

Use the space below to expand upon any of the above questions or to bring to the attention of the reviewer any other information you feel should be considered in establishing permit limitations for the proposed facility. Attach additional sheets if necessary.

III A. AFTER EXCAVATION COMMENCES, NO RUNOFF FROM SURROUNDING UNDISTURBED LAND WILL ENTER EXCAVATION - MOUND ELEVATED ABOVE NATURAL GROUND. ATTACHED IS ENGINEERS CALCULATION OF EVAPORATION RATE.

III C ONLY $\frac{1}{3}$ OF THE SURFACE MINING PIT SHALL BE EXCAVATED AT 1 TIME, SOUTH TO NORTH.

THE AVERAGE SHOWN IN III C.2.c INDICATES $\frac{1}{3}$ EXCAVATION, $\frac{2}{3}$ EXCAVATION & $\frac{3}{3}$ COMPLETE EXCAVATION.

UPON COMPLETION OF MINING ACTIVITIES, PIT WILL BE ALLOWED TO FILL TO NATURAL WATER LEVEL, THUS FORMING A LAKE.

VIII. 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 gather and evaluate 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.

A. Name and Official Title (type or print)

W.C. FORE, PRESIDENT

B. Phone No.

228-863-1314

C. Signature

W.C. Fore

D. Date Signed

8-5-03

August 5, 2003

Mr. W. C. Fore
14270 Creosote Road
Gulfport, MS 39503

Re: Evaporation Rate Calculation

Dear Mr. Fore:

Upon your request I have calculated the evaporation rate of water from a body of water. Based upon scientific data gathered for our area of the State I have determined the following.

Evaporation Rate: 1 inch per 7 days
52 inches per year

This determination is approximate and is based upon average annual weather conditions.

Our area experiences an average annual rainfall of approximately 65 inches per year.

I hereby certify this information was determined through calculations based upon engineering research gathered from historic data for this area.

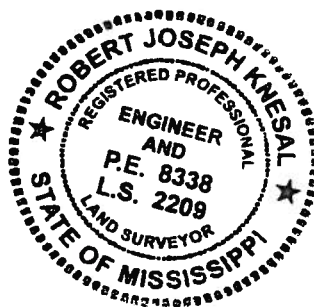
Should you have any questions please do not hesitate to call.

Sincerely yours,



Robert J. Knesal, P. E.

RJK:pc



KEN COMBS
Mayor

CITY of GULFPORT



"WHERE YOUR SHIP COMES IN"

Mayor-Council Form of Government

WILLIAM W. POWELL, P.E.
Director of Engineering

ENGINEERING DEPARTMENT
4050 Hewes Avenue
Gulfport, Mississippi 39507
Telephone (228) 868-5815
Fax (228) 868-5822

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three

Kim B. Savant
Councilman, Ward Four

Ricky Dombrowski
Councilman, Ward Five

Charles E. Teston
Councilman, Ward Six

Billy Hewes
Councilman, Ward Seven

August 5, 2003

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

Re: Request for Outfall Discharge
W. C. Fore Strip Mine, 33rd Street

Dear Mr. Fore:

On August 4, 2003 you came by my office to request a letter from the City granting you permission to utilize the existing ditch on the west side of the KCS railroad right-of-way as an outfall for the effluent from your sedimentation basin/detention pond. According to the Clifford Crosby survey dated June 3, 2003, the location of this discharge point is noted as "OUTFALL" on the drawing, and is located in an apparent City easement, at the southeast corner of Parcel "C". You provided me with a copy of the Clifford Crosby survey.

You stated that you planned to pipe the entirety of the outfall from the sedimentation basin to the outfall ditch, and that W.C. Fore Trucking, Inc., would be the owner of this line and therefore responsible for all operation and maintenance.

Your request is approved, contingent on the following understandings, terms and conditions:

1. All effluent from your outfall must meet all requirements of your Stormwater Pollution Prevention Plan, and must be in conformance with all water quality requirements of the City ordinances and the Mississippi Department of Environmental Quality.
2. W. C. Fore Trucking, Inc. will be the owner of the outfall line in its entirety, from the sedimentation basin north of 33rd Street to its discharge, and will be responsible for all operation and maintenance of the outfall line.
3. Engineering drawings showing all proposed work in City easements and public rights-of-way must be submitted for approval by the Engineering Department and

Public Works Department prior to beginning construction. These drawings should be prepared by a Registered Professional Engineer and should show all relevant data, including but not limited to grades, elevations, topographic features, existing utilities, erosion control methods, pavement repair materials and specifications for all work.

4. For work within the City right-of-way, only reinforced concrete pipe is permitted. For the discharge point at the KCS railroad ditch, permanent erosion control must be provided.
5. Any improvements to the existing City storm drainage required as a result of the proposed outfall discharge will be done by W.C. Fore Trucking, Inc. at its cost. The engineer for W. C. Fore Trucking shall provide to the City the estimated flow volumes at the discharge point.
6. Following the completion of the work, W. C. Fore Trucking will submit as-built record drawings to the Engineering Department.

The purpose of this letter is solely to provide approval in principle of the proposed discharge to the City storm drainage system. Approval to construct will be granted only after all of the above requirements have been met. Failure to comply with the terms and conditions of this letter, including all reasonable requirements of the City, will result in the invalidation of this contingent approval.

Sincerely,



William W. Powell, P.E.

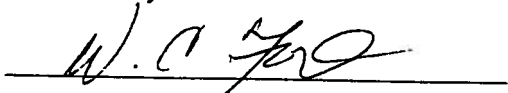
Director of Engineering

WWP/cb

Attachment: Clifford Crosby Survey, signed 6/3/03

cc: (w/o attachments) Mayor Combs
Harry Hewes
Kris Riemann
Sandy Bayor
George DeCoux
Jerry Smith

Received By:



Date: _____

Covington & Associates Corporation

Environmental Engineers and Consultants

August 5, 2003

Mr. Jerry Cain, P.E.
Chief, Environmental Permits Division
Mississippi Department of Environmental Quality
Post Office Box 10385
Jackson, Mississippi 39289-0385

RE: W.C. Fore Trucking Inc., Harreld Pit Application
Harrison County, Mississippi
Water Ref. No. MS0058912

Dear Mr. Cain:

Please accept this response relative to Items Number 9 and 12 referenced in a letter dated July 30, 2003 from your office to Mr. Fore. W.C. Fore Trucking Inc. retained Covington Associates Corporation (CAC) as a wetland consultant for the proposed project in April 2003. CAC conducted the assessment and provided subsequent permitting assistance relative to wetlands.

Response to Item 9:

Based on our field investigations of the proposed site, along with other adjacent projects that CAC has been involved with in the past, I am inclined to disagree with the illustration provided on the USGS – Gulfport North Quadrangle (7.5 Minute Series) dated 1994. The “blue line” in question, running in a north-south orientation along the eastern property boundary cannot be classified as a “perennial stream”. Historically, this may have been a straight-line ditch. In current times, there is a ditch running in this general area, however, it does not extend as far south as illustrated.

I have had communications with Mr. Frank Hubiak, US Army Corps of Engineers, regarding this issue. Mr. Hubiak has concurred that, at best, this would be considered a “ditch” and not a perennial stream, based on the straight-line illustration and the contour elevation data.

CAC and the Corps are in agreement that the only perennial stream located within the project area is one that runs in an east-to-west orientation across the northern part of the property. The distance of the proposed pit far exceeds the Department’s requirements for buffering a perennial stream.



Page 2

W.C. Fore Trucking Inc., Harreld Pit Application

August 5, 2003

Response to Item 12:

The project will occur in three (3) phases. Starting in the southern third of the proposed pit, all surface water (rainfall) that falls within the pit as well as produced water from the pit (ground water) will be collected/pumped to the 2-phase sedimentation pond(s) located in the southeastern corner of the proposed project site. These waters will be treated and piped southward to a discharge point that will eventually empty to Brickyard Bayou. In the meantime, the northern 2/3rds of the pit will remain in a natural state. Thus, runoff will follow its natural watercourse. When Phase 2 is initiated, all waters within this zone will be taken southward and the last phase will remain natural. Finally, Phase 3 will be initiated and all waters within the project area will be taken southward and discharged into Brickyard Bayou until a time when the excavation is complete and the pit is ready to be made into a City approved lake within a recreation area.

I hope that this information satisfies your need for additional information concerning Items 9 and 12 of your response letter. If you have further questions or comments, please contact me at anytime.

Respectfully,
Covington Associates Corporation



Patrick Chubb
Senior Biologist



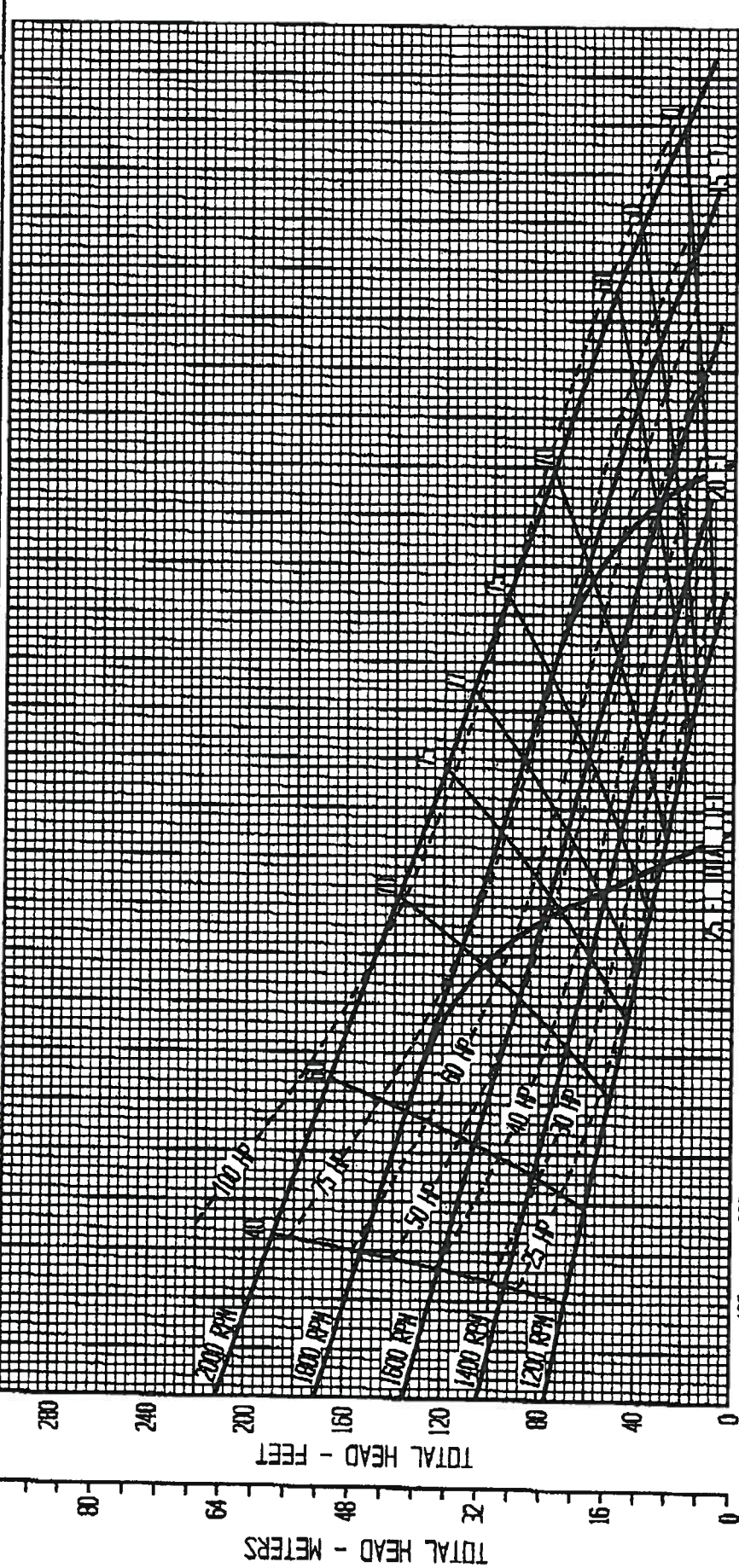
PIONEER PRIME - END SUCTION CENTRIFUGAL PUMP SIZE 8" X 8"

Pump Specifications: Model: PP88S2-SAE, Fully Automatic Dry Priming,
Vacuum Assisted, Run Dry, Heavy Duty Solids Handling Pump
w/ S.A.E. Housing & Rubber Disc Drive

| | |
|---|--|
| Size: 8" X 8" w/3.0 inch Spherical Solids Handling Capability | Vacuum Pump: 50 CFM Air Flow Capacity, Diaphragm Style continuous Vacuum-Mechanically Driven |
| Volute Casing: ASTM A48 Class 30 Gray Iron | Materials of Construction: |
| Suction Cover: ASTM A48 Class 30 Gray Iron | Casing - Corrosion Resistant Aluminum |
| Wear Ring: ASTM A48 Class 30 Gray Iron | Actuator - Corrosion Resistant Aluminum w/Buna-n Elastomer |
| Volute Cleanout: Handhole Type, O-Ring Mounted ASTM A48 Class 30 Gray Iron | Drive Assembly - Cast Iron-Class 30 steel shaft & connecting rod oil lubricated |
| Backplate: ASTM A48 Class 30 Gray Iron | |
| Bracket: ASTM A48 Class 30 Gray Iron - Enclosed w/ Lip Seal for Mechanical Seal Dry Running w/Oil level sight glass - bracket oil capacity 5/8 Gallon | |
| Mechanical Seal: Single Type-2 Seal w/ Tungsten vs. Silicon Carbide Seal Faces, Viton Elastomers, 300 Series Stainless Hardware & Spring Seal System Designed for Indefinite Dry Running | |
| Impeller: Enclosed Type Two Port Non-Clog w/3.0 Inch Spherical Solids Handling Capability - Construction of ASTM A536 Grade 65-45-12 Ductile Iron (other materials available including: 316 Stainless Steel, CD4-Mcu and Ductile Iron) | |
| Bearing Housing: ASTM A48 Class 30 Gray Iron | Separator Specifications: |
| Pump End Bearing: Single Row Ball - 6313-C3 | Separator Spool: Double Chamber, Standard Steel |
| Drive End Bearing: Single Row Ball - 6315-C3 | Air/Water Chamber: Bolted to suction spool of centrifugal pump chamber-designed to separate air & water before entering the pump case. O-ringed sealed w/ vacuum pump isolation valve. |
| Shaft: 1144 Stress Proof Steel (Other Metals Available including: 17-4 PH Corrosion Resistant) | Air/Separation Valve: Constructed of non-corrosive manganese bronze with 316 stainless steel (SS) valve stem & seat. Actuator assembly with float ball & hardware 316 SS. |
| Flanges: AISI 150 # Flanges Standard (250 # Flanges Available) | Discharge Check Valve: Swing Style, Cast Iron w/ Buna-n disc, (Viton disc Available) |
| O-Rings: Buna-n Standard (Others available including: Neoprene and Viton) | Optional Equipment: |
| Lip Seals: Bracket - CR Type - Buna-n S.A.E./Bearing Cover - CR Type - Buna-n | Special Metals: Including 316 Stainless Steel, CD4-Mcu & Ductile Iron |

461 N.E. 3rd Ave. ♦ Canby, OR 97013 ♦ Ph. (503) 266-4115 ♦ Fax (503) 266-4116

MODEL: PP88S2 SIZE: 8" x 8" SPEED: VARIOUS IMPELLER DIA.: 12.25" SOLIDS SIZE: 3.0" A1468HQ



TOTAL HEAD - METERS
 TOTAL HEAD - FEET
 FLOWRATE U.S. GALLONS PER MINUTE
 FLOWRATE CUBIC METERS PER HOUR

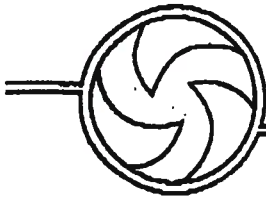
PIONEER PRIME PERFORMANCE INCLUDES LOSSES FOR PRIMING SYSTEM AND OPEN CLEARANCE WEAR RING. CERTIFIED AS TESTED H-Q, HORSEPOWER AND EFFICIENCY. LIFT CURVES ARE CALCULATED.

MODEL: PP88S2

PIONEER PUMP, INC.

PIONEER PRIME SERIES

A1468HQ



Service Pump & Compressor

A *Liter*® Company

June 11, 2003

Quote 909-061103

W.C. Fore Trucking Inc.

Attn: W.C. Fore
P.O. Box 358
Gulf Port, MS
Fax: 228-864-0013

Per our conversation yesterday, I am pleased to quote on your pump needs. Given the requirements of 4,000 GPM with a suction lift of approximately 18' and a downhill discharge of approximately 200-300', I am confident in recommending the Pioneer PP88S12L1-B 8" Vac-Assist Trash Pump with a 75 horsepower motor. As you requested the pump is direct driven on a skid mounted base. Pump will also be equipped with an auto float system and a lighting arrestor. Warranty for pump, parts and workmanship is two years, warranty is one year for labor.

*As your salesman, I personally guaranty that this pump package will meet or exceed your required flow specifications.

PRICE: \$18,985.00

Price does not include any applicable taxes, or freight charges of \$1,000.00 to deliver package to your place of business in Gulf Port.

Delivery: 2-3 weeks after receipt of order
Terms: Net 30

If I can be of further assistance regarding this matter or any other please do not hesitate to contact me at 251-648-2863.

Thank you,

Dan Wendling
Sales Representative
Hertz Service Pump and Compressor

Pumps • Compressors • Wellpoint Systems • Generator Sets • Custom Fabrication

Beaumont, TX • Baton Rouge, LA • Mobile, AL • Sulphur, LA • Shreveport, LA • Belle Chasse, LA • Jackson, MS • Tampa, FL
Orlando, FL • Birmingham, AL • Charleston, SC • Atlanta, GA • Lafayette, LA • Freeport, TX • LaPorte, TX

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: W. C. Fore

Date: 8-5-03



EPA I.D. NUMBER

Consolidated Permit Program
Read the "General Instructions" before starting!

EPA I.D. NUMBER

FACILITY NAME

FACILITY MAILING ADDRESS

FACILITY LOCATION

REVISED
AUG 08 2005

JUL 1
MISE

PLEASE PLACE LABEL IN THIS SPACE

m5005891g

GENERAL INSTRUCTIONS
If a prioritized label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the prioritized data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS

MARK 'X'
YES NO FORM ATTACHED

A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)

YES NO FORM ATTACHED
X

B. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)

YES NO FORM ATTACHED
X

C. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)

YES NO FORM ATTACHED
X

D. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)

YES NO FORM ATTACHED
X

E. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)

YES NO FORM ATTACHED
X

SPECIFIC QUESTIONS

MARK 'X'
YES NO FORM ATTACHED

F. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)

YES NO FORM ATTACHED
X

G. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)

YES NO FORM ATTACHED
X X

H. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)

YES NO FORM ATTACHED
X

I. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in-situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)

YES NO FORM ATTACHED
X

J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)

YES NO FORM ATTACHED
X

NAME OF FACILITY

HARBELD PIT

FACILITY CONTACT

A. NAME & TITLE (last, first, & title)

W C FORE, PRESIDENT

B. PHONE (area code & no.)

228 863 1314

FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX

PO Box 3058

B. CITY OR TOWN

ULFPORT

C. STATE D. ZIP CODE

MS 39505

FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER

3RD STREET # 34TH AVENUE

B. COUNTY NAME

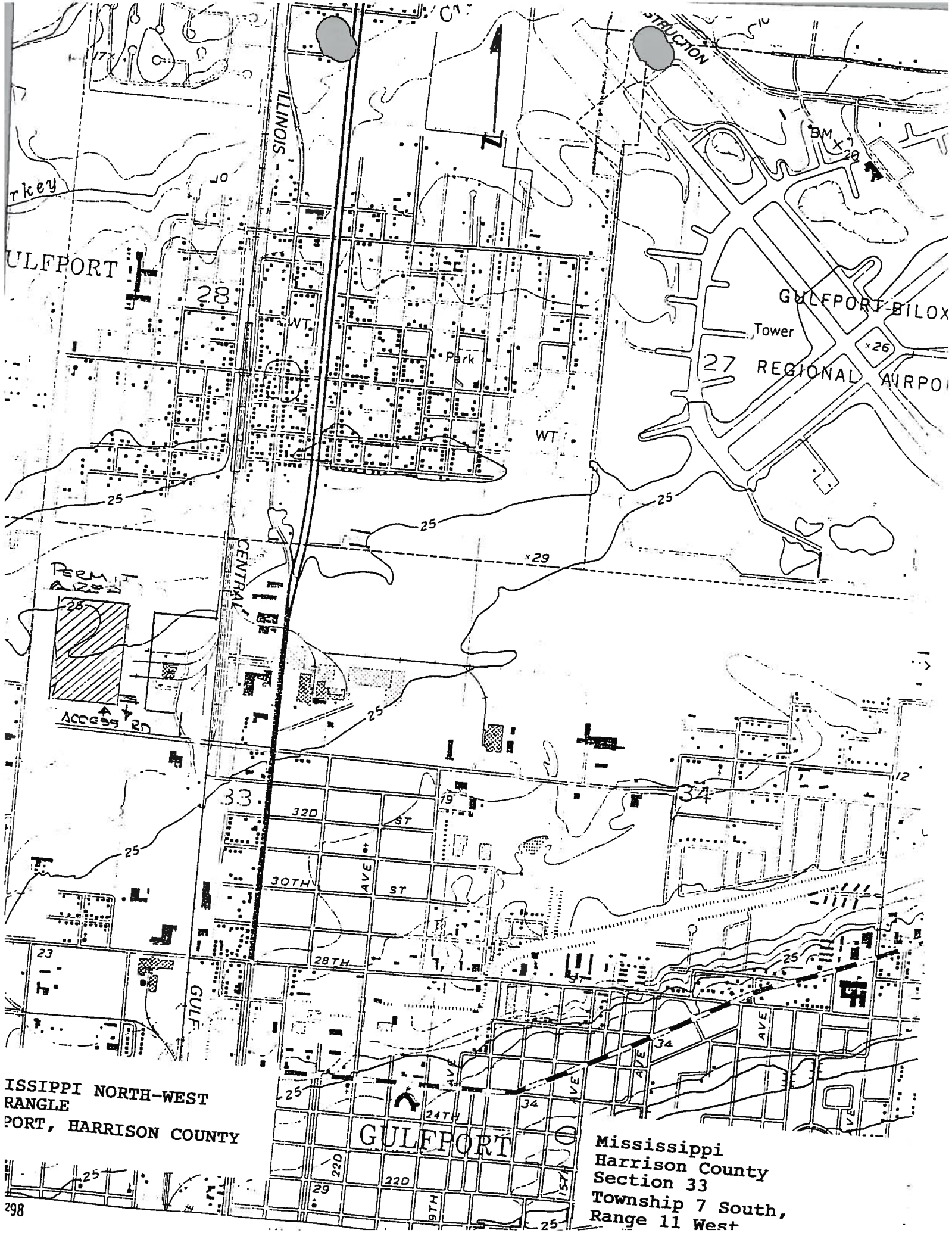
HARRISON

C. CITY OR TOWN

ULFPORT

D. STATE E. ZIP CODE F. COUNTY CODE

MS 39501



MISSISSIPPI NORTH-WEST
RANGE
GULFPORT, HARRISON COUNTY

Mississippi
Harrison County
Section 33
Township 7 South,
Range 11 West

A. FIRST

B. SECOND

C. THIRD

D. FOURTH

| | | | |
|----------------|--------------------------------|-------------|--|
| 1629 (specify) | HEAVY CONSTRUCTION EX BUILDING | 7 (specify) | |
| 7 (specify) | | 7 (specify) | |

VIII. OPERATOR INFORMATION

| | | | |
|--|---|---|----------------|
| A. NAME | | B. IS THE NAME LISTED IN ITEM VIII-A THE OWNER? | |
| W. C. FORE | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | |
| C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.) | | D. PHONE (area code & no.) | |
| F - FEDERAL S - STATE P - PRIVATE | M - PUBLIC (other than federal or state) O - OTHER (specify) | P (specify) | A 228 863 1314 |
| E. STREET OR P.O. BOX | | IX. INDIAN LAND | |
| PO BOX 3058 | | Is the facility located on Indian lands? | |
| F. CITY OR TOWN | | G. STATE | H. ZIP CODE |
| GULFPORT | | MS | 39505 |
| | | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | |

X. EXISTING ENVIRONMENTAL PERMITS

| | | | |
|--|--|--|--|
| A. NPDES (Discharges to Surface Water) | | D. PSD (Air Emissions from Proposed Sources) | |
| 9 N | | 9 P | |
| B. UIC (Underground Injection of Fluids) | | E. OTHER (specify) | |
| 9 U | | | |
| C. RCRA (Hazardous Wastes) | | E. OTHER (specify) | |
| 9 R | | | |

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

SAND MINING PIT

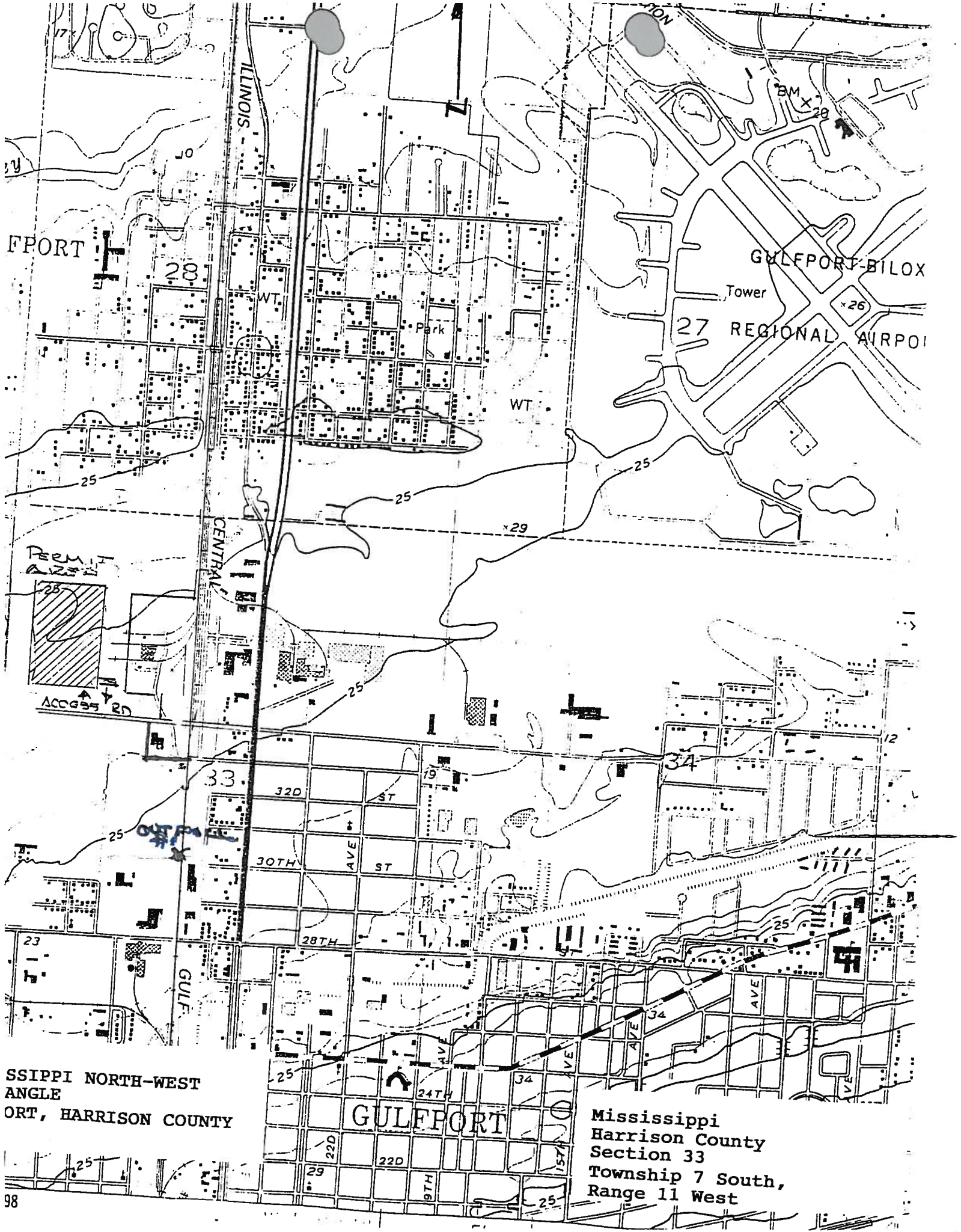
XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

| | | |
|--|-------------------|----------------|
| A. NAME & OFFICIAL TITLE (type or print) | B. SIGNATURE | C. DATE SIGNED |
| R.F. GAVIN, PROJECT MANAGER | <i>R.F. Gavin</i> | 7-11-03 |

COMMENTS FOR OFFICIAL USE ONLY

| |
|--|
| |
|--|



MISSISSIPPI NORTH-WEST
 GULFPORT, HARRISON COUNTY

Mississippi
 Harrison County
 Section 33
 Township 7 South,
 Range 11 West

EPA ID Number (copy from Item 1 of Form 1)

Please type or print in the unshaded areas only

Form
2D
NPDES



New Sources and New Dischargers Application for Permit to Discharge Process Wastewater

JUL 17 2003

I. Outfall Location

For each outfall, list the latitude and longitude, and the name of the receiving water.

| Outfall Number (list) | Latitude | | | Longitude | | | Receiving Water (name) |
|--------------------------|----------|-----|-----|-----------|-----|-----|--|
| | Deg | Min | Sec | Deg | Min | Sec | |
| 1 | 30 | 23 | 12 | 89 | 5 | 44 | SEDIMENT POND OUTFALL UNNAMED TRIBUTARY MICK YARD MAYOU MAYOU BERNARD |
| | | | | | | | |
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REVISED
AUG 08 2003

II. Discharge Date (When do you expect to begin discharging?)

30 AUGUST 2003

III. Flows, Sources of Pollution, and Treatment Technologies

A. For each outfall, provide a description of (1) All operations contributing wastewater to the effluent, including process wastewater, sanitary wastewater, cooling water, and stormwater runoff; (2) The average flow contributed by each operation; and (3) The treatment received by the wastewater. Continue on additional sheets if necessary.

| Outfall Number | 1. Operations Contributing Flow (list) | 2. Average Flow (include units) | 3. Treatment (Description or List Codes from Table 2D-1) |
|----------------|--|--|--|
| 1 | GROUND WATER | 4. 36 MGD 3. 6000 GPD ^{RG} | SEDIMENTATION POND |
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B. Attach a line drawing showing the water flow through the facility. Indicate sources of intake water, operations contributing wastewater to the effluent, and treatment units labeled to correspond to the more detailed descriptions in Item III-A. Construct a water balance on the line drawing by showing average flows between intakes, operations, treatment units, and outfalls. If a water balance cannot be determined (e.g., for certain mining activities), provide a pictorial description of the nature and amount of any sources of water and any collection or treatment measures.

C. Except for storm runoff, leaks, or spills, will any of the discharges described in item III-A be intermittent or seasonal?

Yes (complete the following table) No (go to item IV)

| Outfall Number | 1. Frequency | | 2. Flow | | |
|------------------------|------------------------------------|--------------------------------------|-------------------------------------|--|-----------------------|
| | a. Days Per Week (specify average) | b. Months Per Year (specify average) | a. Maximum Daily Flow Rate (in mgd) | b. Maximum Total Volume (specify with units) | c. Duration (in days) |
| 1 (1 ST yr) | | 12 | 2.18 mgd | | 365 |
| 1 (2 ND yr) | | 12 | 4.36 mgd | | 365 |
| 1 (3 RD yr) | | 12 | 6.54 mgd | | 365 |

IV. Production

If there is an applicable production-based effluent guideline or NSPS, for each outfall list the estimated level of production (projection of actual production level, not design), expressed in the terms and units used in the applicable effluent guideline or NSPS, for each of the first 3 years of operation. If production is likely to vary, you may also submit alternative estimates (attach a separate sheet).

| Year | a. Quantity Per Day | b. Units of Measure | c. Operation, Product, Material, etc (specify) |
|-----------------|---------------------|---------------------|--|
| 1 ST | 1700 | CY | MINING SAND |
| 2 ND | 1700 | ✓ | ✓ |
| 3 RD | 1700 | ✓ | ✓ |

V. Effluent Characteristics

A, and B: These items require you to report estimated amounts (both concentration and mass) of the pollutants to be discharged from each of your outfalls. Each part of this item addresses a different set of pollutants and should be completed in accordance with the specific instructions for that part. Data for each outfall should be on a separate page. Attach additional sheets of paper if necessary.

General Instructions (See table 2D-2 for Pollutants)

Each part of this item requests you to provide an estimated daily maximum and average for certain pollutants and the source of information. Data for all pollutants in Group A, for all outfalls, must be submitted unless waived by the permitting authority. For all outfalls, data for pollutants in Group B should be reported only for pollutants which you believe will be present or are limited directly by an effluent limitations guideline or NSPS or indirectly through limitations on an indicator pollutant.

| 1. Pollutant | 2. Maximum Daily Value (include units) | 3. Average Daily Value (include units) | 4. Source (see instructions) |
|-----------------|--|--|------------------------------|
| TOTAL SUSPENDED | | | |
| SOLIDS | 1/2 LB | 1/2 LB | 4 |
| PH | 6 | 6 | 4 |
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C: Use the space below to list any of the pollutants listed in Table 2D-3 of the instructions which you know or have reason to believe will be discharged from any outfall. For every pollutant you list, briefly describe the reasons you believe it will be present.

| 1. Pollutant | 2. Reason for Discharge |
|--------------|-------------------------|
| None | |

VI. Engineering Report on Wastewater Treatment

A. If there is any technical evaluation concerning your wastewater treatment, including engineering reports or pilot plant studies, check the appropriate box below.

Report Available No Report

B. Provide the name and location of any existing plant(s) which, to the best of your knowledge, resembles this production facility with respect to production processes, wastewater constituents, or wastewater treatments.

| Name | Location |
|------|----------|
| None | |

VII. Other Information (Optional)

Use the space below to expand upon any of the above questions or to bring to the attention of the reviewer any other information you feel should be considered in establishing permit limitations for the proposed facility. Attach additional sheets if necessary.

ITEM III C.

ONLY $\frac{1}{3}$ OF THE SURFACE MINING PIT WILL BE EXCAVATED AT ONE TIME, SOUTH TO NORTH

THE AVERAGE FLOW SHOWN IN III.C.2a INDICATES $\frac{1}{3}$ - $\frac{2}{3}$ AND COMPLETE EXCAVATION!

UPON COMPLETION OF MINING ACTIVITIES, THE PIT WILL BE ALLOWED TO FILL TO NATURAL WATER LEVEL, THUS FORMING A LAKE.

VIII. 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 gather and evaluate 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.

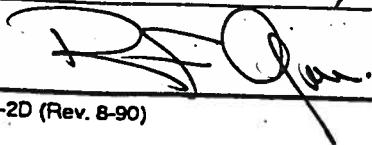
A. Name and Official Title (type or print)

R.F. GAVIN, PROJECT MANAGER

B. Phone No.

- 228 -
863-1314

C. Signature



D. Date Signed

7-11-03

Please type or print in the unshaded areas only

EPA ID Number (copy from Item 1 of Form 1)

Form
2D
NPDES



New Sources and New Dischargers Application for Permit to Discharge Process Wastewater

I. Outfall Location

For each outfall, list the latitude and longitude, and the name of the receiving water.

| Outfall Number (list) | Latitude | | | Longitude | | | Receiving Water (name) |
|--------------------------|----------|-----|-----|-----------|-----|-----|--|
| | Deg | Min | Sec | Deg | Min | Sec | |
| 1 | 30 | 23 | 12 | 89 | 5 | 44 | SEDIMENT POND OUTFALL UNNAMED TRIBUTARY BRICK YARD BOUYOU MAYOU BERNARD |
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II. Discharge Date (When do you expect to begin discharging?)
30 AUGUST 2003

III. Flows, Sources of Pollution, and Treatment Technologies

A. For each outfall, provide a description of (1) All operations contributing wastewater to the effluent, including process wastewater, sanitary wastewater, cooling water, and stormwater runoff; (2) The average flow contributed by each operation; and (3) The treatment received by the wastewater. Continue on additional sheets if necessary.

| Outfall Number | 1. Operations Contributing Flow (list) | 2. Average Flow (include units) | 3. Treatment (Description or List Codes from Table 2D-1) |
|----------------|---|------------------------------------|---|
| 1 | GROUND WATER | 3.0 MIL GPD | SEDIMENTATION POND |
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REVISED
JUL 17 2003

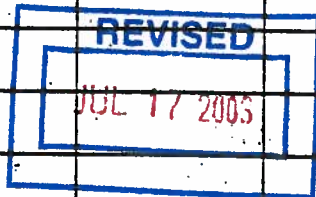
V. Effluent Characteristics

A, and B: These items require you to report estimated amounts (*both concentration and mass*) of the pollutants to be discharged from each of your outfalls. Each part of this item addresses a different set of pollutants and should be completed in accordance with the specific instructions for that part. Data for each outfall should be on a separate page. Attach additional sheets of paper if necessary.

General Instructions (See table 2D-2 for Pollutants)

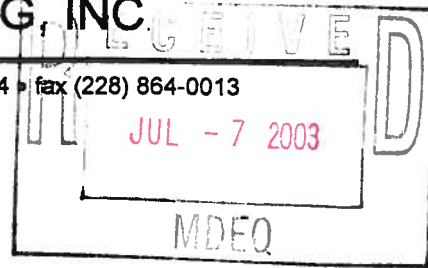
Each part of this item requests you to provide an estimated daily maximum and average for certain pollutants and the source of information. Data for all pollutants in Group A, for all outfalls, must be submitted unless waived by the permitting authority. For all outfalls, data for pollutants in Group B should be reported only for pollutants which you believe will be present or are limited directly by an effluent limitations guideline or NSPS or indirectly through limitations on an indicator pollutant.

| 1. Pollutant | 2. Maximum Daily Value (include units) | 3. Average Daily Value (include units) | 4. Source (see instructions) |
|--------------|--|--|------------------------------|
| NONE | 0 | 0 | NONE |
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W. C. FORE TRUCKING, INC.

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



July 7, 2003

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

Attention: Mr. Jerry W. Cain

Reference: **Surface Mining Permit Number 03-021**
Harreld Pit, 55.5 Acres,
Harrison County, Mississippi

Dear Mr. Cain,

Pursuant to your letter of June 28, 2003 regarding our Notice of Intent application on the above captioned permit and the apparent inconsistencies, please accept my sincere apologies if our application has caused any confusion. It is my intent to clarify our intentions and remedy any inconsistencies.

The general configuration of the surface mining area has been modified to minimize any impact to the adjacent wetlands by increasing the buffer zones and to conform to the comments of your aforementioned letter and Mr. Patrick Chubb, Covington and Associates Corporation (our wetlands consultant) wetlands determination. Mr. Chubb's report does not depict the north most wetlands. This acreage was omitted in his report that was transmitted to the Corps of Engineers office in Mobile, Alabama. Our revised site plan generally conforms to Mr. Chubb's site drawing. Our revised site plan includes the wetlands area to the north. Your comments and concerns will be addressed in this correspondence and our attached revised site plan.

To address your specific concerns the following is offered:

The sedimentation basin site submitted with our SWPPP has been relocated to the southeast corner of the permit area. The sedimentation basin has been configured to comply with the 150-foot buffer zone requirements. The sedimentation basin is divided into two ponds, Pond 1 and Pond 2. A treated timber baffle will divide Ponds 1 and 2. The installation of this baffle will allow a cleaner discharge from Pond 2. To preclude extensive silt buildup in Pond 1, monitoring activities shall be performed on a regular basis. Pond 2 shall be monitored at the same time as the Pond 1 activities. The outfall from Pond 2 shall be 18" diameter HDPE pipe.

For security, the entire perimeter of the pit site, including the sedimentation basin shall be enclosed by a 6'-0" high chain link security fence with three strands of barbed wire. Ingress and Egress to the site shall be through a pair of 12'-0" wide lockable gates.

Mr. Jerry W. Cain
Office of Pollution Control
Page 2
July 7, 2003

There will be no dredging performed at this pit location. All mining activities shall be accomplished with a tracked excavator with a 5 cubic yard bucket. Ground water and incidental rainwater shall be controlled by an 8" submersible pump with liquid level controls to maintain the water level. The infiltrated ground water will be pumped to the sedimentation ponds. Velocity breaks shall be installed as required.

Erosion controls, sediment controls and the reclamation of the site will be through the prudent use of best management practices, silt fencing and other control measures outlined in our Storm Water Pollution Prevention Plan for the control and mitigation of pollutants in storm water discharges.

Our permit application and our reclamation plan shall be amended to agree with the attached site plan and this correspondence.

We have reviewed your comments regarding The U. S. Army Corps of Engineers and their determination that we will not require a wetlands dredge and fill permit. On May 19, 2003 Messrs. Patrick Chubb of Covington and Associates (our wetlands consultant) and Mr. Bob Gavin, of my staff, met with Mr. Art Hosey of the Mobile District, U. S. Army Corps of Engineers and discussed the Harreld Pit project.

On June 11, 2003 Messrs. Patrick Chubb of Covington and Associates (our wetlands consultant) Frank Hubiak of the Mobile District, U. S. Army Corps of Engineers and myself met at the Harreld Pit site project concerning the proposed activities.

The outcome of these meetings resulted in the Jurisdictional Determination; Wetlands Determination report by Covington and Associates dated May 23, 2003. This report was then transmitted to the Mobile Corps office for review and approval. I have attached a copy of Covington's assessment of the Harreld pit for your review.

We received notification from Mr. Ronald Kriztman of the U. S. Army Corps of Engineers, Mobile District; via his letter of June 11, 2003 stating that a U. S. Army Corps of Engineers permit will not be required. All excavation performed at this site will be in accordance with the Tulloch Rule. Runoff will be prevented from commingling by the use of erosion checks, hay bales and or silt fence. A copy of Mr. Kriztman's letter was conveyed to Mr. Stan Thieling, Mr. Robert Seyfarth and yourself on June 18, 2003.

As noted above, the entire site shall be encompassed with a 6'-0" chain link security fence. Warning notice signs shall be placed at strategic locations to warn and inform the public

Our investigations indicate that the receiving stream of the sedimentation pond discharges will be south to Brickyard Bayou. The perennial stream identified on the attached revised site plan is to be located approximately 565 feet north (buffer zone) of any mining activities. The observed flow of this stream is a westerly direction. Erosion and sediment controls shall be placed north of the surface mining pit, south of the perennial ditch. These controls, along with earthen berms comprised of the topsoil stripped overburden around the periphery of the excavated areas shall avert the mingling of the storm water and the groundwater from the excavation.

Mr. Jerry W. Cain
Office of Pollution Control
Page 3
July 7, 2003

The northern boundary of the surface mining pit will be approximately 986 feet south of the north property line. The new arrangement outlined in the attached site plan also includes 100-foot buffer vegetative zones to the west, to the south and a 50-foot vegetative buffer on the east side.

These buffer zones shall remain in their natural state of vegetation. Storm water in the buffer zones will follow the natural watercourse. Only those trees and other vegetative growth shall be removed to enable the installation of the 6'-0" high security fence and certain construction events. Disturbed areas caused by construction or mining activities shall be temporarily or permanently seeded as the situation directs.

I have taken the liberty of enclosing an engineering report by Mr. John Oliver, PE, of Quality Engineering Services, Long Beach, Mississippi regarding his site analysis of the Harreld pit.

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

Sincerely,



W. C. Fore
President

Cc: Mr. Charles Chisolm, MDEQ
Michael Bograd, MDEQ
Chuck D. Barlow, MDEQ
Mr. James Simpson, Jr. Esq.

State of Mississippi



**Mississippi Department of Environmental Quality
Office of Geology
Mining and Reclamation Division**

SURFACE MINING PERMIT

This Certifies That

**W. C. FORE TRUCKING, INC.
P. O. BOX 3058
GULFPORT, MS 39505**

has been granted permission to conduct a

surface mining operation for

55.53 acres of dirt and sand in Harrison County

in the State of Mississippi at a location described in the application referred to below. The application and other data submitted to the Office of Geology are filed with and considered as part of this permit. The permittee is obligated to follow the plans for mining and reclamation as stated in the application and to comply with any other conditions set forth herein. This permit is valid for a period of five years from date of issue and is subject to all applicable laws, rules and regulations. The Office of Geology reserves the right to suspend or revoke this permit at such time the holder is determined to be in violation of any of these conditions.

Issued pursuant to the Mississippi Surface Mining and Reclamation Act (Section 53-7-1 et seq., Mississippi Code of 1972) this 3rd day of June, 2003.

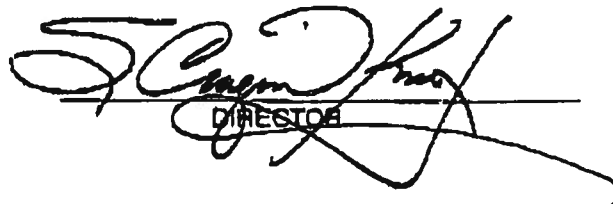
Expires 3rd day of June, 2008.

OFFICE OF GEOLOGY

Permit Number P03-021

Application Number A1454

Special Conditions:


DIRECTOR

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

**Harreld Pit
S33, T7S, R11W**

**Gulfport,
Harrison County,**

Mississippi

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

Surface Roughening
Level Spreaders

Figure 5
Figure 6

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

1. Install stabilized construction entrance.
2. Install erosion control structures as needed.
3. Perform stripping activities. Topsoil and overburden shall be used to construct the berms around the perimeter of the mining site. Topsoil and overburden shall be used to construct the sedimentation pond. The sedimentation shall be located in the southeast area of the surface mining operation.
4. Clearing and stripping shall proceed in a northerly direction, clearing and stripping one-third of the mined area at a time.

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 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.

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.

- Temporary Seeding
- Permanent Seeding
- Mulching
- Sod Stabilization
- Vegetative Buffer Strips
- Grassy Swales
- Modification of Contours
- Silt Fences
- Detention Basin
- Sediment Traps
- 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 sedimentation basin. 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 construct 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.
6. Encompassing various stockpiles such as fill or topsoil materials with hay bales or silt fence.
7. Properly maintaining, cleaning, 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.

MAINTENANCE

1. All needed repairs shall be made within 24 hours.
2. Remove sediment from basin, 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, after proper post construction measures have been taken the site shall be converted into a picnic area and lake for the citizens of Gulfport.. W. C. Fore Trucking, Inc. shall deed the property to the City of Gulfport, Mississippi and furnish and install the picnic equipment. The location of the picnic equipment shall be by others.

Post construction control measures shall include on-site infiltration, flow attenuation in vegetated swales and natural depressions and retention structures. Velocity dissipation devices may be required at the outfall of these structures and along the outfall channels provide non-erosive flows.

REPORTING

These 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. Duplicate this form 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, Inc. 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.

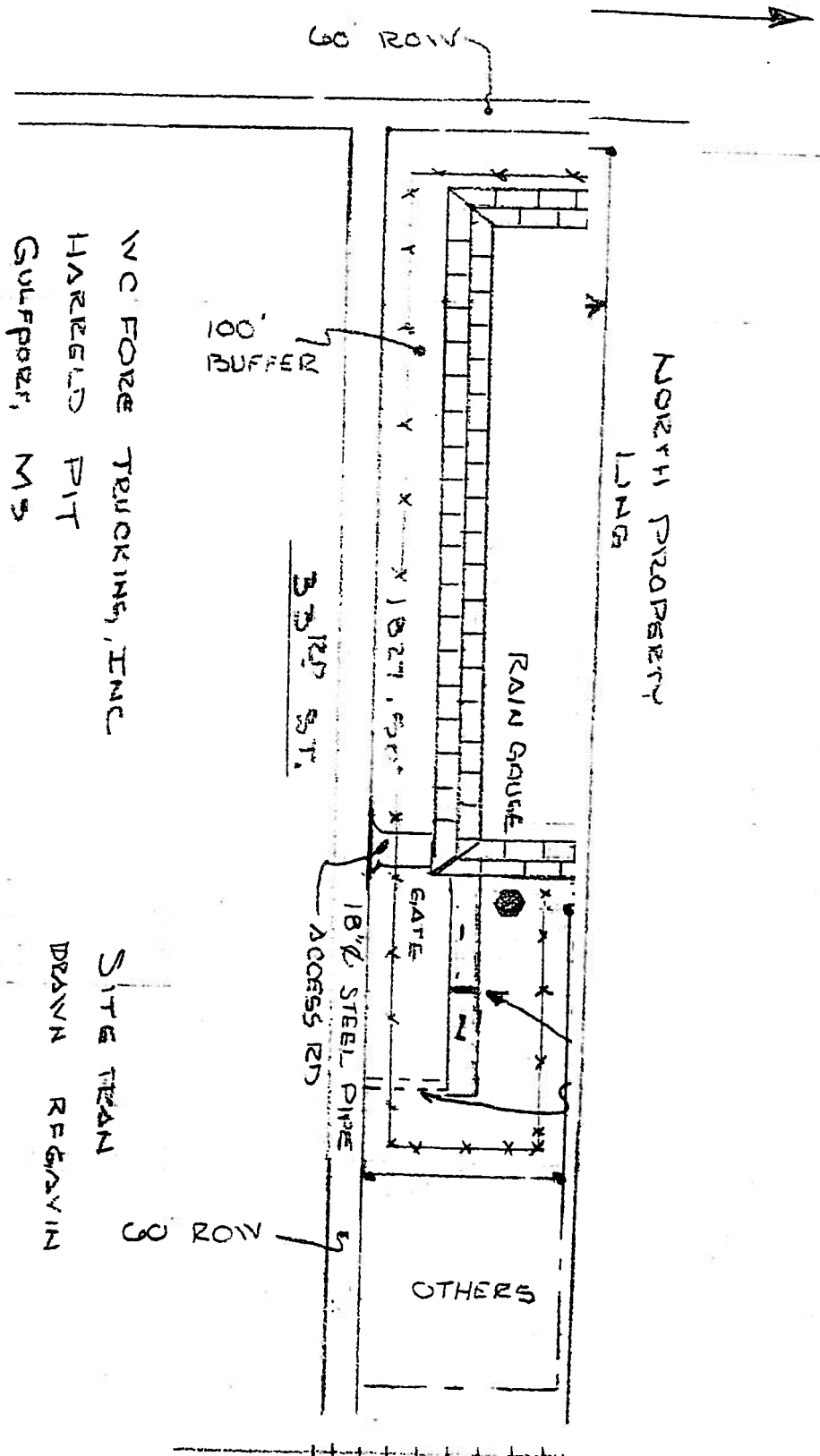
ATTACHMENT 1
STORM WATER POLLUTION
PREVENTION PLAN

SITE LOCATION MAP
RECLAMATION SITE MAP



MISSISSIPPI NORTH-WEST
QUADRANGLE
GULFPORT, HARRISON COUNTY

Mississippi
Harrison County
Section 33
Township 7 South,
Range 11 West



INC FORE TRUCKING, INC
 HARBOLD PIT
 GULFPORT, MS

SITE PLAN
 DRAWN REBAYIN

35 RD S.T.

18" Ø STEEL PIPE
 ACCESS RD

OTHERS

RAIN GAUGE

100'
 BUFFER

NORTH PROPERTY
 LONG

60 ROW

60 ROW

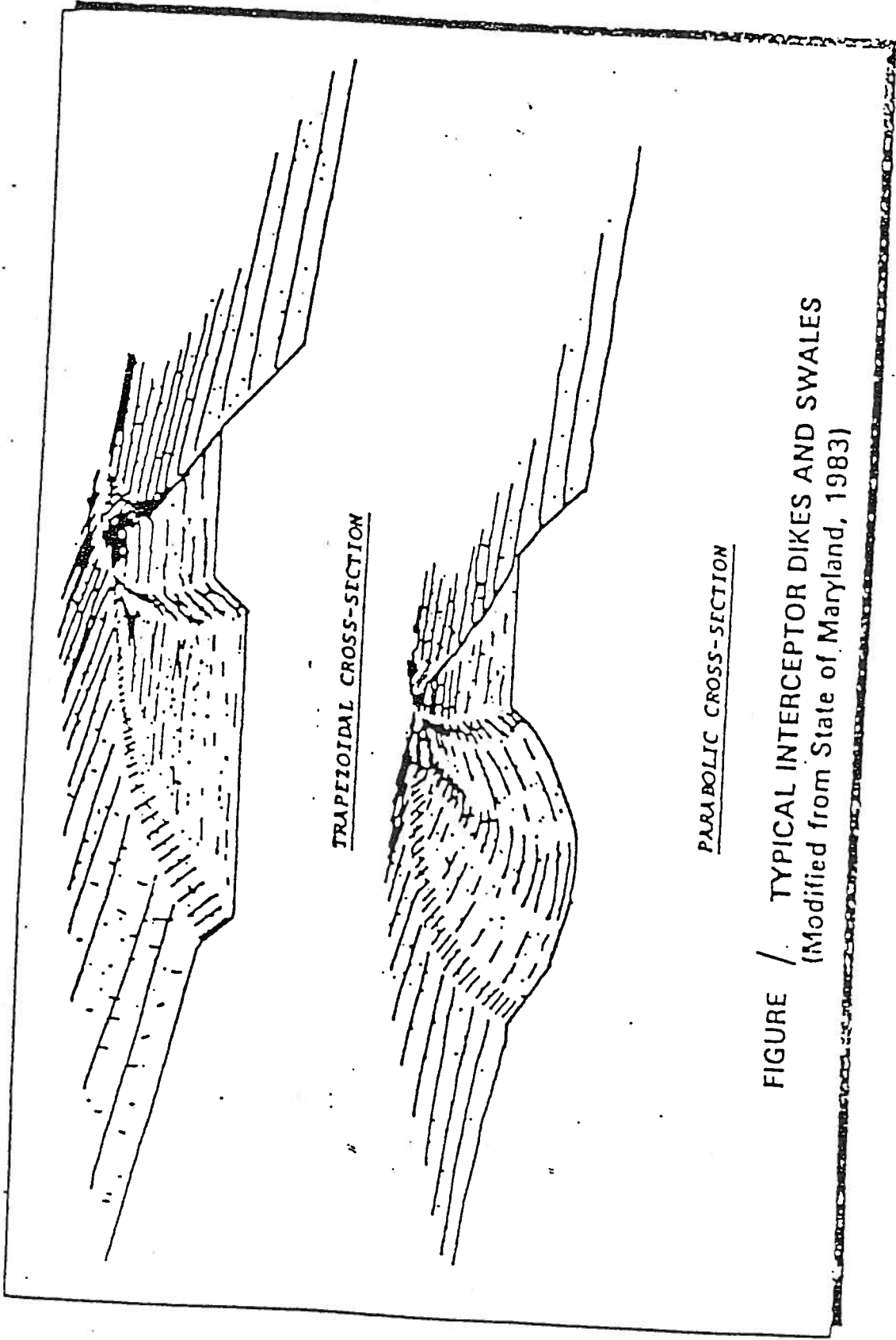


FIGURE / TYPICAL INTERCEPTOR DIKES AND SWALES
(Modified from State of Maryland, 1983)

Extension of fabric and wire
into the trench

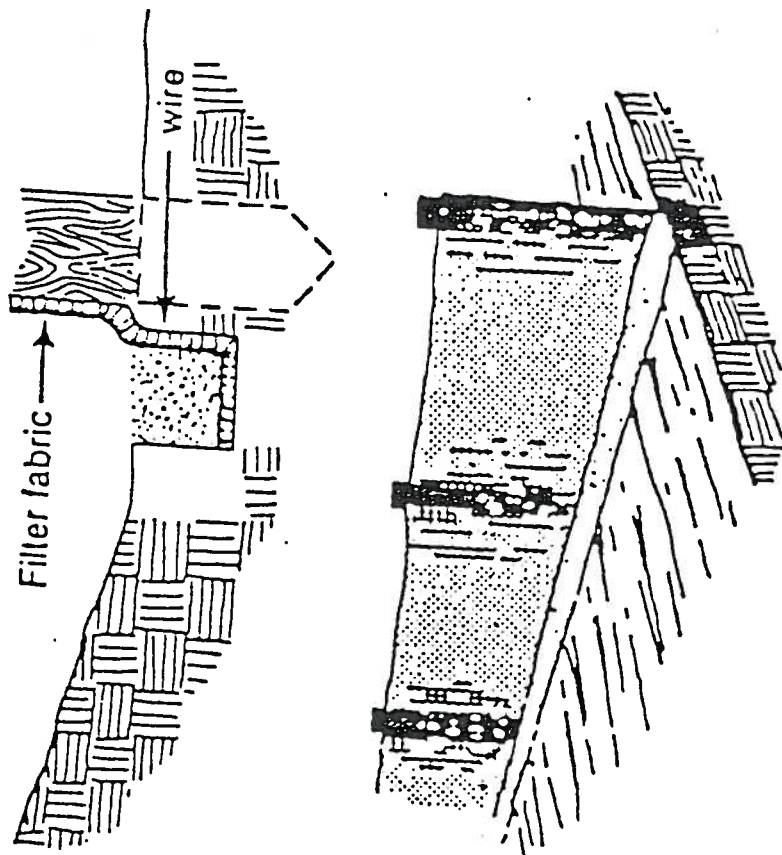


FIGURE 2 FILTER FENCE DETAILS
(Modified from State of North Carolina, 1988;
and State of Wisconsin, 1988)

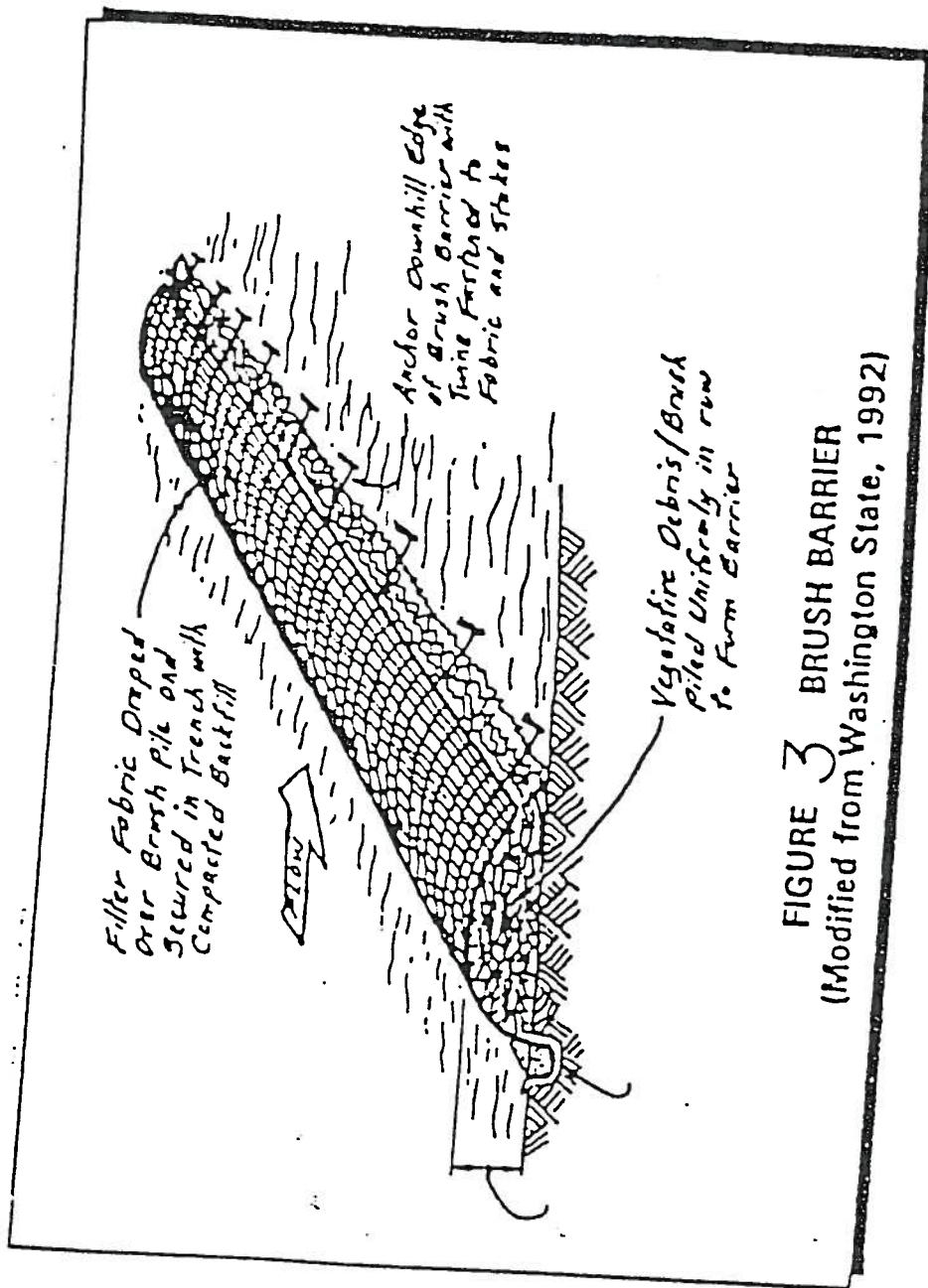


FIGURE 3 BRUSH BARRIER
 (Modified from Washington State, 1992)

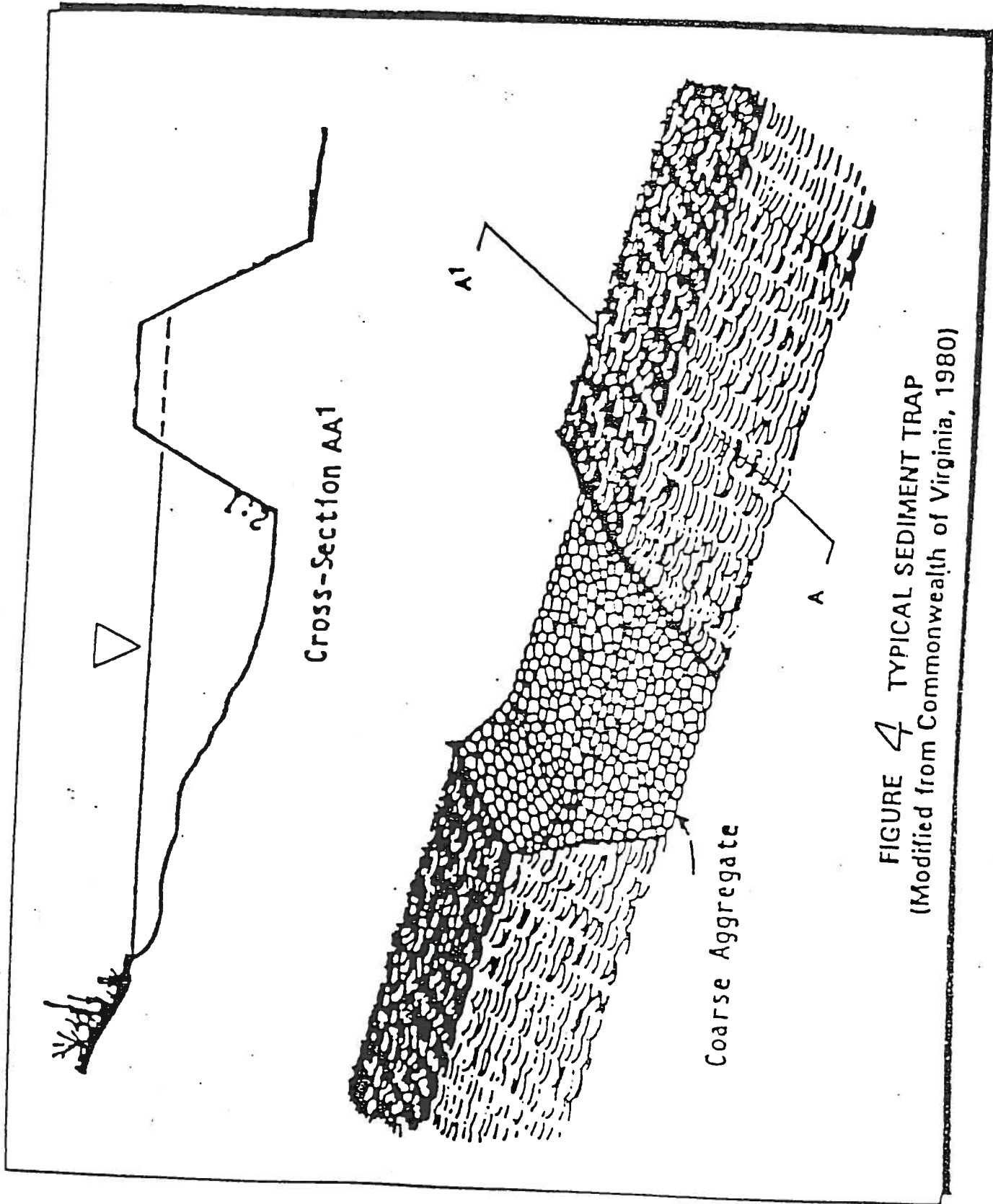
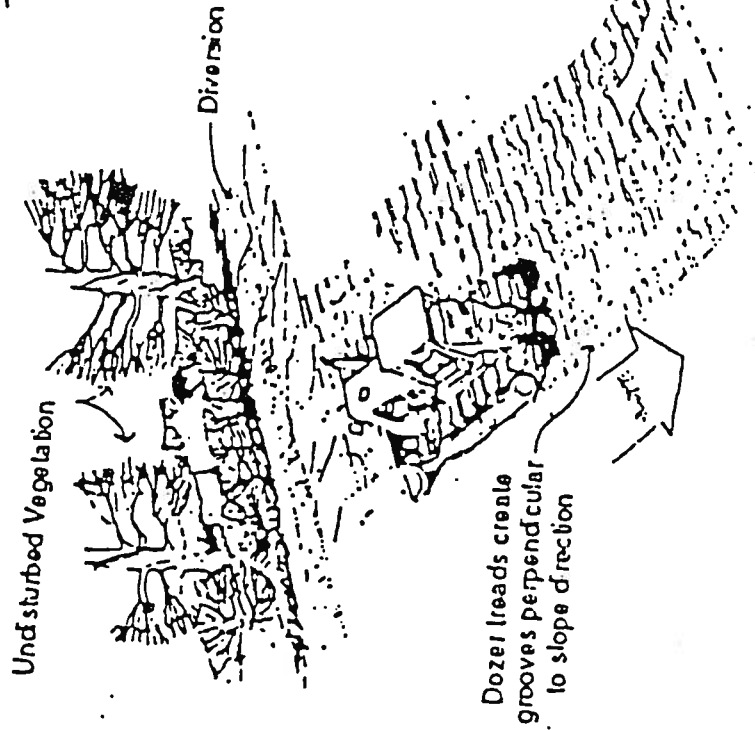
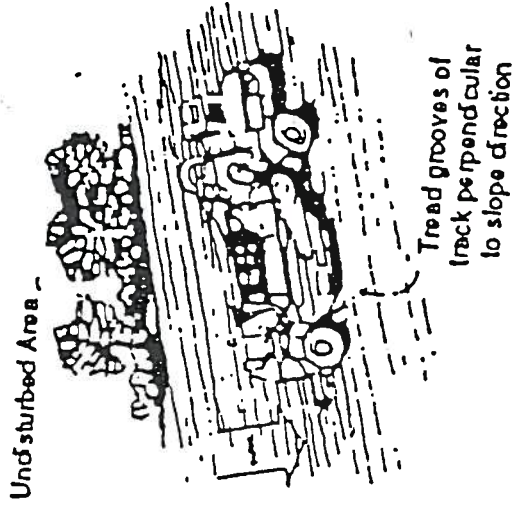


FIGURE 4 TYPICAL SEDIMENT TRAP
(Modified from Commonwealth of Virginia, 1980)

Heavy Equipment can be used to mechanically scarify slopes



Unvegetated slopes should be temporarily scarified to minimize runoff velocities

FIGURE 5 SURFACE ROUGHENING
(Modified from Washington State Dept. of Transportation)

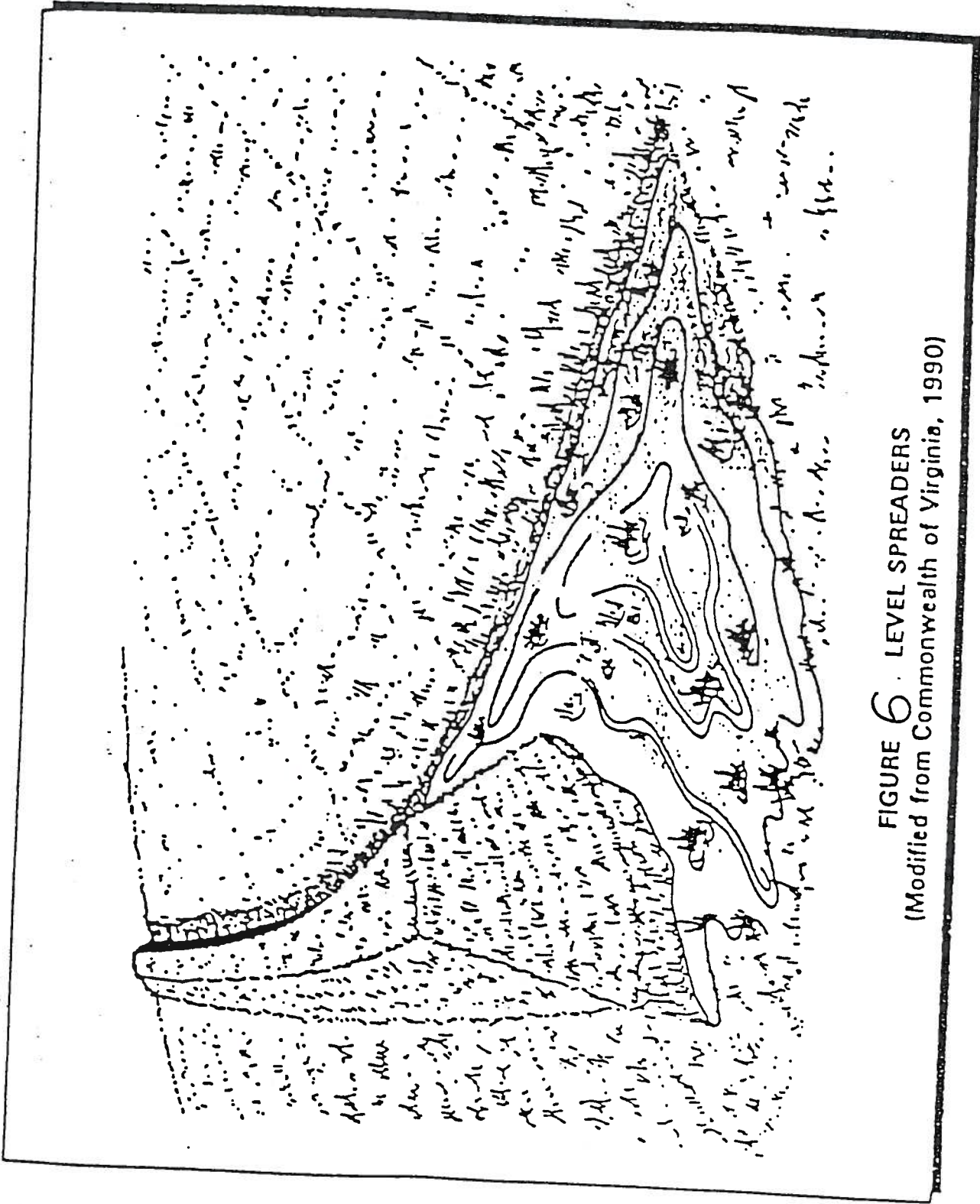


FIGURE 6 . LEVEL SPREADERS
(Modified from Commonwealth of Virginia, 1990)



DEPARTMENT OF THE ARMY

MOBILE DISTRICT, CORPS OF ENGINEERS

P.O. BOX 2288

MOBILE, ALABAMA 36628-0001

REPLY TO
ATTENTION OF:

June 13, 2003

Regulatory Branch
Operations Division

SUBJECT: Proposed Mining Operation (Harreld Pit) on 86-Acre Tract of Property Adjacent to 34th Avenue and 33rd Street, Gulfport, Mississippi - Jurisdictional Number MSJ03-01703-T

W. C. Fore Trucking, Inc.
Attention: Mr. R. F. Gavin
Post Office Box 3058
Gulfport, Mississippi 39505

Dear Mr. Gavin:

Reference is made to your the request for a jurisdictional determination and field review of a wetland delineation map via Covington and Associates Corporation, (consultant) concerning a proposed approximately 45-acre surface mining operation (Harreld Pit) on a 86-acre tract of property adjacent to 34th Avenue and 33rd Street, Gulfport, Mississippi (see enclosed copy of map). Specifically, the property is located in Section 33, Township 7 South, Range 11 West, Harrison County, Mississippi. Further reference is made to the on-site meeting of June 11, 2003, between Messrs. W. C. Fore (property owner) and Patrick Chubb (consultant) and Mr. Frank Hubiak, a member of my staff, concerning the proposed activity.

The review disclosed that a portion of the property is considered wetlands and is subject to our Federal permitting authority pursuant to Section 404 of the Clean Water Act of 1977 (33 USC 1344). See enclosed copy of Basis For Jurisdictional Determination form. Section 404 prohibits the placement of dredged or fill material into waters of the United States, including wetlands, unless the work has been authorized by a Department of the Army (DOA) permit.

It appears that Federally-regulated wetlands comprise approximately 42 percent of the property. This determination was based upon available soils data, aerial photographs, and a field review of your wetland delineation map. The wetland delineation map submitted to our office accurately depicts the wetlands located on the property. As discussed at the on-site meeting, a DOA permit will not be required from our office for an 'excavation' (no fill in wetlands) mining activity performed in 7-acres of wetlands located within the project site provided all the excavated (mined) material is

deposited in a nonwetland (upland) area and properly confined. It is understood that the remaining wetlands will be avoided and best management practices as recommended by Mississippi Department Environmental Quality will be implemented and maintained during all work performed within this 'closed' mining pit operation.

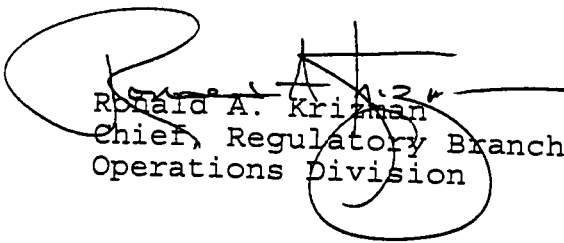
Slab-on-grade construction, grading, landclearing with heavy equipment, some pile-supported structures, and constructing a built-up road are considered filling activities and will require a permit if located in wetlands. Handclearing, bushhogging and burning of vegetation (no fill) does not require a Section 404 permit.

This letter grants no property rights and does not obviate any obligation or responsibility for the compliance with the provisions of any other law or regulation of any local, State, or Federal authority.

Please be advised that this jurisdictional determination reflects current policy and is based upon criteria contained in the U.S. Army Corps of Engineers' Wetlands Delineation Manual dated January 1987. If after a 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.

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,


Ronald A. Krizman
Chief, Regulatory Branch
Operations Division

Enclosure



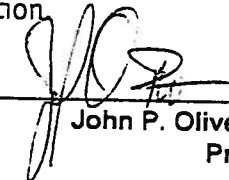
Engineering Report

| | |
|---|---------------------------------------|
| REPORT NUM.: 2003-0648 | REPORT DATE: 15 April 2003 |
| CLIENT NAME: W.C. Fore Trucking | QES PROJECT #: N/A |
| PROJECT NAME: Proposed Borrow Pit/Lake | ARCH/ENG.: N/A |
| PROJECT LOCATION: Gulfport, MS | CONTRACTOR: W.C. Fore Trucking |

TYPE OF INVESTIGATION: Engineering estimation of water level ranges within a proposed borrow pit/lake.

OBSERVATIONS: The proposed site is located in the City of Gulfport, Mississippi. The property is bounded on the west by 34th Avenue, on the south by 33rd Street, and on the east by railroad tracks. Exploratory trench excavations in January 2003 indicated varying ground water levels between 2 and 4 feet below the existing ground surface. Follow-up site visit in March 2003 indicated near surface water levels at various depths. Hand auger test holes on 15 April 2003 had a measured ground water level at approximately 22-inches below the existing ground surface.

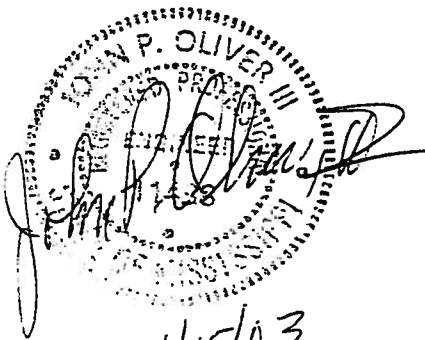
ANALYSIS: It is our professional engineering opinion that if the borrow pit/lake is constructed, the average water level will fluctuate between 2 and 4 feet below the existing ground surface. Seasonal variations in rain fall, tide levels, etc. will also effect the level of the proposed lake excavation.



John P. Oliver, III PE
President

Report Distribution

ORIGINAL TO: W.C. FORE
COPY TO: QES File


4/15/03



Quality Engineering Services, IncSM

a consulting & construction materials testing firm

626-D West Railroad St
Long Beach, MS 39560-5427

(228) 868-6618 voice
(228) 868-2006 fax
(888) 868-6618 toll free
QESinc@aol.com

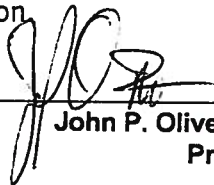
Engineering Report

| | |
|---|---------------------------------------|
| REPORT NUM.: 2003-0648 | REPORT DATE: 15 April 2003 |
| CLIENT NAME: W.C. Fore Trucking | QES PROJECT #: N/A |
| PROJECT NAME: Proposed Borrow Pit/Lake | ARCH/ENG.: N/A |
| PROJECT LOCATION: Gulfport, MS | CONTRACTOR: W.C. Fore Trucking |

TYPE OF INVESTIGATION: Engineering estimation of water level ranges within a proposed borrow pit/lake.

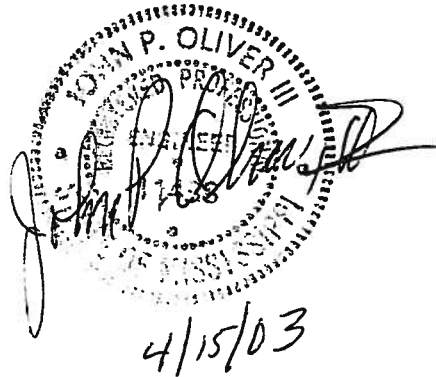
OBSERVATIONS: The proposed site is located in the City of Gulfport, Mississippi. The property is bounded on the west by 34th Avenue, on the south by 33rd Street, and on the east by railroad tracks. Exploratory trench excavations in January 2003 indicated varying ground water levels between 2 and 4 feet below the existing ground surface. Follow-up site visit in March 2003 indicated near surface water levels at various depths. Hand auger test holes on 15 April 2003 had a measured ground water level at approximately 22-inches below the existing ground surface.

ANALYSIS: It is our professional engineering opinion that if the borrow pit/lake is constructed, the average water level will fluctuate between 2 and 4 feet below the existing ground surface. Seasonal variations in rain fall, tide levels, etc. will also effect the level of the proposed lake excavation.


John P. Oliver, III PE
President

Report Distribution

ORIGINAL TO: W.C. FORE
COPY TO: QES File


4/15/03



DEPARTMENT OF THE ARMY

MOBILE DISTRICT, CORPS OF ENGINEERS

P.O. BOX 2288

MOBILE, ALABAMA 36628-0001

REPLY TO
ATTENTION OF:

June 13, 2003

Regulatory Branch
Operations Division

SUBJECT: Proposed Mining Operation (Harreld Pit) on 86-Acre Tract of Property Adjacent to 34th Avenue and 33rd Street, Gulfport, Mississippi - Jurisdictional Number MSJ03-01703-T

W. C. Fore Trucking, Inc.
Attention: Mr. R. F. Gavin
Post Office Box 3058
Gulfport, Mississippi 39505

Dear Mr. Gavin:

Reference is made to your the request for a jurisdictional determination and field review of a wetland delineation map via Covington and Associates Corporation, (consultant) concerning a proposed approximately 45-acre surface mining operation (Harreld Pit) on a 86-acre tract of property adjacent to 34th Avenue and 33rd Street, Gulfport, Mississippi (see enclosed copy of map). Specifically, the property is located in Section 33, Township 7 South, Range 11 West, Harrison County, Mississippi. Further reference is made to the on-site meeting of June 11, 2003, between Messrs. W. C. Fore (property owner) and Patrick Chubb (consultant) and Mr. Frank Hubiak, a member of my staff, concerning the proposed activity.

The review disclosed that a portion of the property is considered wetlands and is subject to our Federal permitting authority pursuant to Section 404 of the Clean Water Act of 1977 (33 USC 1344). See enclosed copy of Basis For Jurisdictional Determination form. Section 404 prohibits the placement of dredged or fill material into waters of the United States, including wetlands, unless the work has been authorized by a Department of the Army (DOA) permit.

It appears that Federally-regulated wetlands comprise approximately 42 percent of the property. This determination was based upon available soils data, aerial photographs, and a field review of your wetland delineation map. The wetland delineation map submitted to our office accurately depicts the wetlands located on the property. As discussed at the on-site meeting, a DOA permit will not be required from our office for an 'excavation' (no fill in wetlands) mining activity performed in 7-acres of wetlands located within the project site provided all the excavated (mined) material is

deposited in a nonwetland (upland) area and properly confined. It is understood that the remaining wetlands will be avoided and best management practices as recommended by Mississippi Department Environmental Quality will be implemented and maintained during all work performed within this 'closed' mining pit operation.

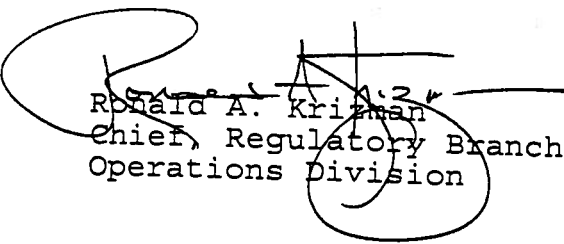
Slab-on-grade construction, grading, landclearing with heavy equipment, some pile-supported structures, and constructing a built-up road are considered filling activities and will require a permit if located in wetlands. Handclearing, bushhogging and burning of vegetation (no fill) does not require a Section 404 permit.

This letter grants no property rights and does not obviate any obligation or responsibility for the compliance with the provisions of any other law or regulation of any local, State, or Federal authority.

Please be advised that this jurisdictional determination reflects current policy and is based upon criteria contained in the U.S. Army Corps of Engineers' Wetlands Delineation Manual dated January 1987. If after a 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.

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,


Ronald A. Krizman
Chief, Regulatory Branch
Operations Division

Enclosure

Covington & Associates Corporation

May 23, 2003

Mr. Art Hosey
U.S. Army Corps of Engineers
Jurisdiction and Enforcement
P.O. Box 2288
Mobile, Alabama 36628

**RE: Jurisdictional Determination Request
Harreld Pit S33-T7S-R11W
Harrison County, Mississippi**

Dear Mr. Hosey:

On behalf of my client, *Mr. W.C. Fore*, please accept the following letter request for a jurisdictional determination.


Covington and Associates (CAC) conducted a wetlands delineation of the parcel in May 2003, in accordance with the 1987 Corps of Engineers Manual. Our findings indicate that approximately 35.5 acres of the 86-acre parcel are wetlands. Mr. Fore has applied for a dirt mine permit from the Mississippi Department of Environmental Quality. In support of this permit application, this wetlands delineation was conducted.

Mr. Fore proposes to excavate the 40-acre pit over the next several years to provide fill materials for a Mississippi State Port Authority (Gulfport) expansion project. Mr. Fore has already made arrangements to deed the property to the City of Gulfport when the project is complete. The City of Gulfport has accepted a resolution for such a project and intends to utilize the pit for an urban storm water detention basin and recreational facility.

The excavation of the wetland habitat will be done in accordance with guidelines referencing the Tullock Rule. It is understood that bulldozers will not be used to "push" any wetlands. The excavated materials will be hauled away and/or if temporary storage is required, no deposits will be made on existing wetlands. Best Management practices will be utilized to preserve the integrity of the adjacent wetlands habitat. In pit, retention/detention basins will be used to manage the "closed" system water that may come from ground water and/or storm water runoff. MSDEQ regulates these actions and is currently reviewing the Mine Application submitted by W.C. Fore Trucking.

I appreciate your assistance with this request. If you have any questions regarding this proposed action, please contact me at 228.452.4999.

Respectfully,
Covington and Associates


Patrick Chubb
Wildlife Biologist



DATA FORM
ROUTINE WETLAND DETERMINATION
(from 1987 COE Wetlands Delineation Manual)

| | | |
|--|------------|---|
| Project/Site: <u>WCFore Harreld Pit</u> | | Date: <u>5/2/2003</u> |
| Applicant/Owner: <u>WCFore Trucking Inc.</u> | | County: <u>Harrison</u> |
| Investigator: <u>patrick chubb</u> | | State: <u>MS</u> |
| Do Normal Circumstances Exist on the Site? | <u>Yes</u> | Community ID: <u>Shrub savanna</u> Transect ID: <u>1</u> Plot ID: <u>Wetland #1</u> |
| Is the site significantly disturbed (Atypical Situation)? | <u>No</u> | |
| Is the area a potential Problem Area? (If needed Explain on reverse.) | <u>No</u> | |

VEGETATION

| Dominant Plant Species | Stratum | Indicator | Dominant Plant Species | Stratum | Indicator |
|--------------------------------|--------------|--------------|------------------------|---------|-----------|
| 1. <u>Magnolia virginiana*</u> | <u>Tree</u> | <u>FACW+</u> | 9. _____ | _____ | _____ |
| 2. <u>Acer rubrum*</u> | <u>Tree</u> | <u>FAC</u> | 10. _____ | _____ | _____ |
| 3. <u>Sapium sebiferum*</u> | <u>Tree</u> | <u>FAC</u> | 11. _____ | _____ | _____ |
| 4. <u>Ilex glabra*</u> | <u>Shrub</u> | <u>FACW</u> | 12. _____ | _____ | _____ |
| 5. <u>Lyonia lucida*</u> | <u>Shrub</u> | <u>FACW</u> | 13. _____ | _____ | _____ |
| 6. <u>Myrica cerifera*</u> | <u>Shrub</u> | <u>FAC+</u> | 14. _____ | _____ | _____ |
| 7. _____ | _____ | _____ | 15. _____ | _____ | _____ |
| 8. _____ | _____ | _____ | 16. _____ | _____ | _____ |

Percent of Dominant Species that are OBL, FACW or FAC (Excluding FAC-). 100.0%

Remarks:

HYDROLOGY

| | |
|--|--|
| <p> <input type="checkbox"/> Recorded Data (Describe in Remarks) <input type="checkbox"/> Stream Lake or Tide Guage <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available </p> <p>Field Observations:</p> <p>Depth of Surface Water: _____ <u>0.0</u> (in.)</p> <p>Depth to Free Water in Pit: _____ <u>6.0</u> (in.)</p> <p>Depth to Saturated Soil: _____ <u>2.0</u> (in.)</p> | <p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p><input checked="" type="checkbox"/> Inundated</p> <p><input checked="" type="checkbox"/> Saturated in Upper 12 Inches</p> <p><input type="checkbox"/> Water Marks</p> <p><input type="checkbox"/> Drift Lines</p> <p><input type="checkbox"/> Sediment Deposits</p> <p><input checked="" type="checkbox"/> Drainage Patterns in Wetlands</p> <p>Secondary Indicators (2 or more required)</p> <p><input checked="" type="checkbox"/> Oxidized Root Channels in Upper 12"</p> <p><input type="checkbox"/> Water-Stained Leaves</p> <p><input checked="" type="checkbox"/> Local Soil Survey Data</p> <p><input type="checkbox"/> FAC-Neutral Test</p> <p><input type="checkbox"/> Other (Explain in Remarks)</p> |
| Remarks: | |

SOILS

| | | | |
|---|-----------------------------|---|--|
| Map Unit Name (Series and Phase): <u>Plummer</u> | | Drainage Class: <u>Very Poor</u> | |
| Taxonomy (Subgroup): <u>thermic Grossarenic Paleaquults</u> | | Field Observations Confirm Mapped Type: <u>Yes</u> | |
| Profile Description: | | | |
| Depth | Horizon | Matrix Color (Munsell Moist) | Mottle Colors (Munsell Moist) |
| Inches | Horizon | (Munsell Moist) | (Munsell Moist) |
| 0.0 - 7.0 | 1 | 5Y 6/1 | Abund./Contrast |
| | | | Texture, Concretions Structure, etc. |
| | | | sandy loam |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Hydric Soil Indicators: | | | |
| <input type="checkbox"/> | Histosol | <input type="checkbox"/> | Concretions |
| <input type="checkbox"/> | Histic Epipedon | <input checked="" type="checkbox"/> | High Organic Content in Surface Layer of Sandy Soils |
| <input type="checkbox"/> | Sulfidic Odor | <input checked="" type="checkbox"/> | Organic Streaking in Sandy Soils |
| <input type="checkbox"/> | Aquic Moisture Regime | <input checked="" type="checkbox"/> | Listed on Local Hydric Soils List |
| <input type="checkbox"/> | Reducing Conditions | <input checked="" type="checkbox"/> | Listed on National Hydric Soils List |
| <input type="checkbox"/> | Gleyed or Low-Chroma Colors | <input type="checkbox"/> | Other (Explain in Remarks) |
| Remarks: <u>Obvious</u> | | | |

WETLAND DETERMINATION

| | | |
|--|-------------------|---|
| Hydrophytic Vegetation Present? | Yes <u> </u> | Is this Sampling Point Within a Wetland? <u>Yes</u> |
| Wetland Hydrology Present? | Yes <u> </u> | |
| Hydric Soils Present? | Yes <u> </u> | |
| Remarks: <u>Historically, this area was probably an herbaceous savanna, or was planted in pine. Due to the lack of fire and/or and subsequent management, the shrub layer has become dominant, especially on the fringes. More trees are near the center of the wetland, depicting more of a Forested Bayhead ecotone.</u> | | |

DATA FORM
ROUTINE WETLAND DETERMINATION
(from 1987 COE Wetlands Delineation Manual)

| | | |
|--|------------|---|
| Project/Site: <u>WCFore Harreld Pit</u> | | Date: <u>5/2/2003</u> |
| Applicant/Owner: <u>WCFore Trucking Inc.</u> | | County: <u>Harrison</u> |
| Investigator: <u>patrick chubb</u> | | State: <u>MS</u> |
| Do Normal Circumstances Exist on the Site? | <u>Yes</u> | Community ID: <u>scrub shrub</u> Transect ID: <u>1</u> Plot ID: <u>Upland</u> |
| Is the site significantly disturbed (Atypical Situation)? | <u>No</u> | |
| Is the area a potential Problem Area? (If needed Explain on reverse.) | <u>No</u> | |

VEGETATION

| Dominant Plant Species | Stratum | Indicator | Dominant Plant Species | Stratum | Indicator |
|---|--------------|--------------|------------------------|---------|-----------|
| 1. <u>Pinus taeda*</u> | <u>Tree</u> | <u>FAC</u> | 9. _____ | _____ | _____ |
| 2. <u>Quercus nigra*</u> | <u>Tree</u> | <u>FAC</u> | 10. _____ | _____ | _____ |
| 3. <u>Prunus serotina*</u> | <u>Tree</u> | <u>FACU</u> | 11. _____ | _____ | _____ |
| 4. <u>Quercus virginiana*</u> | <u>Tree</u> | <u>FACU+</u> | 12. _____ | _____ | _____ |
| 5. <u>Ilex vomitoria*</u> | <u>Shrub</u> | <u>FAC</u> | 13. _____ | _____ | _____ |
| 6. <u>Myrica cerifera*</u> | <u>Shrub</u> | <u>FAC+</u> | 14. _____ | _____ | _____ |
| 7. <u>Vaccinium elliotii*</u> | <u>Shrub</u> | <u>FAC+</u> | 15. _____ | _____ | _____ |
| 8. <u>Pteridium aquilinum*</u> | <u>Herb</u> | <u>FACU</u> | 16. _____ | _____ | _____ |
| Percent of Dominant Species that are OBL, FACW or FAC (Excluding FAC-). | | | <u>62.5%</u> | | |
| Remarks: | | | | | |

HYDROLOGY

| | |
|--|---|
| <p> <input type="checkbox"/> Recorded Data (Describe in Remarks) <input type="checkbox"/> Stream Lake or Tide Guage <input type="checkbox"/> Aerial Photographs <input type="checkbox"/> Other <input checked="" type="checkbox"/> No Recorded Data Available </p> | <p>Wetland Hydrology Indicators:</p> <p>Primary Indicators:</p> <p> <input type="checkbox"/> Inundated <input type="checkbox"/> Saturated in Upper 12 Inches <input type="checkbox"/> Water Marks <input type="checkbox"/> Drift Lines <input type="checkbox"/> Sediment Deposits <input type="checkbox"/> Drainage Patterns in Wetlands </p> <p>Secondary Indicators (2 or more required)</p> <p> <input type="checkbox"/> Oxidized Root Channels in Upper 12" <input type="checkbox"/> Water-Stained Leaves <input type="checkbox"/> Local Soil Survey Data <input type="checkbox"/> FAC-Neutral Test <input type="checkbox"/> Other (Explain in Remarks) </p> |
| <p>Field Observations:</p> <p>Depth of Surface Water: _____ <u>0.0</u> (in.)</p> <p>Depth to Free Water in Pit: _____ <u>0.0</u> (in.)</p> <p>Depth to Saturated Soil: _____ <u>0.0</u> (in.)</p> | |
| <p>Remarks: topography is there....just hard to determine because of thick shrub layer. Better evidenced after the transects were made with dozer.</p> | |

SOILS

Map Unit Name
 (Series and Phase): Latonia and/or Harleston Drainage Class: Well
 Taxonomy (Subgroup): thermic Typic Hapudults Field Observations
 Confirm Mapped Type: Yes

Profile Description:

| Depth Inches | Horizon | Matrix Color (Munsell Moist) | Mottle Colors (Munsell Moist) | Mottle Abund./Contrast | Texture, Concretions Structure, etc. |
|-----------------|---------|---------------------------------|----------------------------------|---------------------------|---|
| 0.0 - 5.0 | 1 | 10 YR 3/1 | | | sandy loam |
| 5.0 - 9.0 | 2 | 10YR 5/4 | | | sandy loam |
| 9.0 - 16.0 | 3 | 10YR 5/6 | | | sandy loam |
| | | | | | |
| | | | | | |

Hydric Soil Indicators:

| | |
|--|--|
| <input type="checkbox"/> Histosol | <input type="checkbox"/> Concretions |
| <input type="checkbox"/> Histic Epipedon | <input checked="" type="checkbox"/> High Organic Content in Surface Layer of Sandy Soils |
| <input type="checkbox"/> Sulfidic Odor | <input type="checkbox"/> Organic Streaking in Sandy Soils |
| <input type="checkbox"/> Aquic Moisture Regime | <input type="checkbox"/> Listed on Local Hydric Soils List |
| <input type="checkbox"/> Reducing Conditions | <input type="checkbox"/> Listed on National Hydric Soils List |
| <input type="checkbox"/> Gleyed or Low-Chroma Colors | <input type="checkbox"/> Other (Explain in Remarks) |

Remarks: Brighter soils than adjacent Plummer. WCFore had dug some mining test pits across the property as well and soils confirmed my field investigation.

WETLAND DETERMINATION

| | | |
|---|------------|--|
| Hydrophytic Vegetation Present? | <u>Yes</u> | Is this Sampling Point Within a Wetland? <u>No</u> |
| Wetland Hydrology Present? | <u>No</u> | |
| Hydric Soils Present? | <u>No</u> | |
| Remarks: Area is topographically higher than adjacent wetlands. Vegetation is different with more yaupon, pine, and oaks. Area may have been in pine production many years ago and regeneration is what is evident today. | | |

WC Fore Trucking 12.
Proposed Harreld Pit
Sec. 33 T-7N R-11W
Gulfport, Mississippi

North
(relative scale)

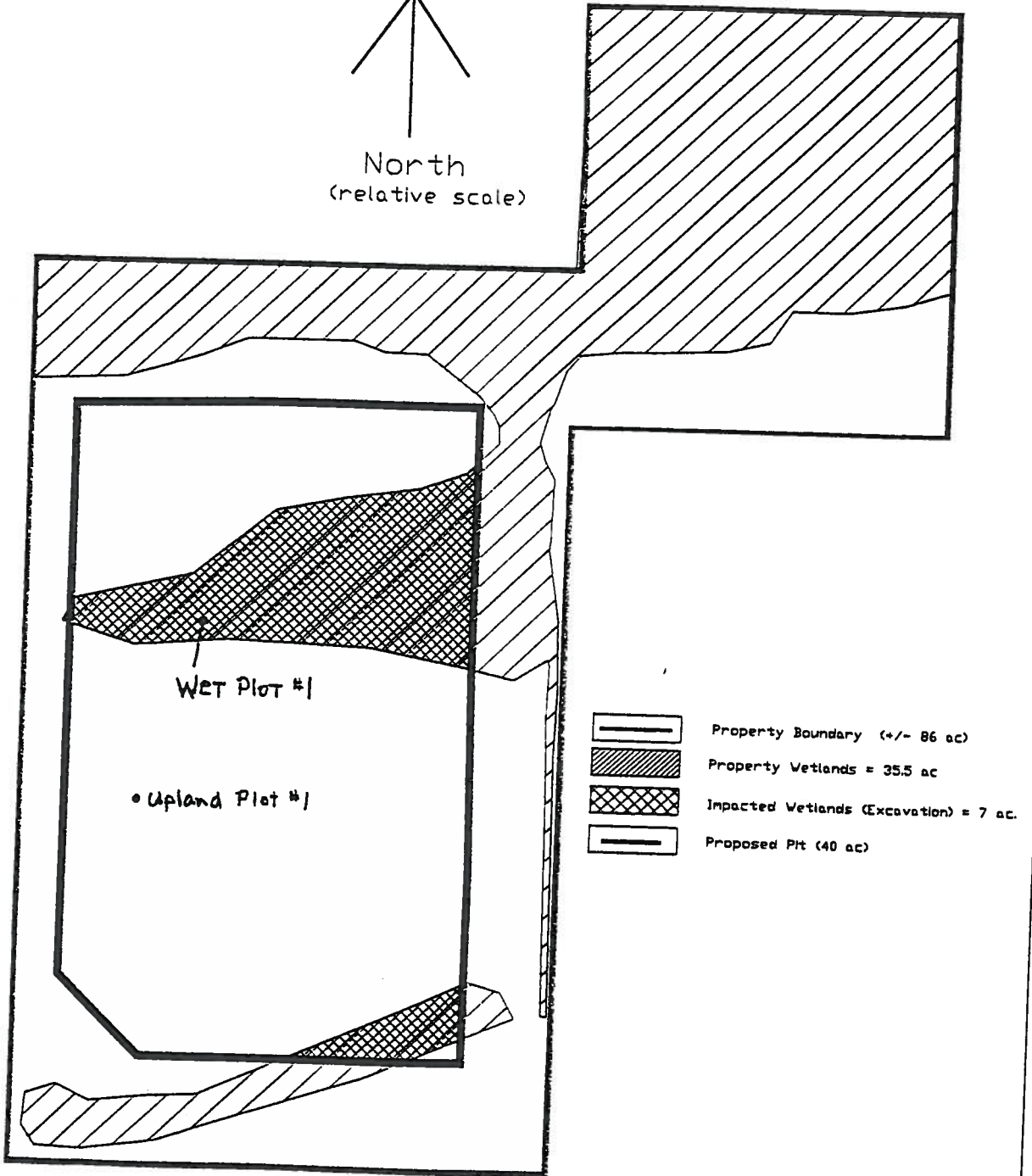




Figure 2. Soil Survey of Project Area

Designates Proposed Pit

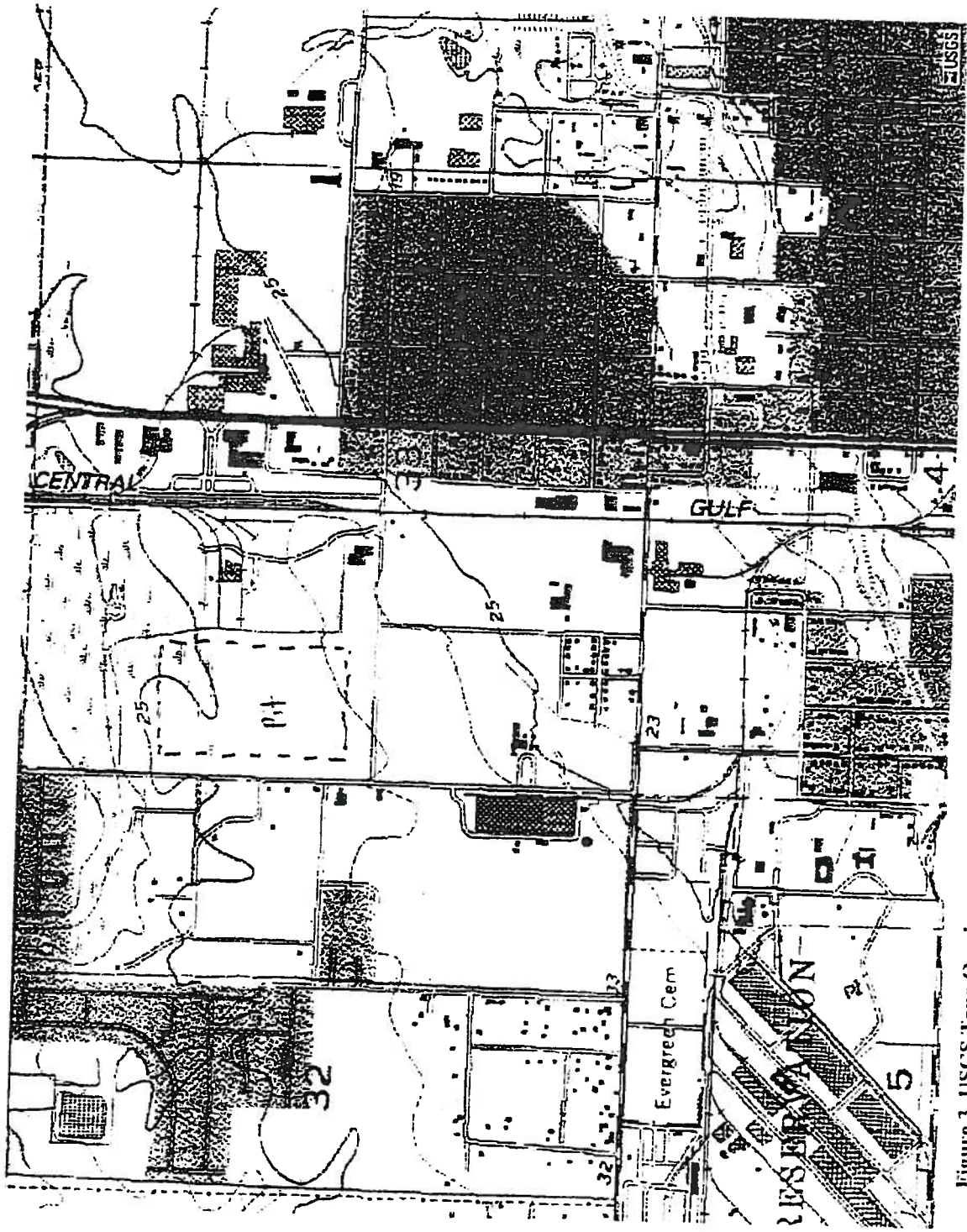


Figure 3. USGS Topo Quad

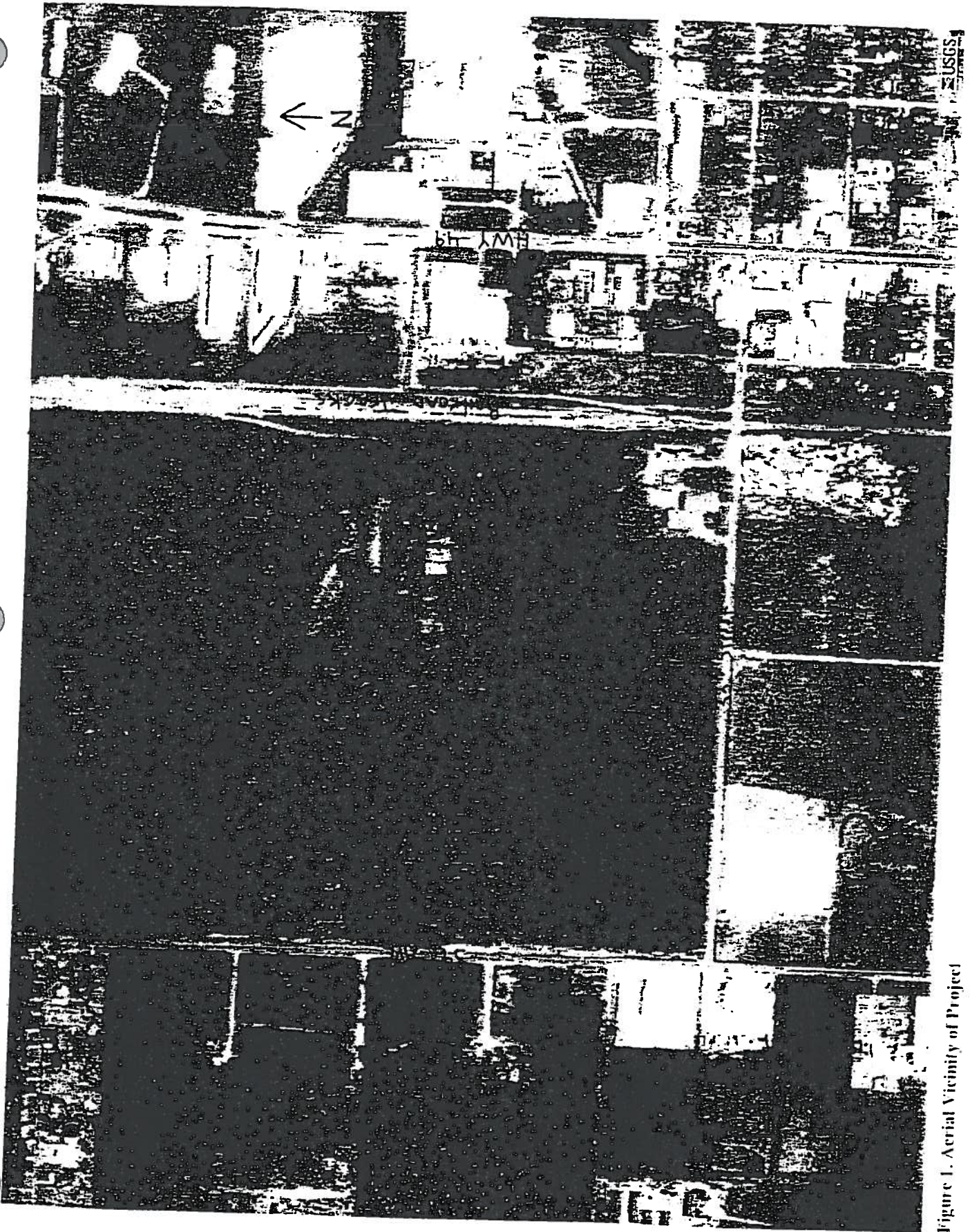


Figure 1. Aerial Vicinity of Project

A CULTURAL RESOURCES ASSESSMENT OF SECTION 33 IN
GULFPORT NORTH QUADRANGLE, HARRISON COUNTY,
MISSISSIPPI

Prepared for

W.C. Fore Trucking, Inc.
14292 Creosote Road
Gulfport, Mississippi 39505
(228) 863-1314

and

Mississippi Department of Archives and History
P.O. Box 571
Jackson, Mississippi 39205-0571

Prepared by

Robert E. Reams
Principal Investigator

May 2003

The use of this report is restricted to those with the need-to-know in compliance with the National Historic Preservation Act of 1966, the National Environment Policy Act of 1969, and the "Procedures for the Protection of Historic and Cultural Properties" (36DFR800), established by the Advisory Council on Historic Preservation. In addition, attention was given to provisions of Executive Order 11593 and Public Law 93-291 as well as state laws.

A CULTURAL RESOURCES ASSESSMENT OF SECTION 33 IN GULFPORT NORTH QUADRANGLE, HARRISON COUNTY, MISSISSIPPI

INTRODUCTION

On May 30, 2003, a cultural resource inventory was undertaken of an area totaling five acres in Harrison County. The survey area was located on land east of 28th Avenue in Gulfport, Mississippi (Figure 1). Currently, the area is heavily forested with pines and hardwoods. The area had not been used for nearly 50 years. To the north of the area is a swampy tributary of Turkey Creek. To the east is U.S. Highway 49; while mixtures of residential and commercial properties are scattered on all four sides of the property.

Robert E. Reams and Kelly McClave conducted the survey in order to identify and evaluate any archaeological sites that would be impacted by proposed burrow pit on the property. Two isolated finds were located during the survey.

METHODOLOGY

This assessment conforms to the guidelines established by the State Historic Preservation Officer, Mississippi Department of Archives and History, Jackson, Mississippi. The assessment included a state site file search, historic literature search, and an on-site survey with subsurface testing.

No previous archaeological surveys have been conducted within a mile radius of the project.

As a system of surveying areas, the principal investigator used a mixed subsurface testing and ground survey technique within the proposed area. From a topographic map of the area, transects were drawn encompassing different areas of the map. These transects were walked on the ground, while shovel tests were dug at randomly chosen locations within each transect. Each shovel test was approximately 1½-shovel blades wide (30x30 centimeters) and 30 centimeters deep. When ground visibility was good (60% or greater clear of surface clutter), a surface survey was employed until artifacts were located, then subsurface tests were performed. When a site was located (a shovel test with artifacts or artifacts found on the surface), shovel tests were dug at five-meter intervals in the major compass directions (N, E, S, W) or the directions of the landform. In any direction, the site boundary was reached after digging two consecutive empty shovel tests.

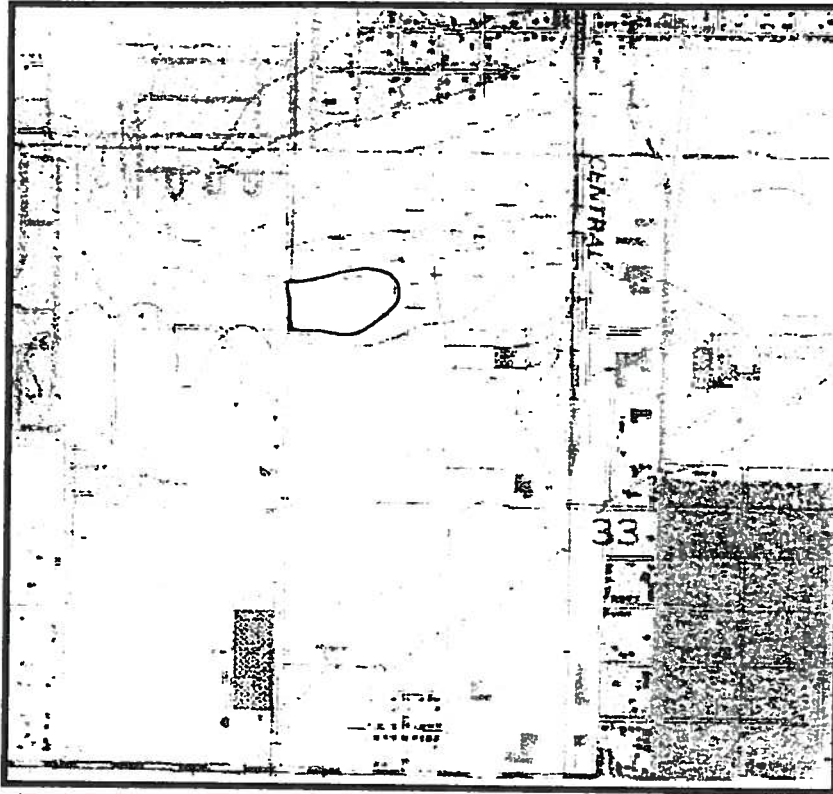


Figure 1. Project Map, Section 33, T7S, R11W, Gulfport North Topographic Quad

During the survey, the weather was warm and partially cloudy. The ground visibility was poor to fair in most of the area (5-45%), while the line-of-sight visibility was fair to good (40-80%). Two isolated finds were found.

BACKGROUND PREHISTORY AND HISTORY

The project area is located in Gulfport. Gulfport lies on the gulf coast in the area called the Coastal Meadows (Kelley 1973). The Coastal Meadows covers south Mississippi from the Louisiana line to the Alabama border and northward from the coast as much as 15 to 20 miles. This region is generally covered with mixed stands of longleaf and slash pines and hardwoods (Radford, Ahles and Bell 1968). There are more swamps and low-lying areas than in the more northern Piney Woods region. The soils are composed of recent deposits of fine sand and sandy loams (Kelley 1973).

Archaeological research in this portion of Mississippi has lagged behind other areas of the state such as the Mississippi River alluvial valley and the Tombigbee drainage (Blitz 1982, 1983; Jackson *et al.* 2002). Even though archaeological research has been lacking, the region is known for its cultural distinctiveness to the well-known cultures to the east (Mobile

Bay and Florida) and the west (Lower Mississippi Valley). Most of the research in the area has taken place on site excavations and surveys conducted by the U.S. Forest Service and the University of Southern Mississippi. For this report, a composite prehistoric chronology for the coastal Louisiana area, the Mississippi Valley, and the Mobile Bay was employed (Table 1).

PaleoIndian Period (ca. 12,500-8,000 B.C.)

This period represents the initial spread of humans into the area, so "in order to understand the spatial distribution and stylistic variation of stone tools, it is necessary to interpret the artifacts as an adaptive response to the natural environment" (Blitz 1982:17). Before 12,500 B.C., the Mississippi environment was probably colder and wetter than today (Pielou 1991). Much of the Deep South [Louisiana, Mississippi, Alabama, southern Georgia, South Carolina, and Florida] was a broadleaf forest dominated by beech and hickory (Goodyear 1991). To the north, there were forests dominated by a mixture of spruce and pine and further north periglacial tundra (Butzer 1971; Meltzer and Smith 1986). Between 12,000 and 8,000 B.C. there seems to have been a general warming trend of an average of five to eight degrees F. (Davis 1976), broadening the hardwood dominated forest to the north (Bense 1994). An oak-hickory-pine forest developed south of the 33rd parallel by 6,500 B.C. (Goodyear 1991).

Table 1. Composite Prehistoric Chronology for south Mississippi.

Sources: DeLeon, Mark
 1983 Cultural Resources Overview: National Forests in Mississippi. U.S. Department of Agriculture, U.S. Forest Service, Jackson, Mississippi.
 Sims, Doug
 1997 An Analysis of the Diamondhead (22Ha550) Ceramic Collection, Hancock County, Mississippi. Unpublished M.A. thesis, University of Southern Mississippi, Hattiesburg, Mississippi.

| | PERIODS (LOWER MISSISSIPPI VALLEY) | PERIODS (MOBILE BAY) |
|-----------|---|---------------------------------|
| 1700 | | |
| 1500 | | |
| 1300 | Mississippian | Mississippian |
| 1100 | | |
| 900 | Coles Creek | |
| 700 | | Late Woodland |
| 500 | Baytown | |
| 300 | | |
| 100 | Marksville | Middle Woodland |
| B.C.-A.D. | | |
| 100 | | |

| | | |
|------|----------------|-------------------------|
| 300 | Tchefuncte | Late Gulf Formational |
| 500 | | |
| 700 | | |
| 900 | Poverty Point | Middle Gulf Formational |
| 1100 | | |
| 1300 | | |
| 1500 | | Early Gulf Formational |
| 1700 | | |
| 1900 | Late Archaic | |
| 2100 | | |
| 2300 | | Late Archaic |
| 2500 | | |
| 3000 | | |
| 4000 | Middle Archaic | Middle Archaic |
| 5000 | | |
| 6000 | Early Archaic | Early Archaic |
| 7000 | | |
| 8000 | | |
| 9000 | PaleoIndian | PaleoIndian |

Meltzer and Smith (1986) believe that the major difference in Paleolndian life ways between the southeastern and the northeastern United States was one of subsistence strategies or forest versus tundra adaptations.

Species-rich environments [e.g. forests] will rarely have one or two resources that are available and reliable and that occur in sufficient quantity to provide the requisite biomass and energy for human groups to make dietary specialization an efficient and viable option (Meltzer and Smith 1986:7).

The tools and locations of the sites seem to reflect these types of strategies. In the tundra environment, projectile points, scrapers, bifacial knives, and drills dominate the tool kits. All of the tools are highly modified with reuse common and indicate highly systematic and efficient lithic reduction. There tends to be more non-local lithic raw materials used than in forests environments. Moreover, there are more sites and fewer isolated fluted points. Sites are concentrated in river valleys or lake plains.

In the forested environments to the south, however, simple flake tools with little functional specificity are dominated (Meltzer and Smith 1986). The production of tools tends to be poorly executed. A great deal of unusable debitage was produced when cores were made, and these cores were blocky and irregular. Many of the points show wear patterns suggesting that these served multiple purposes such as hafted penetrating implements and as processing/butchering implements

(Meeks 2000:11). There was a greater reliance on local raw materials. Relatively few sites have been found, but isolated fluted points seem to be relatively abundant.

Goodyear (1991) divided the PaleoIndian Period in the southeast into four sub-periods, each sub-period signifying change in tool morphology. There does not seem to be convincing proof for the first sub-period between 12,500 and 9,500 B.C. in the southeast. The second sub-period, the Clovis (9,500-8,900 B.C.) is noted for the presence of fluted projectile points. The frequency of Clovis and other fluted point diminished "from central latitude [33rd parallel] of Mississippi and Alabama southward onto the Gulf Coastal Plain" (Goodyear 1991:9). The fluted points are found in concentrations in the Interior Low Plateau of northern Alabama, Tennessee, and Kentucky close to high quality cryptocrystalline lithic materials. Muto and Gunn (1981) found that distance to a cryptocrystalline source seemed to be an important factor in early site location in northeast Mississippi, along with a preference for floodplains and well-drained sandy soils. McGahey (1987) found that in Mississippi the reliance on particular local raw materials changed through time. During the Clovis sub-period, more exotic or non-local lithics were used while later, more local lithics were used.

The third sub-period, the Middle PaleoIndian (8,900-8,500 B.C.), is noted for the occurrence of fluted and unfluted points in the mid-south region and unfluted points on the coastal plain (Goodyear 1991). Floodplains in the southeast appear to have been the preferred locations (Dincauze 1993; Smith 1986; Steponaitis 1986). The distance to cryptocrystalline lithic sources apparently also was still important.

By the fourth sub-period, the Dalton (8,500-8,000 B.C.), the hardwood forests continued to spread further north, and the pines spread north from the coastal areas. The Dalton projectile point seems to be a more general-purpose tool than previous point (Meltzer and Smith 1986; Smith 1986). The associated tool assemblages are also generalized items that are easily carried and readily maintained. The only apparent differences with earlier assemblages are the appearance of the Dalton adze and the Dalton projectile point. Although river floodplains were still used, coastal zones and heavily wooded regions also were inhabited (Goodyear 1991).

Archaic Period (c.a. 8,000-500 B.C.)

Generally, during the Archaic Period, conditions were warmer and drier than the PaleoIndian Period as the weather became similar to that of today (Bense 1994:22). After 2,000 B.C. the temperature cooled and the sea reached its present level (Davis 1976). By 2,000 B.C. the Coastal Plain was dominated completely by pine forests.

Early Archaic

The tool complexes of the Early Archaic appear to be continuations from the earlier Dalton (McGahey 1996). In the western and central Gulf Coastal Plain, the San Patrice projectile point is a late local Dalton manifestation, which is also found during the Early Archaic. During the entire period for the Southeast, there does not appear to be any measurable increase in assemblage frequencies of plant food processing tools, only increases in the number of tools (Meltzer and Smith 1986). It has been suggested that foraging adaptations changed from more logistical during the PaleoIndian to more residential mobility during this period (Cable 1996). This adaptive change was noted by examining differences in curated versus expedient lithic tools. Steponaitis (1986) suggests that there was a general population growth over many parts of the southeast. General site location preferences change as well.

In northeast Mississippi, there was a shift from a "strict concentration on major rivers to [use of] interriverine areas and uplands between drainages" (Muto and Gunn 1981:4). Brown (1973) also noted a concentration of sites upon the lower reaches of interior drainages, avoiding the broad floodplains. In southeastern Mississippi, the settlement system consisted of the movement of small bands within resource territories with large sites near key resources and smaller sites surrounding the larger ones (Blitz 1982). Muto and Gunn (1981) noted three types of sites: base camps, satellite camps, and specialized localities. The base camps were located near the mouths of drainages, while the smaller satellite camps were located farther upland.

Middle Archaic

The Hypsithermal, a period of increased warmth and changes in the weather patterns, influenced the area during the Middle Archaic (Brookes and Reams 1996). Bifaces apparently were larger and cruder, while unifacial tools virtually disappeared (McGahey 1996). Although the three site types observed during the Early Archaic have a bearing on site location, two new resources were exploited extensively: freshwater shellfish and hickory nuts (Brookes and Reams 1996; Peacock 1988). Many of the base campsites are located where there was an abundant supply of shellfish (Ford and Willey 1941; Jennings 1952; Phillips 1970; Phillips, Ford, and Griffin 1951). In addition, earthen mounds associated with the major base camps appear in the Middle Archaic (Gibson 1994; Russo 1994).

Late Archaic

The Late Archaic continued the same settlement and subsistence pattern as the previous period. Many of the tool assemblages are similar to those in the Middle Archaic. The practice of horticulture in the southeast can be traced to this time. These first cultigens were apparently

cucurbits, squashes or gourds (Steponaitis 1986). There are also indications of increasing extra-regional exchange of exotic materials, peaking during the Gulf Formational (Blitz 1982).

Gulf Formational

The Gulf Formational is considered the intermediate cultural development between the Archaic and the Woodland Period, but only applies to the gulf coast (Reams 1995). During this time, ceramics first appear on the gulf coast.

In the immediate area, three influential cultures have been identified: Wheeler, Poverty Point, and Bayou La Batre. The Wheeler Culture is most commonly found in northern Alabama, and its most recognizable feature is the presence of fiber-tempered pottery (Reams 1995).

The Poverty Point Culture (2,000-800 B.C.), also a period, greatly influenced the inhabitants of the area (Blitz and Mann 1993). The culture complex was named from the Poverty Point site in northeast Louisiana, but there are several large sites in Louisiana, Arkansas, and Mississippi such as the Claiborne site near the mouth of the Pearl River (Gibson 1994; Webb 1977). The Poverty Point "may be characterized as a culture involved in a highly organized and viable religious system, a developed social hierarchy, an elaboration of arts and crafts, and a far-flung interaction sphere" (Brain 1971:45). This interaction sphere was associated with a complex exchange system. For example, the Claiborne site is a semi-circular shell ring with a large number of Poverty Point objects, tubular pipes, clay figurines, a cache of steatite vessels, hematite and magnetite plummets, stone beads, '2-hole' gorgets, pendants, boatstones, quartz butterfly bannerstones, bar weights, and fiber-tempered Wheeler ceramics.

The Bayou La Batre Culture (700-100 B.C.) from Mobile Bay and the Lower Tombigbee River Valley is characterized by coiled, sand and grit-tempered ceramics (Blitz 1982; Walthall 1980). According to Walthall (1980:95), Bayou La Batre ceramics are either "flaring-side cup or beaker" or "globular pot" in shape, both of which "have either annular bases or four small wedge or mammiform-shaped feet". There seems to have been an extensive use of freshwater oyster and mussel beds at these sites.

Tchefuncte Period (700-100 B.C.)

In Louisiana, parts of Alabama, and south Mississippi, the Tchefuncte Period replaces the Poverty Point (Jenkins *et al.* 1993). The Tchefuncte material culture has been defined as a lackluster development with declining social complexity and interaction (Sims 1997:12). The sites located on the coast exhibit marine adaptations with the exploitation of brackish water for clams and fish (Shenkel 1984). Sites located inland

reflect the exploitation of the available flora and fauna with heavy concentration on nuts. Brown (1973) noted that in the Natchez Bluff area, people preferred the upland regions to the floodplains and overlooking ridges. These upland sites exhibit very light artifact densities and a lack of organic staining and represented a generalized foraging economy (Asch *et al.* 1979).

The ceramics are considered 'crude' with a somewhat limited range of shapes. The pots can be "globular...with shoulders, constricted necks, and flaring rims, or with straight expanding walls and rims" (Neuman 1984:126). A typical vessel would be "a rather tubby jar, with or without a constricted neck, with a slight swelling in the middle and lower walls converging to a small rectangular base" (Phillips 1970).

Marksville Period (200 B.C.-A.D. 400)

Marksville is either a southern expression of the larger northern Hopewellian complex (Neuman 1984:167) or the "inhabitants of the Lower Valley appear to have had brief contact with northern Hopewell, adjusted to new ideas, and resumed indigenous cultural traditions" (Toth 1988:211). Whichever the case may be, there was an extensive trading network encompassing most of the Lower Mississippi Valley, as well as southeast Mississippi. The networks reflected social relations between sites, but the nature (kinds of relations) and strength of such social connections varied (Braun 1985).

Conical earthen burial mounds were constructed at this time. Subsistence strategies did not seem to change much from earlier periods except for the increased use of cultivated foods (Braun 1985, 1988). The use of maize increased, although the people did not rely substantially on it (Nassaney and Cobb 1991). There was an apparent increase in the use of native cultigens such as the starchy seeds of chenopodium in Tennessee and Kentucky (Gremillion 1993). The settlement strategy tended to utilize all available resources (Johnson 1988:57).

Although embracing many sophisticated aspects of Hopewell style decoration, the early Marksville ceramics of the Lower Valley do not represent a significant advance in ceramic technology when compared to late Tchefuncte manufacture (Toth 1988:42).

According to Brown (1978), the ceramics are grog-tempered wares. The outer surface decorations are made with 'broad U-shaped incisions' as well as different types of stamping. Typical Marksville vessel shapes have been identified as large, small, and shallow bowls, jars, beakers, globular, and 'tubby' pots (Phillips 1970). The bases of the vessels are flat, round, or square with isolated cases of basal supports.

The Santa Rosa Culture (100 B.C.-A.D. 400) covered the same territory as the Bayou La Batre. There seems to be close parallels between the Santa Rosa ceramics and Marksville ceramics from the Lower Mississippi Valley (Milanich 1994). These vessels were sand and clay tempered with zoned decorations containing stamping or punctations with broad incisions (Fuller 1979).

Baytown Period (A.D. 450-800)

The Baytown developed in the Lower Mississippi Valley and consists of two cultures: Baytown and Troyville (Sims 1997). Baytown covers the northern valley, while the Troyville covers the southern valley. Fewer exotic materials are found on Baytown and Troyville sites than on early Marksville sites. Conical earthen burial mounds continue to be constructed. The bow and arrow were first introduced at this time (Blitz 1983). There seemed to have been a significant population increase as well as an increase in site size (Brown 1973; Nassaney and Cobb 1991), and all ecological zones were utilized (Braun 1988; Brown 1973). On the average, there seemed to be a general reduction in the floor area of households, which Braun (1988) feels it indicates stronger intra-village, rather than inter-village economic ties.

The basic Baytown vessel consists of jars, beakers, bowls, and plates with thickened rounded rims and round, flat, or squared (Phillips 1970). The ceramics are clay-tempered with cord marking, incisions, stamping, or red painting as outer surface decorations.

During this time, the Weeden Island Culture (A.D. 400-1,000) influences the area from northwestern Florida. For the most part, Weeden Island existed from Mobile Bay to central Florida along the gulf coast (Jenkins 1978). "Occasional Weeden Island potsherds are recognized in ceramic collections from south and east Florida, the Atlantic Coast of Georgia, and the Lower Mississippi Valley" (Milanich *et al.* 1984:10).

Willey (1945) first noted similarities between Weeden Island and Lower Mississippi Valley ceramic assemblages, i.e. Troyville and Coles Creek. He believed that there was a parallel development, which indicated the exchanging of stylistic elements (Milanich 1994).

Coles Creek Period (A.D. 800-1,000)

This culture developed in the Lower Mississippi Valley and spread eastward (Blitz 1983). Generally, there was a shift of large sites away from interior regions to areas closer to the floodplains of major drainages, which reflected an increase in residential sedentism (Brown 1973). Some of these large floodplain sites developed with temple mounds and plaza arrangements. The population increased with an intensification of horticulture (Blitz 1983; Braun 1988).

The ceramics are fine grog-tempered with the predominance of encircling incised lines under the lip (Sims 1997). Phillips (1970) identifies several shapes including bowls, jars, beakers, bottles, and globular pots. The bases tend to be round, flat, or square, while the rims are broad, flat, thickened, thinned, polished, and lugged (Phillips 1970).

Mississippian Period (A.D. 1,000-1,700)

The emergence of the Mississippian from earlier periods included a shift to intensive agriculture and changes in storage facilities, ceramics, and residential architecture. Along with these changes, there was a development of a hierarchical social organization with a high degree of centralization of power (Smith 1986; Steponaitis 1986). One of the dominating features of sites during this period is the large mound complex situated along large floodplains. Population densities and dependence on maize increased, helping to support stratified societies (Blitz 1983; Blitz and Mann 1993). There was widespread production and exchange of exotic resources such as marine shell beads, salt, and copper (Blitz and Mann 1993).

Mississippian sites were generally located where both intensive maize agriculture and/or the hunting of few selected animal species could occur. Not only were the best, most productive agricultural land sought, but also areas with marked physiographic and ecological complexity (Peebles and Kus 1977:441). The reasons for the collapse of the Mississippian life way by A.D. 1500 (except the Natchez which were dispersed by the French in the early 1700s) still remain unknown to archaeologists. However, several factors have been the focus of much research. These factors include over-reliance on maize agriculture, slight changes in certain critical environmental variables, and increase of political conflicts (Steinen 1992; Steponaitis 1986:170).

Historic Period

The area was lightly occupied during most of the historic period. The timber industry was a major aspect of south Mississippi life since the Civil War. During most of the 1800s, most of the timber in the area was brought to the coast along the major drainages, i.e. Pascagoula River and Leaf River (Hickman 1958). Large mills operated on the coast such as the Griffin and Dantzler mills in Moss Point (Reams and Cramer 1998). This changed with the completion of railroads connecting New Orleans to Jackson and the Gulf Coast in the early 1880s (Revels 1973:603). "Settlers went to work as section hands, helping first to build and then to maintain the new railways" (Napier 1986:20).

Another industry, very much related to the timber industry, was the naval store industry, which was named by its principal use in caulking wooden ships (Reams and Cramer 1998). This industry had its beginnings

in the 1700s in New England. Pitch and tar, an end product of the cooked pine sap, were gathered from the abundant stands of longleaf pine. The pine sap was collected in various types of clay and metal vessels: the Herty cup, ca. 1904-1920s; arc-shaped clay cups such as the Pringle cup from the Gulf Coast, ca. 1910-1920s; arc-shaped and box-shaped tin cups such as the Pringle and McKoy cups, ca. 1920-1930s; and arc-shaped aluminum cups, ca. 1930-1950s (Butler 1998; Drew 1992; Forney 1985). With the advent of metal ships, the turpentine industry shifted towards other uses instead of caulking. By the mid to late 1800s, the Carolinas became the center of the naval store industry (Drew 1990; Dyer and Sicilia 1990). After this time, the naval store industry spread to other states in the South including Mississippi.

REPORT OF FINDINGS

When the project survey was planned out, the possibility of finding a large number of eligible archaeological sites was low because of the area's proximity to the swampy water. The project area was surveyed on May 30, 2003. Principal Investigator Robert E. Reams conducted the assessment with the help of Kelly McClave. The survey results were disappointing. Only two isolated finds were found (Figure 2). The ground over the survey area was flat, with low wet bogs along the northern edge. Most of the project area was covered with pines and hardwoods. The soils consisted of fine sandy loams and sand.

Newly discovered sites

Isolated find #1 is a single shard of amethyst bottle glass (ca. 1885-1920) on the surface of the ground. The soil was a gray-brown sandy loam for the first 10 centimeters. Below this sandy loam was yellow-brown sand. This isolated find is not considered eligible for the National Register of Historic Places.

Isolated find #2 is a single sherd of stoneware on the surface of a heavily disturbed area. Subsurface testing did not reveal any more artifacts. The find is not considered eligible for the National Register of Historic Places. No protective measures should be implemented.

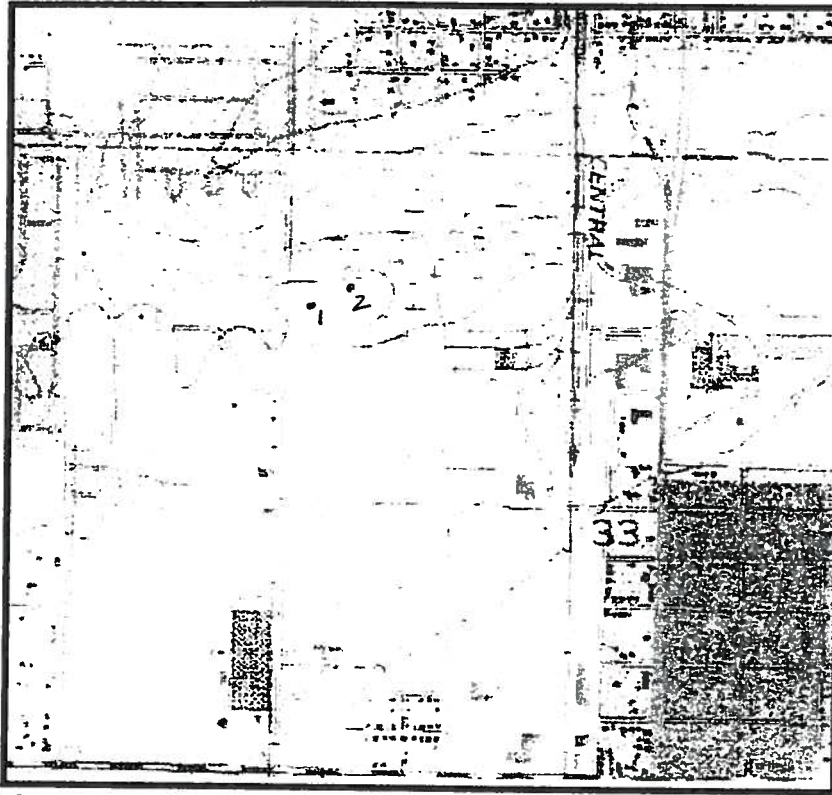


Figure 2. The Isolated Finds in the Project Area

SUMMARY AND RECOMMENDATIONS

This report describes a cultural resource assessment of the east of 28th Avenue in Gulfport, Mississippi. The assessment included a review of the archaeological literature, historic literature, and records review, and an on site survey with subsurface testing.

Two isolated finds were found, but neither were eligible or potentially eligible for the National Register of Historic Places. No further archaeological testing is necessary.

CERTIFICATION: I certify that I have reported the Cultural Resource Inventory described herein, and that this report is complete and accurate to the best of my knowledge.

Robert E. Reams
Archaeologist

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HOUSE OF REPRESENTATIVE



FRANCES FREDERICKS

District 119
Harrison County
P. O. Box 10186
Gulfport, Mississippi 39505

Res (228) 864-9319
In Session (601) 359-2429
ffedericks@mail.house.state.ms.us

COMMITTEE ASSIGNMENTS:

Public Health and Welfare,
Vice Chairman
Judiciary B
Local and Private Legislation
Penitentiary
Ways and Means

STATE OF MISSISSIPPI

June 18, 2003

Charles Chisolm, Director
Department of Environmental Quality
Post Office Box 10305
Jackson, Mississippi 39289

Dear Sir:

I am requesting a hearing on the W.C. Fore Gulfport State Park Expansion Project which consist of moving fifty-five (55) acres of land twenty-five (25)feet deep.

Our concerns are many.

Respectfully,

A handwritten signature in cursive script that reads "Frances Fredericks".

Frances Fredericks
State Representative

FF/lf



B-WARDEN

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

June 24, 2003

Representative Frances Fredericks
P.O. Box 10186
Gulfport, MS 39505

Dear Representative Fredericks:

This agency is in receipt of your June 18, 2003 letter to Charles Chisolm requesting an evidentiary hearing regarding the surface mining permit issued to W. C. Fore to mine an area within your district and within the City of Gulfport. As we discussed on the telephone last week, this project requires additional permits from this agency's Office of Pollution Control (stormwater and, possibly, water discharge permits). MDEQ also is in contact with the U. S. Army Corps of Engineers concerning wetlands issues on the site.

Because this project ultimately will require multiple permits from the Mississippi Environmental Quality Permit Board, and because mining at the project cannot begin until all permits are issued, we will hold your request for an evidentiary hearing during the Permit Board's consideration of these additional permits. We will keep you informed of any public comment period or public hearings scheduled on those permits. If the applicant obtains the other permits it needs for this project, we will then consolidate any additional requests for evidentiary hearing with your request. In this way, the Permit Board can hold one evidentiary hearing regarding the project instead of several.

Please feel free to contact me if you need further information on this matter. With best regards, I remain

Sincerely,



Chuck D. Barlow
General Counsel

CDB/sas

cc: Charles H. Chisolm
Phil Bass
Jerry Cain
Mike Bograd



STATE OF MISSISSIPPI

COMMITTEE ASSIGNMENTS:
Public Health and Welfare,
Vice Chairman
Judiciary B
Local and Private Legislation
Penitentiary
Ways and Means

FRANCES FREDERICKS
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Res (228) 864-9319
In Session (801) 359-2429
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July 15, 2003

Jerry Cain
Billy Warren

Charles Chisolm, Director
Department of Environmental Quality
Post Office Box 10305
Jackson, Mississippi 39289

Dear Sir:

I am writing you this letter to inform you that from July 20-26, 2003, I will be out of down at a conference. I am requesting that if you have scheduled a hearing on the W.C. Fore Gulfport State Park Expansion Project, please notify Ms. Deborah McGhee of the of Meeting. Ms. McGhee's address is 2807 Palmer Drive, Gulfport, Mississippi 39507, and her telephone number is 228-896-4582

Respectfully,

Frances Fredericks

Frances Fredericks
State Representative

FF/lf



**** Transmit Conf. Report ****

Jul 31 '03 12:21

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| DEQ OPC ENVIR PMTS DIV---> 2288640013 | |
| No. | 002 |
| Mode | NORMAL |
| Pages | 7 Page(s) |
| Result | OK |



MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

FACSIMILE TRANSMITTAL SHEET

| | | | |
|---------------|------------------------|-------------------------------------|-----------------|
| TO: | WC Fore | FROM: | Michelle Vinson |
| COMPANY: | WC Fore Trucking, Inc. | DATE: | 07/30/03 |
| FAX NUMBER: | 228-864-0013 | TOTAL NO. OF PAGES INCLUDING COVER: | 7 |
| PHONE NUMBER: | 601-961-5040 | SENDER'S REFERENCE NUMBER: | |
| RE: | LOD | YOUR REFERENCE NUMBER: | |

- URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

July 21, 2003

Billy Warden:

I received this packet of information this morning from the City of Gulfport; this copy is for your files. It documents their efforts to obtain the information they need from W. C. Fore for his Special Exception approval for the proposed surface mine in the city. Included is a map of the proposed route of the port connector road that would pass through part of the site. I first heard about this road in a telephone conversation with Kelvin Jackson of Gulfport last week.

I looked at the site from 34th Avenue and from 33rd Street on Saturday, July 19. The site is wooded, but not thickly, with pine trees up to about 30-40 feet and thick undergrowth. Two access "roads" have been cleared into the site from 33rd Street on the south. I did not go into the site to determine their extent. The area is sparsely developed with industrial buildings and some houses. The building close to the proposed sedimentation ponds at the southeast corner of the site is a trucking company and warehouse.

There is a roadbed cleared through the undeveloped land south of the site that runs three or four blocks north-south. It might be part of Mr. Fore's plan to use this route to the south with the trucks, with a zig-zag to 30th Avenue, which is a designated truck route that runs directly to the west pier of the Port of Gulfport.

Michael B. E. Bograd
MDEQ Office of Geology



"Where your ship comes in"

KEN COMBS
Mayor

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three

Kim B. Savant
Councilman, Ward Four

Ricky Dombrowski
Councilman, Ward Five

Charles E. "Chuck" Teston
Councilman, Ward Six

Billy Hewes
Councilman, Ward Seven

DEPARTMENT OF
URBAN DEVELOPMENT

SANDY BAYLOR
Director

Community/Economic
Development Division
228-864-5657
Fax: 228-214-4487

Planning Division
228/868-5710
Fax: 228-868-5708

Building Code Services
228-868-5715
Fax: 228-868-5716

1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT

July 11, 2003

Mike Bograd
Mississippi Office of Geology
Post Office Box 20307
Jackson, MS 39289

Dear Mr. Bograd,

On July 7, 2003, Mr. Mickey Bellande turned in an application for Special Exception approval for his proposed development of a strip mine in side of the City of Gulfport. This was a major step in getting local approval for his proposed development. When I spoke to you last, we both were concerned that all the appropriate local, state, and federal required permits were not obtained as stipulated by Gulfport's City Council and the DEQ permit issued by your office.

Mr. Ray Eaton, the Planning Administrator for the City of Gulfport, and I reviewed the submitted application for Special Exception approval. We had several concerns, which prompted our call to your office for assistance in resolving the matter. I was present during your telephone conversation with Mr. Eaton when you mentioned your efforts to co-ordinate the many different requirements from the myriad of response agencies. Enclosed are two letters addressed to Mr. Mickey Bellande requesting an application for Special Exception approval and detailing the requirements for application for Special Exception approval. A copy of a MDOT map detailing the preferred alternate route for the connector road to the port is enclosed also. Mr. Eaton and I hope these letters will help in your efforts.

Please contact me at 228-868-5710 if you have any questions or if you come across something you think may help us. Thank you for all your help.

Respectfully,
Department of Urban Planning, Planning Division

Kelvin L. Jackson
Planner I
Encl.
CC Sandy Baylor
Ray Eaton
Ronald Jones



"Where your ship comes in"

KEN COMBS
Mayor

Jimmie Jenkins
Councilman, Ward One

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DEPARTMENT OF
URBAN DEVELOPMENT

SANDY BAYLOR
Director

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Fax: 228-868-5716

1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT

July 2, 2003

Mickey Bellande
192 B Seal Ave
Biloxi, MS 39530

Dear Mr. Bellande,

On May 16, 2003, we met to discuss your Map Amendment application. When that meeting ended, I mentioned your sand mining operation on 34th Ave, pointing out to you that the City Council approval of the project was contingent on you securing the required permits. This applies to appropriate local, state, and federal permits. A Special Exception approval is the first step in the approval process for any mining activity.

You were given an application for Special Exception approval with a deadline of June 3, 2003, for the July group of hearings. We discussed your plans to start expeditiously. I am concerned that we did not receive your application. That fact seriously delays your plans. We need this time to review the application and meet the publication deadlines prescribed by the zoning ordinance. The next deadline for the Special Exception approval is rapidly approaching. That date is July 8, 2003.

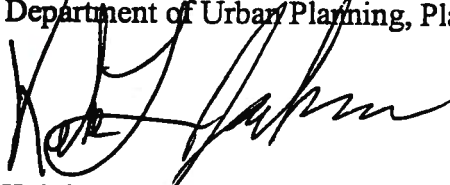
Since we last met, we have had two other discussions about the application for Special Exception approval; the last one was June 23, 2003. You stated your employer's position. Please keep in mind that the City Council's approval of the project was contingent on you securing the required permits. The required local permits included Special Exception approval and a tree permit. I have enclosed a copy of the chart of permitted uses as well as relevant sections of the Tree Protection section of the City of Gulfport's Code of ordinance.

On June 30, 2003 I talk to Mike Bograd at Mississippi Department of Environmental Quality. Mr. Bograd informed me that you were awarded a DEQ permit for surface mining. He pointed out that your DEQ Permit is contingent on you securing the required permits. I also contacted the Department of Marine resources on that same day and was informed that you only filed a letter of intent. Although the property is located in an Uplands area, three of the five soil types (Ponzer, Plummer, and Atmore) on the site are hydric soils indicative

of wetlands. These soil types force the application of a DMR permit and may force the Army Corps to revisit your approval as well.

If you need any further assistance please contact me at 228-868-5710. Your submittal will assist us in trying to accommodate your case and time table as soon as legally possible.

Respectfully,
Department of Urban Planning, Planning Division

A handwritten signature in black ink, appearing to read 'Kelvin L. Jackson', written over the typed name.

Kelvin L. Jackson

Planner I

Encl.

CC Sandy Baylor

Ray Eaton

Ronald Jones

W.C. Fore



"Where your ship comes in"

KEN COMBS
Mayor

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Councilman, Ward One

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DEPARTMENT OF
URBAN DEVELOPMENT

SANDY BAYLOR
Director

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Fax: 228-868-5716

1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT

July 9, 2003

Mickey Bellande
192 B Seal Ave
Biloxi, MS 39530

Dear Mr. Bellande,

Thank you for your quick response to my July 2, 2003 letter. When you called on July 7, 2003 you acknowledged that you did not have every thing but wanted turn in as much as possible. Your expression of a willingness to work and obtain all appropriate local, state, and federal required permits was greatly received. I sent via facsimile the section detailing what the ordinance requires for Special Exception approval.

On July 7, 2003, we met to discuss your Special Exception application as you submitted. You gave this office proof of ownership; proof of authority; site plan and payment. In return, you received a copy of you cover sheet with the words "need to turn in supplemental application." You agreed to this quite readily.

This should included:

- We need copies of all appropriate local, state, and federal required permits with their respective conditions on file as called for by the City Council.
- Section VIII (A)(2)(c) requires a site plan, drawn to scale, showing the location and dimensions of existing and proposed structures with supporting open facilities, the ground area to be maintained for the proposed structure or structures.
- Section VIII (B)(2)(b)(4) requirements with close attention being paid to ingress and egress, circulation, and parking to name a few of the requirements. You received this section via facsimile.
- Fencing as we discussed in the context of site security.
- Verification that you contacted and received approval for any roads, drainage, etc. from public works and City Engineering. This along with permits must be accomplished before any work activity begins.

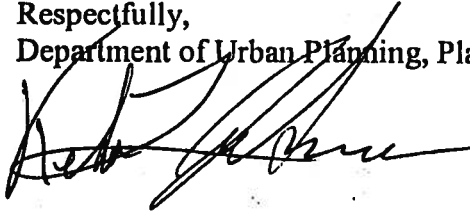
This information submittal will aid you in applying for the various permits you will need.

It is now understood that this Special Exception application solely applies to the Strip Mining activity. The recreation portion of the overall project will be accomplished at a later time through another permit process. This would involve a zoning change and Planning Commission Approval.

The required supplemental application information requested herein must be submitted to this office by July 21, 2003. If this is not met, you will be rescheduled for the September meetings. If you do not meet the deadline for the September Meetings August 5, 2003. You will need to reapply.

If you need any further assistance please contact me at 228-868-5710.

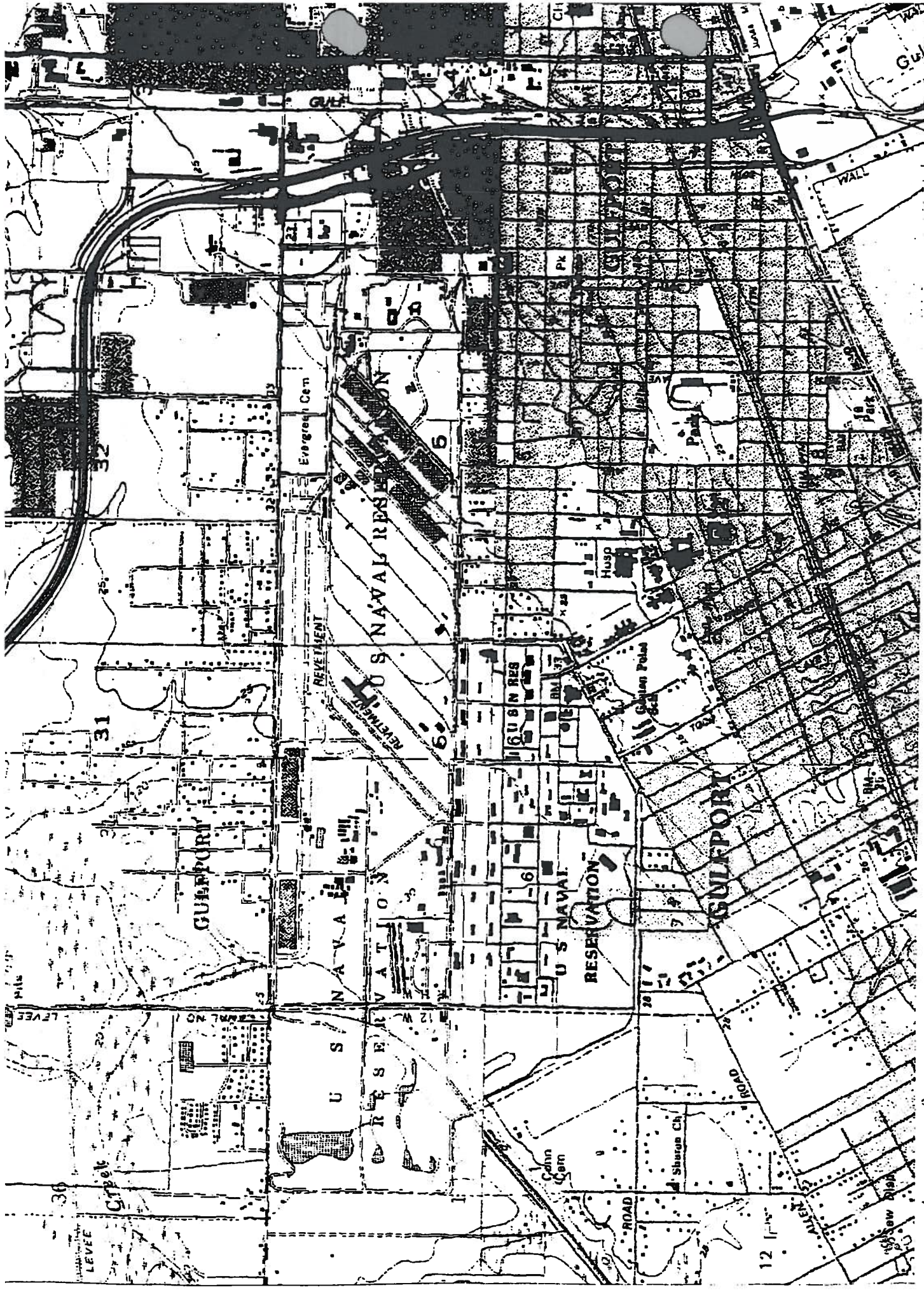
Respectfully,
Department of Urban Planning, Planning Division



Kelvin L. Jackson
Planner I

Encl.

CC Sandy Baylor
Ray Eaton
Ronald Jones
W.C. Fore



Public Hearing Location: Isaiah
 Page 545 Fredericks

ELLA HOLMES-HINES (4/2/03)
 Comprehensive Plan 2002
 City of Gulpport

FROM: MDOT Public
 Hearing 1/16/01

W. C. FORE TRUCKING, INC.

18003

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

July 14, 2003

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



Attention: Mr. Ross Williams

Reference: **Harreld Surface Mining Pit
S33, T7S, R11W
Gulfport, Harrison County, Mississippi**

Dear Mr. Williams,

Attached for your review and use is a corporate resolution enabling Mr. R. F. Gavin, as a Duly Authorized Representative, to execute the necessary documents in behalf of W. C. Fore Trucking, Inc.

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

Sincerely,


W. C. Fore
President

encl: As Listed


W. C. FORE TRUCKING, INC.

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

Reference: **Harreld Surface Mining Pit
S33, T7S, R11W
Gulfport, Harrison County, Mississippi**

On July 10, 2003 the Board of Directors met and passed a resolution to authorize **Robert F. Gavin, Project Manager**, to execute the necessary documentation, as a Duly Authorized Representative on the above captioned surface mining pit on behalf of W. C. Fore Trucking, Inc.

Said surface mining pit being **Harreld Surface Mining Pit, Gulfport, Mississippi**



Lamont Ladner
Vice President, Secretary-Treasurer

State of: Mississippi County of: Harrison

Subscribed and sworn before me this 10th day of July 2003

Notary Public: Margaret B Fore

MY COMMISSION EXPIRES
ON MAY 7, 2006

My Commission expires: _____

W. J. FORE TRUCKING, INC.

18002
MS0058912

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

July 14, 2003

RECEIVED
JUL 17 2003
Dept. of Environmental Quality
Office of Pollution Control

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

Attention: Mr. Ross Williams

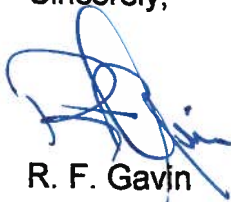
Reference: **Harreld Surface Mining Pit**
S33, T7S, R11W
Gulfport, Harrison County, Mississippi

Dear Mr. Williams,

Pursuant to our telephone conversation this morning regarding the above captioned surface mining pit, attached for your review and use is a copy of the revised pages 1 and 3 of our Form 2D Application and a copy of the quad map with the mining pit outfall located.

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

Sincerely,



R. F. Gavin

encl: As Listed



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

June 26, 2003

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

Dear Mr. Fore:

Re: Mining Notice of Intent Application
W. C. Fore Trucking, Inc.
Harreld Pit, Harrison County, MS

The Mississippi Department of Environmental Quality (MDEQ) has received your Notice of Intent (NOI) for coverage under the National Pollutant Discharge Elimination System (NPDES) Mining General Permit for the discharge of storm water from a mining site located in Section 33, Township 7 South, Range 11 West, Harrison County, Mississippi. MDEQ staff has coordinated internally with MDEQ's Office of Geology (Geology) and externally with federal agencies in a review of this NOI. This review has revealed a number of apparent inconsistencies in the description of the project as you have proposed it to these various entities. Because of these inconsistencies, we are unable to ascertain the details of the project that is being proposed and what permits or approvals may be required. It is absolutely imperative that the project be clearly defined and that every reviewing agency is reviewing the same set of facts. We strongly suggest that after reviewing this correspondence and consulting with your engineer, you meet with MDEQ staff to be sure that we have effectively communicated on these issues.

Review of the information regarding this proposed project indicates that an individual NPDES permit will be required instead of a general permit. As with all individual NPDES permits, public notice of the permit prior to a decision by the Mississippi Environmental Quality Permit Board (Permit Board) is required and, depending on the level of public interest, a public hearing may be required.

Specifically, our review of the various submittals has generated the following concerns:

1. The Storm Water Pollution Prevention Plan (SWPPP) submitted indicates that a sedimentation basin is to be located in the northwest corner of the property outside of the mining area. The Surface Mining Permit Application (Mining Application) submitted to Geology indicates that a sedimentation basin is to be located in the northeast corner of the property within the mining area. Please address this inconsistency.

2. According to the Gulfport North USGS topographic map, a perennial stream bisects the planned mining area. Chapter 3, Section IV.3.a.2 of the Wastewater Regulations requires a minimum of a 150 foot buffer distance between the mining area and the upper banks of perennial streams. Please provide documentation that W.C. Fore Trucking, Inc., will comply with this regulatory requirement.
3. According to the NOI and the Mining Application, dredging will not be part of the mining operation of this site. However, these documents also indicate that groundwater is at a depth of five (5) feet below natural grade and that the final depth of the mining operation will terminate at approximately 25 feet below natural grade. These facts appear to indicate that dredging and accompanying discharges will be required to mine the site. Please provide MDEQ with an operations plan that specifically details the method(s) to be employed to mine this site.
4. Section C of the Mining Application indicates that the site will be reclaimed through the establishment of grass cover. Information presented through media outlets and obtained by Geology indicates that the mined area will be converted to a large lake/pond. Additionally, the site plans provided to Geology do not account for the presence of the perennial stream located on site. Therefore, please provide a specific reclamation plan for this mining site. Please be aware that the reclamation plan must be amended through Geology, which is a separate submittal from your response to this letter.
5. MDEQ is aware that the U.S. Army Corps of Engineers (Corps) has made a determination that no wetlands dredge and fill permit is required for your planned activities at this site. The project described by the Corps in its determination letter, however, does not appear to be consistent with the project for which you have made application to MDEQ. Please provide MDEQ with a copy of all information submitted to the Corps regarding the wetlands permit. Please be aware that although the Corps did not require a permit for the mining of the wetland area, all surface waters, including wetlands, within the State of Mississippi are waters of the state and are regulated as such. Therefore, you may be informed of other regulatory requirements with which you must comply regarding the mining of the wetland area upon MDEQ review of the requested documentation. Also, the Corps' own analysis may change once MDEQ and the Corps are supplied with consistent and complete information on the project.
6. Pursuant to Chapter 1, Section I.C.2.a of the Wastewater Regulations, all wastewater treatment facilities must be at least 150 feet from the property boundary. Any sedimentation basins located on site must comply with this regulatory siting criteria. Furthermore, Chapter 1, Section I.C.1.d of the Wastewater Regulations requires that all wastewater treatment facilities otherwise accessible to the general public must be made inaccessible and identified by signs posted in a reasonable manner. Please provide MDEQ with a plan for compliance with these criteria.
7. Based on information provided by MDEQ's Water Quality Assessment Branch, the proposed receiving stream, Turkey Creek, is currently listed as an impaired water body on the state's Clean Water Act § 303(d) list. As such, discharge of any type of wastewater may not be permitted to the Turkey Creek without a site-specific assessment of the stream.

8. The discharge of mixed storm water and groundwater is not allowed through a storm water general permit. Therefore it appears an individual NPDES Discharge Permit application will be required for the discharge of mixed stormwater and groundwater. Please find enclosed EPA Form 1, EPA Form 2D and EPA Form 2C for your consideration (you will need to complete and submit Form 2C six months after permit issuance). This individual permit is required in addition to storm water discharge coverage as storm water may leave the site without going into the sedimentation basin first.
9. The submitted SWPPP appears to be generic in nature and does not specifically address the environmental issues at this site. Please prepare and submit a site-specific SWPPP that addresses the protection of wetlands, site security, perennial stream protection, specific storm water flow control for each area of the site, including all access roads to and from the mining area, storm water/process wastewater receiving stream identification, and the discharge route from the sedimentation basin to the receiving stream.
10. Please provide MDEQ with a scaled site map that indicates the location of all anticipated sedimentation basins, anticipated points of discharge from the sedimentation basins, location of the rain gauge, planned location of all storm water controls to be implemented at the site, property lines, specific mining areas (including acreage amount) within the total property acreage, planned storage and stockpile areas, buffer distances for all surface waters and storm water control measures, and all anticipated access roads into the total property. Additionally, please include the storm water flow direction for each area of the site to further indicate the points of discharge from the site.

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 or process water without written notification of coverage or issuance of an individual NPDES Storm Water Permit is a violation of state law. MDEQ suggests that a meeting may be beneficial in order to discuss and, if possible, to streamline these issues prior to permitting.

Additionally, please find enclosed a copy of a request for an evidentiary hearing before the Permit Board regarding your surface mining permit filed by Representative Frances Fredericks and a copy of MDEQ's response to that request, noting that any evidentiary hearings concerning the project will be consolidated after all pertinent permitting actions are taken by the Permit Board.

If you have any questions regarding the application or the permitting process, please contact me at 601-961-5171.

Sincerely,

ORIGINAL SIGNED BY
JERRY W. CAIN

Jerry W. Cain, Chief
Environmental Permits Division

Enclosure

cc: Michael Bograd, Office of Geology
Chuck D. Barlow, General Counsel, MDEQ

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

June 24, 2003

Representative Frances Fredericks
P.O. Box 10186
Gulfport, MS 39505

Dear Representative Fredericks:

This agency is in receipt of your June 18, 2003 letter to Charles Chisolm requesting an evidentiary hearing regarding the surface mining permit issued to W. C. Fore to mine an area within your district and within the City of Gulfport. As we discussed on the telephone last week, this project requires additional permits from this agency's Office of Pollution Control (stormwater and, possibly, water discharge permits). MDEQ also is in contact with the U. S. Army Corps of Engineers concerning wetlands issues on the site.

Because this project ultimately will require multiple permits from the Mississippi Environmental Quality Permit Board, and because mining at the project cannot begin until all permits are issued, we will hold your request for an evidentiary hearing during the Permit Board's consideration of these additional permits. We will keep you informed of any public comment period or public hearings scheduled on those permits. If the applicant obtains the other permits it needs for this project, we will then consolidate any additional requests for evidentiary hearing with your request. In this way, the Permit Board can hold one evidentiary hearing regarding the project instead of several.

Please feel free to contact me if you need further information on this matter. With best regards, I remain

Sincerely,



Chuck D. Barlow
General Counsel

CDB/sas

cc: Charles H. Chisolm
Phil Bass
Jerry Cain
Mike Bograd

HOUSE OF REPRESENTATIVES



COMMITTEE ASSIGNMENTS:

Public Health and Welfare,
Vice Chairman
Judiciary B
Local and Private Legislation
Penitentiary
Ways and Means

FREDERICKS

3
County
10186
Mississippi 39505
8) 864-9319
on (601) 359-2429
i@mail.house.state.ms.us

STATE OF MISSISSIPPI

June 18, 2003

Charles Chisolm, Director
Department of Environmental Quality
Post Office Box 10305
Jackson, Mississippi 39289

Dear Sir:

I am requesting a hearing on the W.C. Fore Gulfport State Park Expansion Project which consist of moving fifty-five (55) acres of land twenty-five (25) feet deep.

Our concerns are many.

Respectfully,

A handwritten signature in cursive script that reads "Frances Fredericks".

Frances Fredericks
State Representative

FF/lf



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

**Harreld Pit
S33, T7S, R11W**

**Gulfport,
Harrison County,**

Mississippi

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

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

Harreld Pit
Harrison County, Mississippi

STORM WATER POLLUTION CONTROL PLAN

Harreld Pit
S33, T7S, R11W
Harrison County, Mississippi

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

Harrelld Pit
Harrison County, Mississippi

General Requirements

This Storm Water Pollution Prevention Plan consists of certain controls appropriate for surface mining activities. These Controls shall:

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.

Post construction control measures shall include on-site infiltration, flow attenuation in vegetated swales and natural depressions and retention structures. Velocity dissipation devices may be required at the outfall of these structures and along the outfall channels provide non-erosive flows. 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.

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

Harrelld Pit
Harrison County, Mississippi

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

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

Harrel Pitt
Harrison County, Mississippi

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.
6. Encompassing various stockpiles such as fill or topsoil materials with hay bales or silt fence.
7. Properly maintaining, cleaning, 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.

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.

REPORTING

These inspections will be reported on copies of the forms provided. The report form shall be submitted semi-annually, postmarked not later than the 25th 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.

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.

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

Harrel Pitt
Harrison County, Mississippi

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, Inc. 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

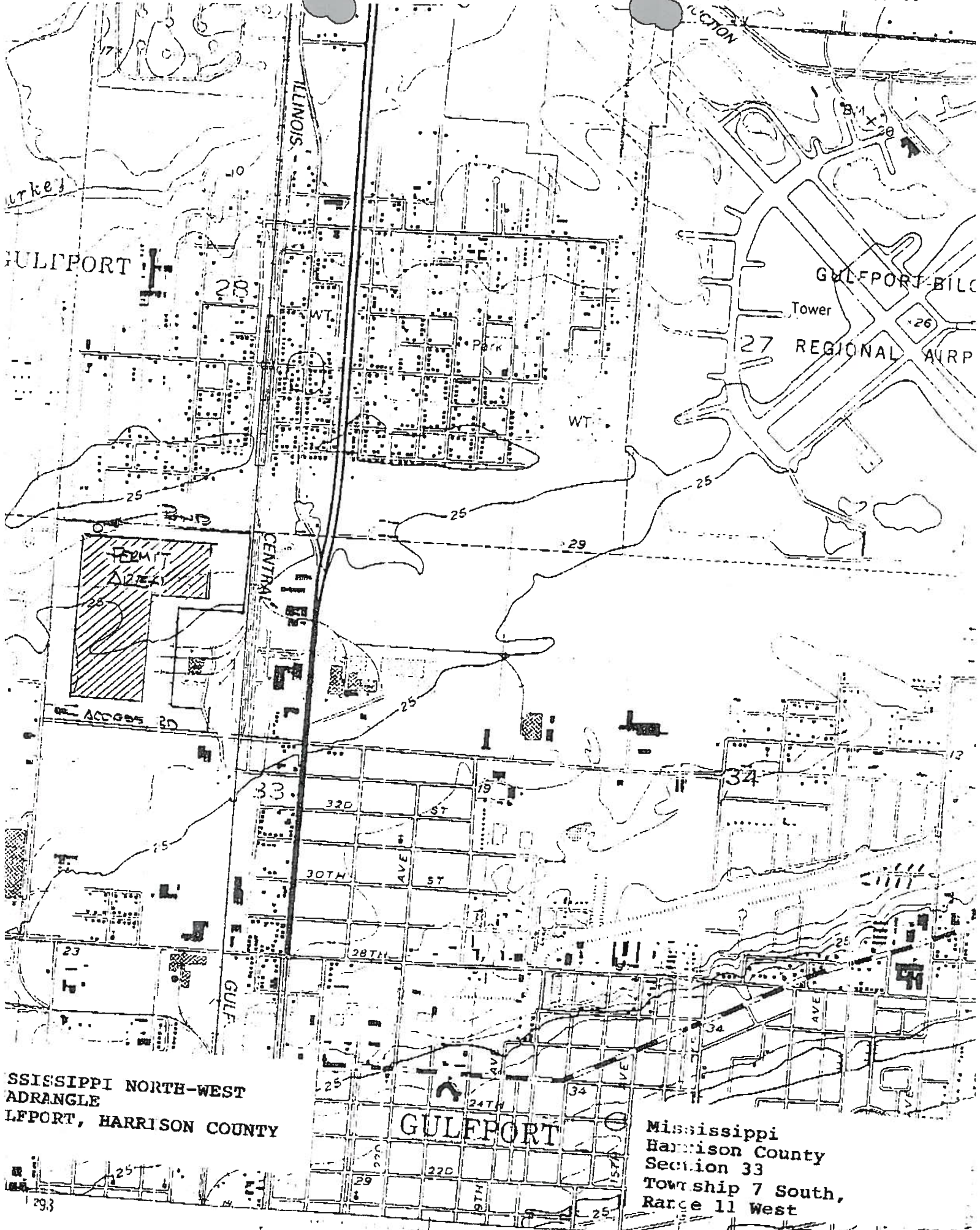
Upon successful completion of all permanent erosion control and sediment controls for a covered project, a certification of the same will be submitted to the Mississippi Office of Pollution Control. Inspections shall continue for at least two months beyond completion. If controls have been successful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

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

Harrel Pitt
Harrison County, Mississippi

ATTACHMENT 1
STORM WATER POLLUTION
PREVENTION PLAN

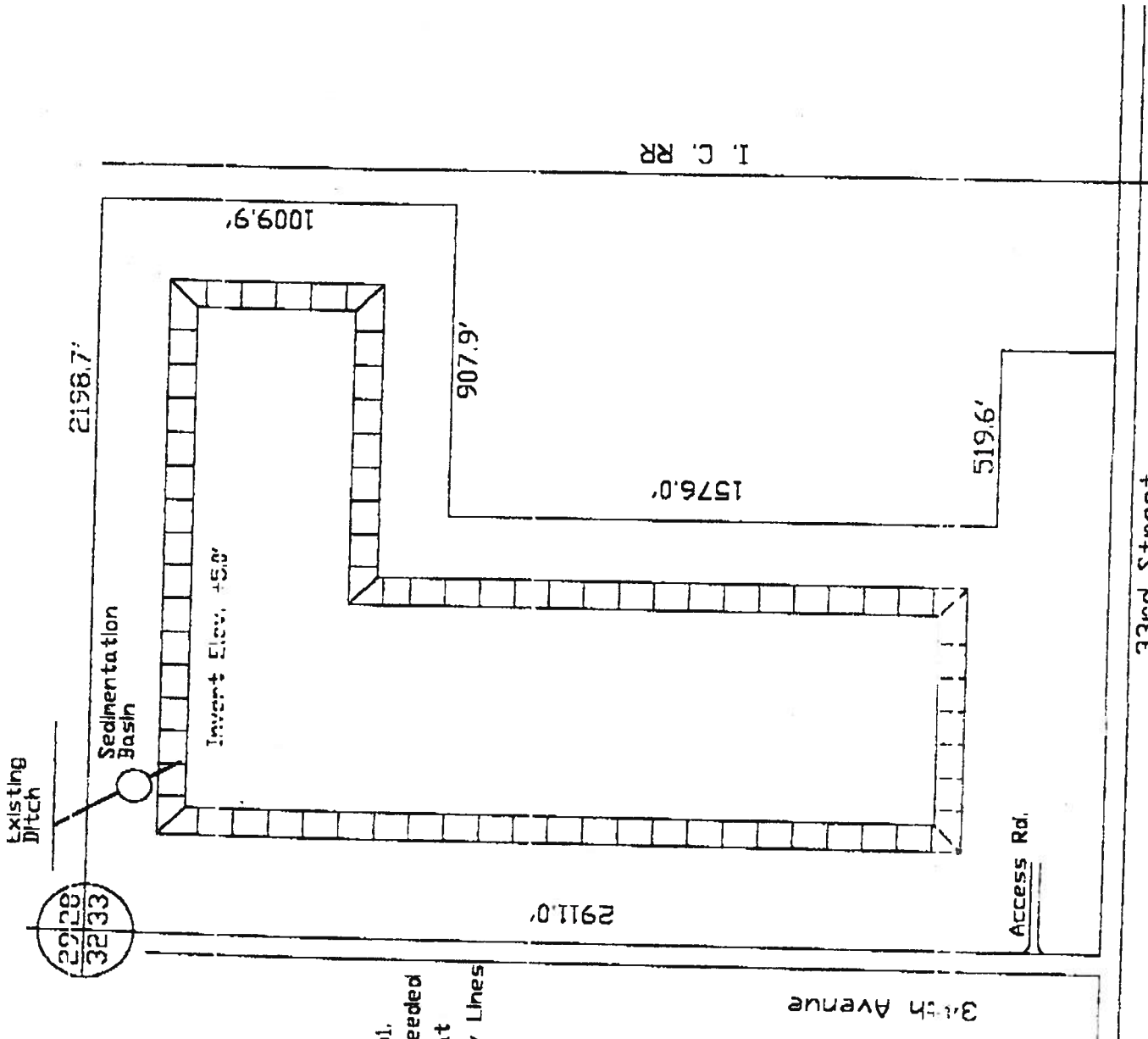
SITE LOCATION MAP
RECLAMATION SITE MAP



MISSISSIPPI NORTH-WEST
 ADANGLE
 LFPORT, HARRISON COUNTY

GULFPORT

Mississippi
 Harrison County
 Section 33
 Township 7 South,
 Range 11 West



1. All Slopes To Be Blt.
2. All Slopes To Be Seeded
3. All Buffer Zones at Road and Property Lines to be Maintained.

W. C. Fore Trucking, Inc.
Harrelld Pit, Gulfport

Reclamation Site Map
May 6, 2003

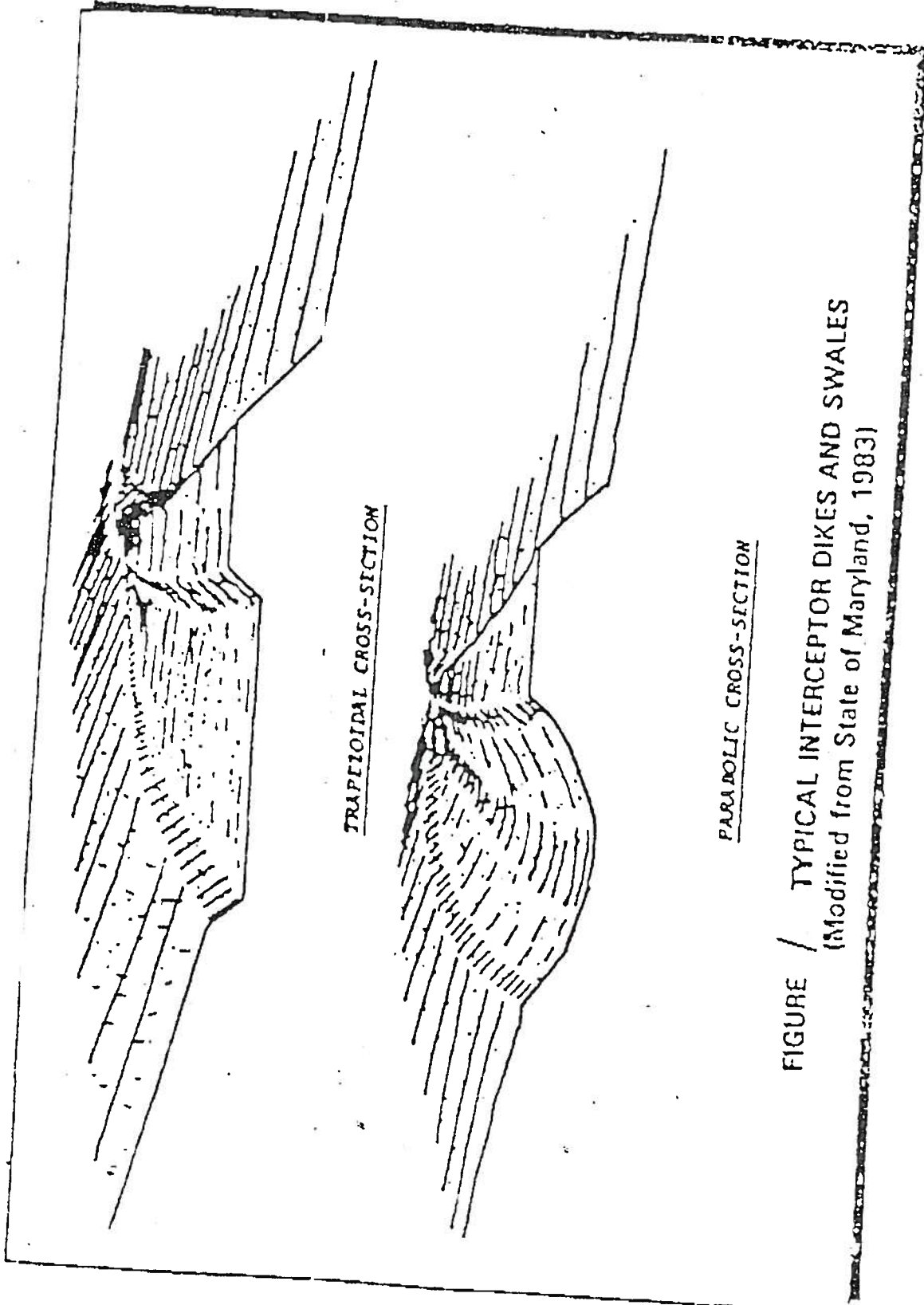


FIGURE / TYPICAL INTERCEPTOR DIKES AND SWALES
(Modified from State of Maryland, 1983)

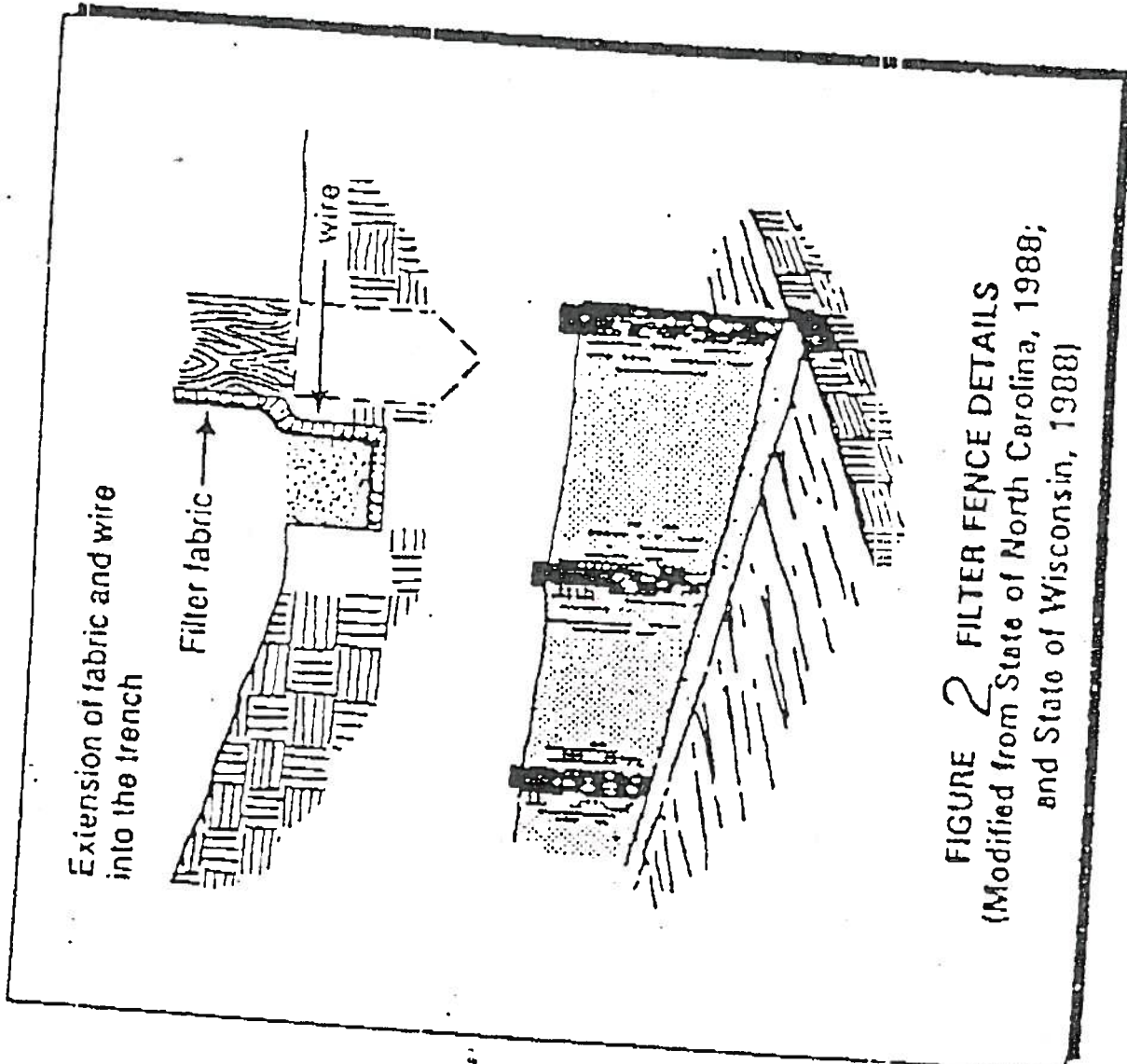


FIGURE 2 FILTER FENCE DETAILS
(Modified from State of North Carolina, 1988;
and State of Wisconsin, 1988)

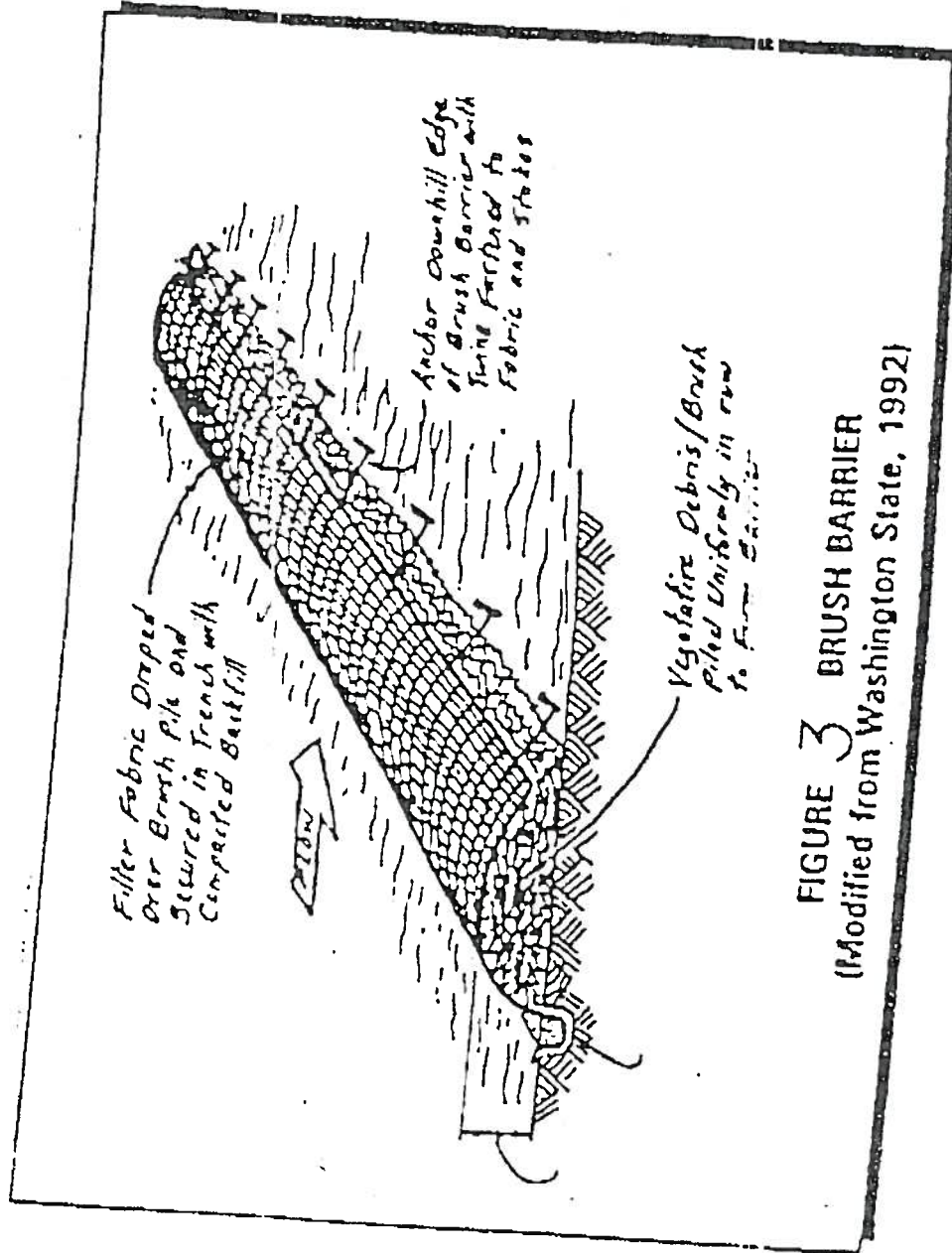


FIGURE 3 BRUSH BARRIER
(Modified from Washington State, 1992)

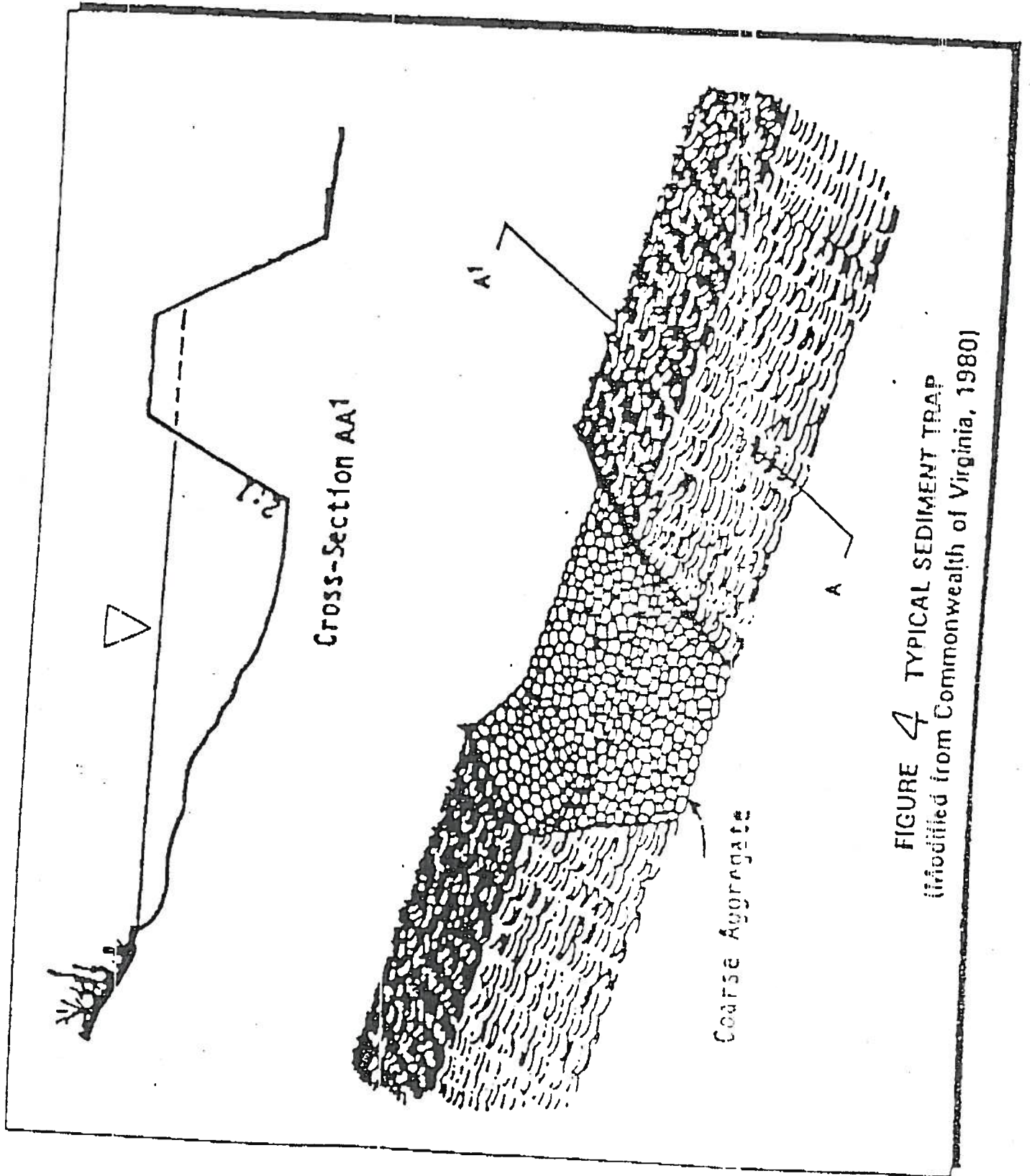
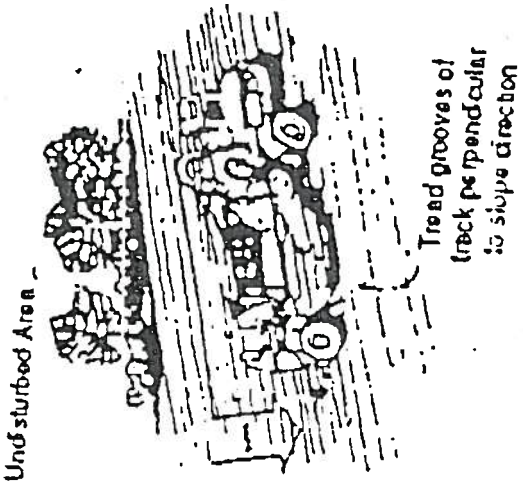
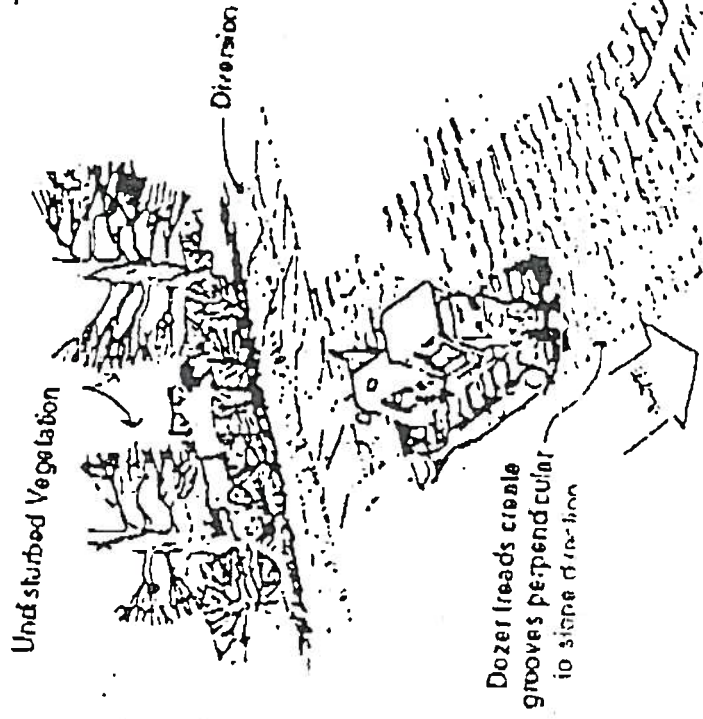


FIGURE 4 TYPICAL SEDIMENT TRAP
(Modified from Commonwealth of Virginia, 1980)



Heavy Equipment can be used to mechanically scarify slopes



Unvegetated slopes should be temporarily scarified to minimize runoff velocities

FIGURE 5 SURFACE ROUGHENING (Modified from Washington State, 1992)

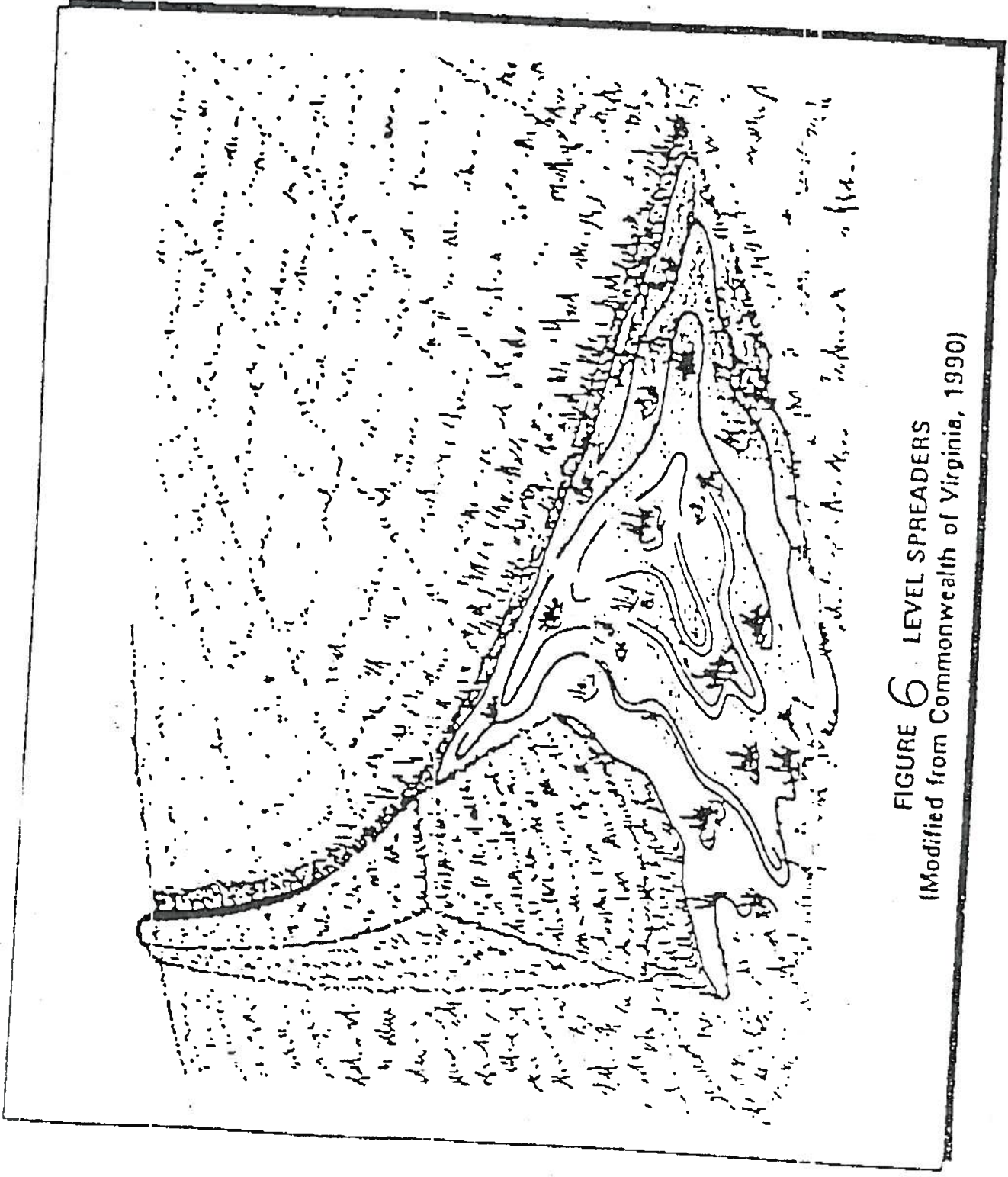


FIGURE 6 LEVEL SPREADERS
(Modified from Commonwealth of Virginia, 1990)

for Bureau use

SURFACE MINING PERMIT APPLICATION

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

P. O. BOX 20307
JACKSON, MISSISSIPPI 39289-1307
(601) 961-5532

Type of Application

- Class I
 Class II

Permit #

App. #

A. GENERAL INFORMATION

1. Name of Applicant: W. C. Fore Trucking, Inc.
Mailing Address: P. O. Box 3058, Gulfport, MS 39505
Phone: _____ Authorized Representative: _____

2. Engineering Firm, Consultant, etc.: _____
Mailing Address: _____
Phone: _____

3. Name of Mine: Harreld Pit Mine Supervisor: W. C. Fore
Phone: 228-863-1314

4. Location of Operation (to nearest quarter-quarter section):
Harrison County, Mississippi 33 7 South, 11 West Harrison
Section Township Range County

5. Type of Application
 Initial Permit for Operation
 Additional Permit to Expand Operation
 Amendment to an Existing Operation

6. Method of Operation
 Open Pit Strip Dredge
 Wash Operation, if so
 Water Source _____
Wash System Type
 Closed system Open system

7. Number of Acres to be Permitted

| | |
|-----------------------------------|-----------------------------|
| Excavation | <u>53.6</u> |
| Haul Roads | <u>1.6791</u> |
| Ponds | <u>0.25</u> |
| Storage Piles | <u>0</u> |
| Plant Site | <u>0</u> |
| TOTAL AREA TO BE PERMITTED | <u>55.5291</u> acres |

8. Is the Permit Area located:

| | YES | NO |
|---|-----|----|
| a. within 100 feet of a public road? | | XX |
| b. within 100 feet of a cemetery? | | XX |
| c. within 300 feet of an occupied building? | | XX |

If YES to a, b, or c, a petition must be filed with the Bureau to have the area approved for mining.

9. Material to be Mined: Dirt, Sand

10. Has the applicant applied for or held any other permits or licenses that pertain to this or any other mining operation?

| YES | NO |
|-----|----|
| XX | |

If "YES," list them in the space provided on page 6 and give the current status of each, including any violations or penalties.

Allen scale # 19

1" = 500 varas



MISSISSIPPI NORTH-WEST
ADRIANGLE
GULFPORT, HARRISON COUNTY

Mississippi
Harrison County
Section 33
Township 7 South,
Range 11 West

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF GEOLOGY
Mining and Reclamation Division
P. O. Box 20307
Jackson, Mississippi 39289-1307
(601) 961-5515
P U B L I C N O T I C E

Public Notice No. 1454
Application No. A1454

Date: May 13, 2003

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: W 1/2 of NW 1/4 and NE 1/4 of NW 1/4 Section 33, Township
 7 South, Range 11 West, Harrison County, Mississippi

DESCRIPTION: Applicant proposes to open pit mine 55.53 acres, with a possible wash operation, for dirt and sand to a depth of 25 feet. Erosion and sediment will be controlled by settling ponds. Reclamation will consist of 3 to 1 slopes with established grass cover. Water may be involved. No federal funds will be involved.

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 May 28, 2003, 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 May 28, 2003, 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.

SURFACE MINING PERMIT APPLICATION

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

P. O. BOX 20307
JACKSON, MISSISSIPPI 39289-1307
(601) 961-5532

App. #
A1454

Permit #

Type of Application

- Class I
 Class II

for Bureau use

A. GENERAL INFORMATION

1. Name of Applicant: W. C. Fore Trucking, Inc.
Mailing Address: P. O. Box 3058, Gulfport, MS 39505
Phone: _____ Authorized Representative: _____

2. Engineering Firm, Consultant, etc.: _____
Mailing Address: _____
Phone: _____

3. Name of Mine: Harreld Pit Mine Supervisor: W. C. Fore
Phone: 228-863-1314

4. Location of Operation (to nearest quarter-quarter section):
Harrison County, Mississippi 33 7 South, 11 West Harrison
W/2 of NW/4 & NE/4 of NW/4 Section Township Range County

5. Type of Application
 Initial Permit for Operation
 Additional Permit to Expand Operation
 Amendment to an Existing Operation

6. Method of Operation
 Open Pit Strip Dredge
 Wash Operation, if so
 Water Source _____
Wash System Type
 Closed system Open system

7. Number of Acres to be Permitted

| | |
|----------------------------|----------------------|
| Excavation | <u>53.6</u> |
| Haul Roads | <u>1.6791</u> |
| Ponds | <u>0.25</u> |
| Storage Piles | <u>0</u> |
| Plant Site | <u>0</u> |
| TOTAL AREA TO BE PERMITTED | <u>55.5291</u> acres |

8. Is the Permit Area located:

| | YES | NO |
|---|-----|----|
| a. within 100 feet of a public road? | | XX |
| b. within 100 feet of a cemetery? | | XX |
| c. within 300 feet of an occupied building? | | XX |

If YES to a, b, or c, a petition must be filed with the Bureau to have the area approved for mining.

9. Material to be Mined: Dirt, Sand

10. Has the applicant applied for or held any other permits or licenses that pertain to this or any other mining operation? YES NO
XX

If "YES," list them in the space provided on page 6 and give the current status of each, including any violations or penalties.

B. MINING PROCEDURE AND ENVIRONMENTAL ANALYSIS

| | | | | | | | | | |
|---|---|--|--|--|---|----------|--|--|--|
| <p>1. Description of Materials:</p> <p>Thickness of overburden <u>0.667</u>ft.</p> <p>Thickness of useable material <u>25.0</u> ft.</p> <p>Total depth of excavation <u>25.667</u>ft.</p> <p>Estimated annual production <u>50,000</u>tons</p> | <p>2. Anticipated Schedule (month/year)</p> <p>Begin clearing <u>5 / 03</u></p> <p>Begin mining <u>6 / 03</u></p> <p>Complete mining <u>12 / 06</u></p> <p>Begin reclamation <u>12 / 06</u></p> <p>Complete reclamation <u>1 / 07</u></p> | | | | | | | | |
| <p>3. Depth to ground water: <u>5.0</u> ft.</p> | <p>5. Types of erosion control structures that will be utilized:</p> <p><input checked="" type="checkbox"/> Settling ponds <input type="checkbox"/> Drainage ditches</p> <p><input type="checkbox"/> Diversion berms <input type="checkbox"/> Terraced slopes</p> <p><input type="checkbox"/> _____</p> | | | | | | | | |
| <p>4. How will dust be controlled?</p> <p><input checked="" type="checkbox"/> Water on haul roads</p> <p><input type="checkbox"/> _____</p> | | | | | | | | | |
| <p>6. Describe the land to be affected by mining as it presently exists (or as it existed before mining began):</p> <p>a. Land use <u>Scrub Pine</u> b. Predominant vegetation <u>Grass</u></p> | | | | | | | | | |
| <p>7. Will explosives be used?</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">YES NO</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> <input checked="" type="checkbox"/></td> <td></td> </tr> </table> | YES NO | | <input type="checkbox"/> <input checked="" type="checkbox"/> | | <p>8. Is test boring data available?</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">YES NO</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> <input checked="" type="checkbox"/></td> <td></td> </tr> </table> | YES NO | | <input type="checkbox"/> <input checked="" type="checkbox"/> | |
| YES NO | | | | | | | | | |
| <input type="checkbox"/> <input checked="" type="checkbox"/> | | | | | | | | | |
| YES NO | | | | | | | | | |
| <input type="checkbox"/> <input checked="" type="checkbox"/> | | | | | | | | | |
| <p>9. Are toxic materials likely to be encountered at any time?</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">YES NO</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> <input checked="" type="checkbox"/></td> <td></td> </tr> </table> | YES NO | | <input type="checkbox"/> <input checked="" type="checkbox"/> | | <p>10. Will there be any discharge to local streams or other bodies of water?</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">YES NO</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> <input checked="" type="checkbox"/></td> <td></td> </tr> </table> | YES NO | | <input type="checkbox"/> <input checked="" type="checkbox"/> | |
| YES NO | | | | | | | | | |
| <input type="checkbox"/> <input checked="" type="checkbox"/> | | | | | | | | | |
| YES NO | | | | | | | | | |
| <input type="checkbox"/> <input checked="" type="checkbox"/> | | | | | | | | | |

If any of questions 7-10 are answered "YES," provide additional information on page 6.

C. RECLAMATION PLAN

| | |
|---|---|
| <p>1. Describe the soil handling technique for the reclamation phase of the operation:</p> <p><input checked="" type="checkbox"/> Topsoil segregated <input type="checkbox"/> Mixed strata <input type="checkbox"/> _____</p> | |
| <p>2. If topsoil or other material will be stored, describe the protection method:</p> <p><input type="checkbox"/> berm around the storage pile</p> <p><input checked="" type="checkbox"/> grass cover on the pile</p> <p><input type="checkbox"/> stored under a cover</p> <p><input type="checkbox"/> _____</p> | <p>3. How will highwalls, standing faces, and banks be reduced to minimize erosion? (all highwalls must be sloped)</p> <p><input type="checkbox"/> slopes will be terraced</p> <p><input type="checkbox"/> sloped to a gradient of _____ to 1</p> <p><input type="checkbox"/> blended with surrounding contours</p> <p><input checked="" type="checkbox"/> No Highwalls</p> |
| <p>4. What is the general plan for reclamation?</p> <p><input type="checkbox"/> reforestation</p> <p><input checked="" type="checkbox"/> establish grass cover</p> <p><input type="checkbox"/> pond or lake</p> <p><input type="checkbox"/> _____</p> | <p>5. What planting method will be used?</p> <p><input checked="" type="checkbox"/> broadcast seed <input type="checkbox"/> mechanical seeding</p> <p><input type="checkbox"/> seeding by manual labor</p> <p><input type="checkbox"/> _____</p> <p>_____</p> |

6. How will fertilizer and lime be applied and incorporated?
 harrowing broadcasting disking

7. Quantity of lime and fertilizer to be applied:
a. For initial planting
lime: 2 tons per acre
fertilizer: 13-13-13 (type) 400 pounds per acre
b. For successive years prior to 100% release
fertilizer: 13-13-13 (type) 200 pounds per acre
when: April (month)

8. Describe the planting schedule (see NOTE, page 5):

| <u>Seed Species</u> | <u>lbs/acre</u> | <u>Planting Season</u> |
|---------------------|-----------------|------------------------|
| <u>Bahia</u> | <u>30</u> | <u>April</u> |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

9. Will the area be mulched: yes no
If yes, rate per acre _____
Method of holding in place: tacked with asphalt crimped _____

10. How will the vegetation be maintained until the final bond release?
 watering
 mowing
 times per year _____
 approximate month(s) _____, _____, _____
 repairing gullies
 replanting eroded areas

11. How will debris be disposed of when the mine is finally closed?
 burying burning hauling away

12. Will a soil analysis be submitted for this site? yes no
NOTE: available from the Cooperative Extension Service through the applicant's County Agent

13. Estimated cost per acre for reclamation of this site: 300.00

D. NAMES AND ADDRESSES OF PERSONS
AFFECTED BY THIS OPERATION

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

Name: W. C. Fore

Address: POB 3058

Gulfport, MS 39505

Phone: 226-863-1314

Name: _____

Address: _____

Phone: _____

2. Landowner(s) within 500 feet of the area

Name: Hancock Bank

Address: Gulfport, MS 39501

Phone
(if known): _____

Name: Issac Trucking

Address: 33rd Street

Gulfport, MS 39501

Phone
(if known): _____

Name: _____

Address: _____

Phone
(if known): _____

Name: _____

Address: _____

Phone
(if known): _____

3. Person(s) living on permit area

Name: None

Address: _____

Phone
(if known): _____

Name: _____

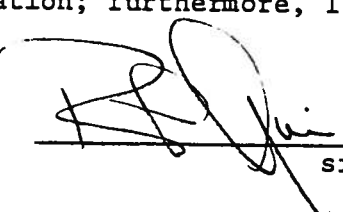
Address: _____

Phone
(if known): _____

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.

May 7th, 2003

date


signature

R. F. Gavin

printed name

Project Manager

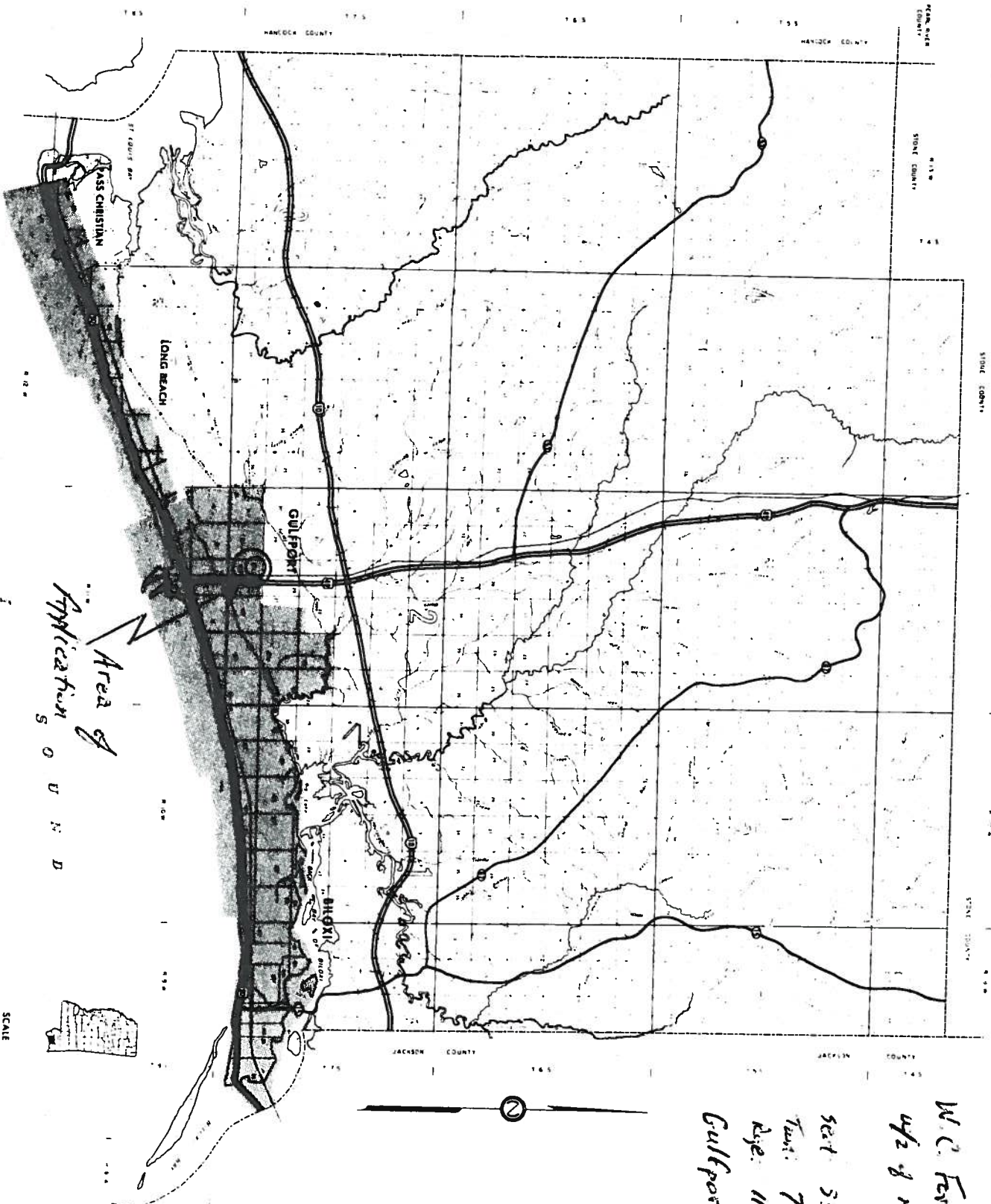
title

E. ADDITIONAL REQUIREMENTS

The following described fee, documents and information, as required by the Mississippi Surface Mining and Reclamation Act, must be submitted to the Bureau of Geology before the application can be processed:

1. APPLICATION FEE: Amount varies according to material being mined and size of the permit area. See Appendix A of the Rules and Regulations for the Fee Schedule.
2. CERTIFICATE OF INSURANCE: Available from the applicant's insurance agency; 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 AREA TO BE PERMITTED" 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.
5. MAPS, AERIAL PHOTOGRAPHS, OR DRAWINGS of the mine area:
 - A. On a USGS Topographic Map:
 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
 1. location of excavations, spoil piles, settling ponds, plant, etc.
 2. a yearly mining plan (showing area to be mined each year)
 3. a minimum of two (2) cross-sections (one generally in a N-S direction and one in an E-W direction) showing the present configuration and the configuration upon completion of reclamation
 4. a yearly reclamation plan (showing area to be reclaimed each year)
 5. a diagrammatic illustration of the site upon completion of the reclamation

(On the above drawings, use scale of 1" = 400', give date prepared, preparer, and north arrow; on cross-sections use lined paper, give scales, vertical and horizontal, date prepared and preparer.)



MISSISSIPPI

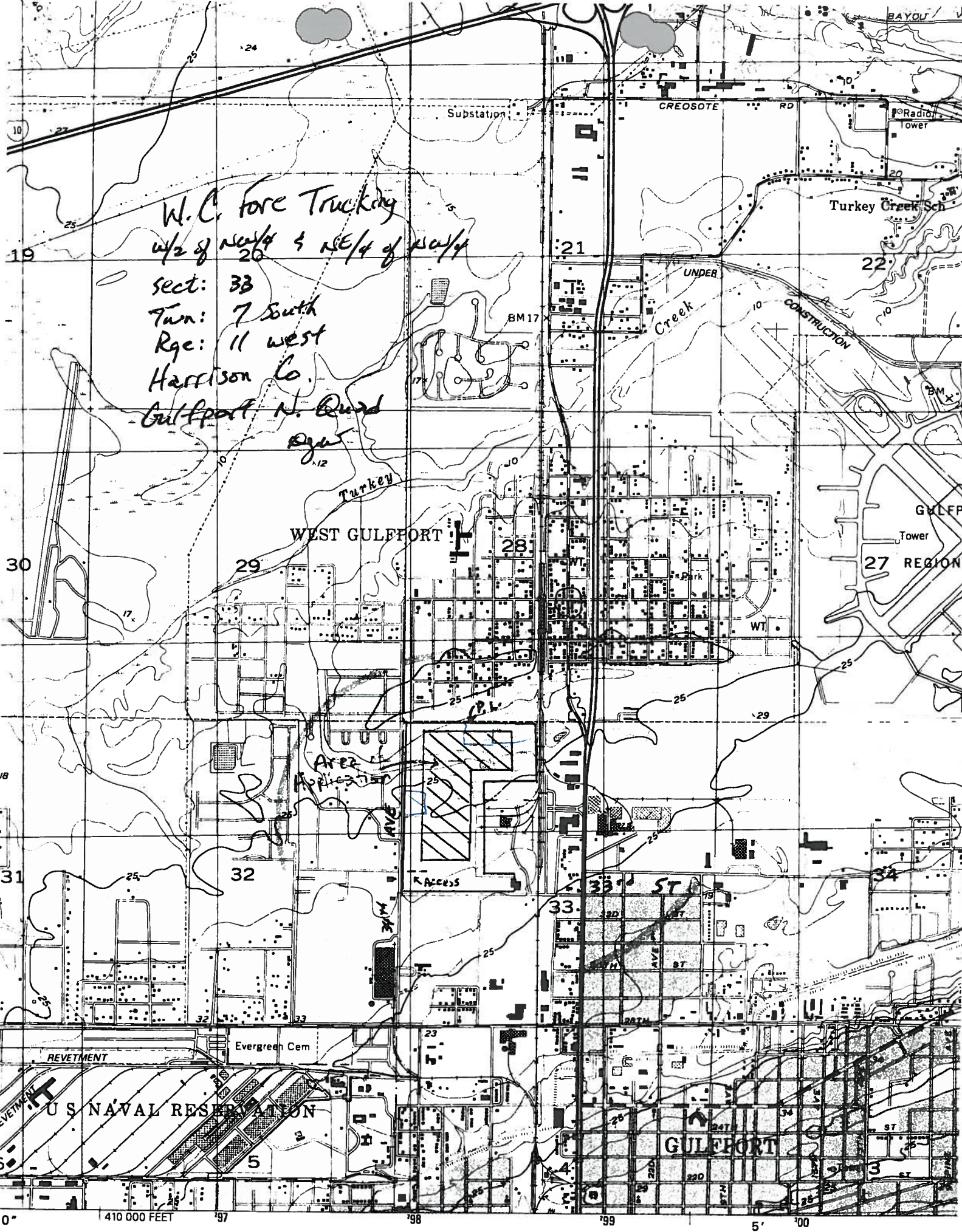
Area of Application

W.C. Fore Trucking
 w/2 of w/4 & NE/4 of w/4
 Sect 35
 Twp: 7 south
 Rge: 11 west
 Gulfport North Quad
 Rife

HARRISON COUNTY

MISSISSIPPI

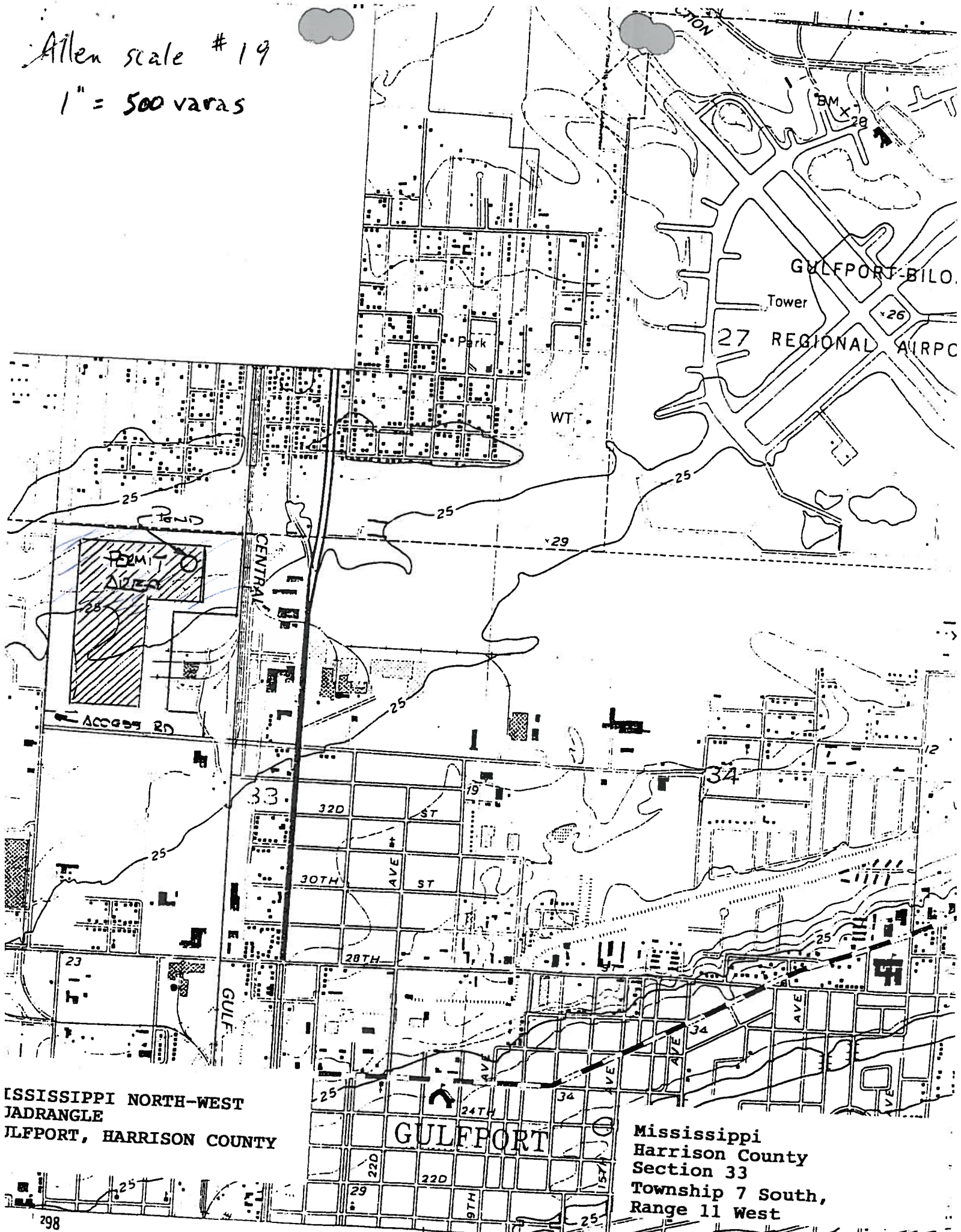




W.C. Fore Trucking
 w/2 of sec 26 & nE/4 of sec 24
 sect: 33
 Twp: 7 South
 Rge: 11 west
 Harrison Co.
 Gulfport N. Canal

Allen scale # 19

1" = 500 varas



MISSISSIPPI NORTH-WEST
JADRANGLE
GULFPORT, HARRISON COUNTY

Mississippi
Harrison County
Section 33
Township 7 South,
Range 11 West



2928
3233

2198.7'

34th Avenue

2911.0'

Access Rd.

50.2ac. ST

Pond

1576.0'

111.2ac. ST

907.9'

1009.9'

519.6'

I. C. RR

33rd Street

W. C. Fore Trucking, Inc.
Harreld Pkt, Gulfport

Site Plan
May 6, 2003

TRUST

GRADE
TARR
COL

PAMELA EDWARDS
ETAL

WILLIAM
DURHAM

HAROLD
WILLIAMS

WILSON
HARRIS
ETAL

HANCOCK
BANK

PERMIT
AREA

GULF
CONDOS INC

GULF
SOUTH
INC

COAST
COOL
COL
BOTTLING

US
COAT

GULFPORT
SHOPPING
CENTER

WILLIAM
DURHAM

LOWES
HOME
CENTERS
INC

VINCENT
WEST

HAROLD
WILLIAMS

AGE
CORP

EDGEWOOD
MANOR
INC

AVOS
CASING
INDUS

EVERGREEN CLUB &
RIDGE GARDENS
CEM

MS GULFPORT
COMPRESS CO

GULF
MUNICIPAL
DISTRICT

WILSON
HARRIS, ETAL

WILSON
HARRIS

FAULKNER
CONCRETE
PIPE CO

MS
POWER
CO

STREET
SANNY
KISER

34TH
AVENUE

SEE SHEET



W C Fore Trucking Inc, Harreld Pit

AI General Information

| AI ID | Branch | SIC | County | Basin | Start | End |
|-------|-----------------------------------|------|----------|-----------------------|------------|-----|
| 18002 | Mining and Solid Waste Management | 1629 | Harrison | Coastal Streams Basin | 05/23/2003 | |

Physical and Mailing Address

| Physical Address (Primary) | Mailing Address |
|---|-----------------------------------|
| 33rd Street and 34th Avenue Gulfport, MS 39505 | PO Box 3058 Gulfport, MS 39505 |

Telecommunications

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

Alternate / Historic AI Identifiers

| Alt ID | Alt Name | Alt Type | Start Date | End Date |
|--------|---|--------------------|------------|----------|
| 18002 | W. C. Fore Trucking, Inc., Harreld Pit | Official Site Name | 05/23/2003 | |

Regulatory Programs

| Program | SubProgram |
|---------|------------------------|
| Water | Mining Stormwater |
| Water | NPDES Minor Industrial |

Date/Time: 3/1/2004 3:12:01 PM

[MDEQ](#) | [EPD](#) | [ECED](#) | [DID](#) | [enSearch](#) | [enSearch Online](#) | [CTS](#)

Brown & Mitchell, Inc.

Engineers & Environmental Consultants

Gulfport, MS – Biloxi, MS

RECEIVED
NOV 3 - 2003
Dept. of Environmental Quality
Office of Pollution Control

October 30, 2003

Ms. Michelle Vinson
Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

**RE: Brickyard Bayou
Gulfport, Mississippi**

Dear Ms. Vinson:

Pursuant to your request, please find enclosed copy of our *Brickyard Bayou Drainage Improvement Study* dated December, 1994, as well as copy of some information relative to dioxin sampling conducted by the Naval Construction Battalion Center in Gulfport.

We hope this information will be helpful to you. Should you need any additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Dax Alexander" followed by a circled monogram "KMP".

Dax Alexander, P.E.
Project Engineer

Enclosures

O:\Michelle\1799\Vinson DEQ trans.ltr



NAVAL CONSTRUCTION BATTALION CENTER

Gulfport, Mississippi
Installation Restoration Program

20

This fact sheet is one in a series informing interested citizens of the environmental investigations and remedial actions at Naval Construction Battalion Center (NCBC) Gulfport. Fact sheets will be produced at program milestones and in response to other items of public interest. Distribution is coordinated through the Public Affairs Office at NCBC Gulfport, (601) 871-2393.

FACT SHEET 20: Results of Dioxin Sampling -- Off-Base Results

Introduction

Fact Sheets 5 and 14 discussed the results of two earlier rounds of off-base sampling at the Seabee Center. This fact sheet provides a brief summary of the results of sampling completed in May 1997.

Background

The earliest rounds of sampling showed that dioxin may be moving through the storm drainage ditches on the base. This stormwater eventually drains off the base through "outfalls" shown on Figure 1 on the last page of this fact sheet.

The current sampling program is designed to test the soil and water in the ditches to find out if contamination is present. This program is divided into two phases. The first phase, reported here, looked at a large area to determine where more study is needed. The second phase, to begin in the fall of 1997, will focus on areas where higher levels of contamination were found in the first phase. A more complete evaluation of the data will follow the second phase of the study.

The Sampling Program

The sampling program was broken up into six ditches and streams known to receive water from Seabee Center. The one's that were looked at included:

- Canal No. 1
- Turkey Creek
- Brickyard Bayou
- Bernard Bayou
- Outfall 3 Swamp
- Outfall 4 Ditch

The locations of these samples within each drainage area are shown on the map on the last page of this fact sheet.

How Samples Were Selected

The sampling program is designed to find the highest concentrations of dioxin as quickly as possible. Seabee Center samplers are now able to predict where dioxin will be found because of a recent discovery. Scientists have found that dioxin concentrations are usually highest in rich, dark soils, particularly in slow-moving water where dioxin can settle out. They also know that *nearby locations with lighter colored sandy soils or soils in areas of faster moving water may not contain dioxin.* Using this information, samples were collected from rich sediment in slow-moving areas of streams and ditches.

What Was Found

The results of the sampling for each drainage pathway are shown on the next two pages. The results are shown in parts per trillion, or ppt. A part per trillion of dioxin is equal to one particle of dioxin in 1,000,000,000,000 particles of soil or sediment.

Next Steps

A Phase II investigation will be conducted in the fall of 1997. It will include additional sampling in these areas:

- Bernard Bayou and Brickyard Bayou, to make sure that the extent of dioxin in sediments has been identified;
- Outfall 3 Swamp, to determine if dioxin contamination extends beyond the swamp area; and
- the new ditch along 28th Street, to confirm that dioxin has not moved from Outfall 3 North.

The results of the Phase II investigation should be available in the spring of 1998.

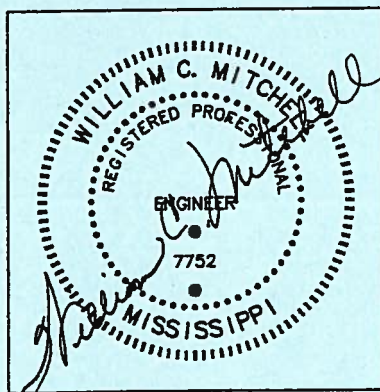
BRICKYARD BAYOU

DRAINAGE IMPROVEMENT STUDY

PREPARED FOR



CTY OF GULFPORT, MISSISSIPPI



DECEMBER, 1994

BROWN & MITCHELL, INC.
Engineers & Environmental Consultants

521 34th Street Gulfport, Mississippi 39507
PH. (601) 864-7612 FAX. (601) 864-7676

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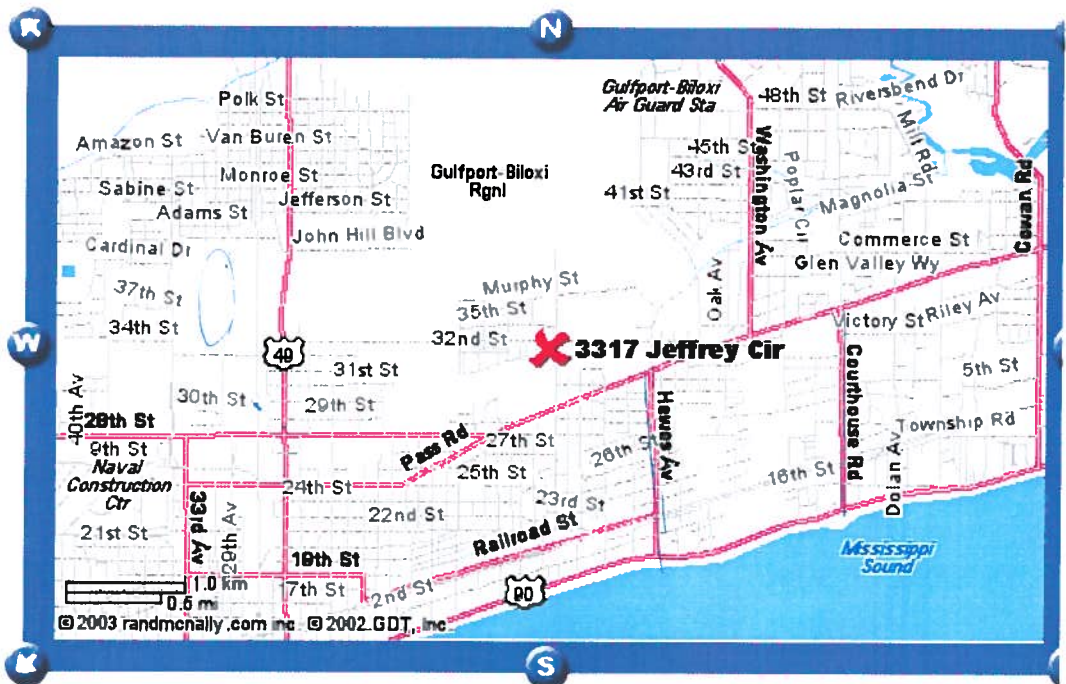
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highest flood elevations @ this house from July '85 flood.

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Must flood prone house for 25-yr and 100-yr flood elevations.

Increase Map Size

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BRICKYARD BAYOU DRAINAGE IMPROVEMENT STUDY
prepared for
THE CITY OF GULFPORT, MISSISSIPPI

INTRODUCTION

Brown & Mitchell, Inc., was retained by the City of Gulfport, Mississippi, in May 1993 to investigate and recommend solutions to drainage problems on Brickyard Bayou, between Bernard Bayou and 30th Avenue. The study reach was later reduced to cover only the area between Courthouse Road and 28th Street, as most of the flooding and the causes of the flooding are located within this reach. This report presents the results of the study and includes hydraulic calculations, cost estimates, and recommendations for making drainage improvements.

Brickyard Bayou originates in Southwest Gulfport near the U.S. Naval Reservation, approximately 4000 feet north of the Gulf, and flows northeastward generally parallel to the beach for a distance of 6.65 miles to its entrance to Bernard Bayou 9000 feet north of the Gulf. The drainage area at the mouth is 6.09 square miles. Almost all of the Brickyard Bayou channel and adjacent floodplain has been cleared of vegetation and is maintained in a clean condition between Bernard Bayou and Courthouse Road. Between Courthouse Road and 28th Street, the channel down to normal low water elevation and almost all of the adjacent floodplain is heavily vegetated with trees and brush, except for the cleared airport area between Hewes Avenue and Strawberry Road.

The U.S. Army Corps of Engineers, Mobile District, completed a Section 205 Initial Appraisal Report for flood control on Brickyard Bayou in April, 1986. The study area consisted of a 4.2 mile reach of stream beginning at Mill Road and extending upstream to U.S. Highway 49. This study was undertaken soon after the major storm of July 5-6, 1985, which produced 9.8 inches of rainfall within a 24-hour period and flooded approximately 180 houses in Gulfport. Most of these houses were flooded by Brickyard Bayou. The Gulfport Engineering Department recovered high water elevations of 10.73 feet from the foundation of the house at 3317 Jeffrey Circle and 11.14 feet from a small building at the north end of Brookwood Avenue following this flood. A total of 103 structures located between 8th Avenue and 28th Street were reported to have been flooded. No other serious flooding was reported in the study area.

The Corps of Engineers considered several alternative plans for flood damage reduction and selected clearing and snagging of the channel between Courthouse Road and 28th Street as the most practical alternative. The estimated total project first cost was \$356,000 and the estimated annual cost was \$34,200. The estimated total average annual flood damages under existing conditions were \$25,200. Based on these figures, the Corps of Engineers found that a practical and economically feasible plan for flood protection on Brickyard Bayou could not be implemented at that time.

The Corps of Engineers is now preparing a Section 205 Reconnaissance Report for flood control in Hancock, Harrison, and Jackson Counties. This report should be completed in late 1994 or early 1995, and will include an updated study on Brickyard Bayou. If the Corps finds an economically feasible flood control method for Brickyard Bayou as a result of this study, a more detailed study will be made. This more detailed study will take about one year to complete.

Gee & Jenson, Engineers, Architects, Planners, Inc., completed a flood insurance study for the City of Gulfport on July 4, 1988. This report presented a Brickyard Bayou Hydrologic Analysis and flood profiles extending from Bernard Bayou to 24th Avenue.

The City of Gulfport Engineering and Public Works Departments provided files for use that included July 5, 1985, flood high water mark locations and elevations and property ownership maps along Brickyard Bayou.

HYDROLOGIC ANALYSIS

The 1991 U.S. Geological Report "Flood Characteristics of Mississippi Streams," prepared in cooperation with the Mississippi Department of Transportation, was used to determine peak discharge - flood frequency relationships for Brickyard Bayou. This report shows the coastal region to be in Flood-Frequency Region 1 (Coastal Plains Upland), but neither the Mississippi Department of Transportation nor the U.S. Geological survey consider the regional flood-frequency equations developed for Region 1 to be fully representative of the flat coastal region of the State extending roughly 20 miles inland from the Gulf of Mexico. The flood characteristics of the coastal streams lie somewhere between the characteristics of those in Region 1 and those in the flatter Region 3 (Delta Area).

The median slope of streams used to develop the equations in Region 1 was 10.2 feet per mile and the median slope used to develop the equations in Region 3 was 1.0 foot per mile (see Table 5 on page 38 of "Flood Characteristics of Mississippi Streams"). The slope (as defined in "Flood Characteristics of Mississippi Streams") of Brickyard Bayou in the study reach is approximately 6 feet per mile.

Based on this slope comparison, the peak discharge - flood frequency relationship for Brickyard Bayou was determined by averaging the peak discharges computed using equations developed for Region 1 with the peak discharges computed using equations developed for Region 3. This peak discharge - flood frequency relationship is shown in Table 1.

The Brickyard Bayou peak discharge - flood frequency relationship developed as discussed above was adjusted for effects of urbanization by using the seven-parameter equations developed by V. B. Sauer and others, as presented in "Flood Characteristics of Urban Watersheds in the United States: U.S. Geological Survey Water Supply 2207" and discussed in the report "Flood Characteristics of Mississippi Streams". This method of adjusting

flood-frequency equations for the effects of urbanization considers the percentage of the drainage basin occupied by impervious surfaces, such as houses, buildings, streets, and parking lots, and a basin development factor which is determined by considering the following parameters:

1. Percentage of main drainage channels and principal tributaries within the basin that have been improved by straightening, enlarging, deepening, and clearing.
2. Percentage of main drainage channels and principal tributaries within the basin that have been lined with an impervious material.
3. Percentage of secondary tributaries within the basin that consist of storm sewers or storm drains.
4. Percentage of the basin that is covered by residential, commercial, and/or industrial development having streets and highways constructed with curb and gutter and storm sewers.

*
Brickyard Bayou peak discharge - flood frequency relationship adjusted for urbanization is also shown in Table 1.

HYDRAULIC ANALYSIS

Flood profiles were computed along Brickyard Bayou from Courthouse Road to 28th Street using the U.S. Army Corps of Engineers Hydrologic Engineering Center (HEC-2) Water-Surface Profiles computer program.

Brickyard Bayou cross-sections taken at 11 locations from the City of Gulfport contour maps (developed from 1979 aerial photographs) were compared with cross-sections surveyed at the same locations. This comparison showed that the cross-sections taken from the contour maps were not accurate enough for flood profile calculations. Therefore, 29 additional cross-sections (for a total of 40) were surveyed between Courthouse Road and 28th Street.

Roughness coefficients (Mannings "n") used in the hydraulic calculations were assigned along the cross-sections based on field observations. The main channel n values vary from 0.04 to 0.08, and floodplain n values vary from 0.04 to 0.250.

The starting water surface elevations at the downstream side of Courthouse Road used in the profile calculations were determined from a stage-discharge relation developed from flood profile elevations and corresponding discharges given in the City of Gulfport Flood Insurance Study.

The computed profiles are shown on the drawing entitled "Brickyard Bayou Flood Profiles". Computed 100-year and 25-year flood profiles with existing channel and floodplain conditions are shown along with a 25-year flood profile calculated with a channel n value of 0.03 (estimated n value with one year growth after clearing and snagging) and a channel n value of 0.04 (estimated n value with 2 to 3 year growth after clearing and snagging).

The profile calculations show that clearing and snagging will lower a 25-year flood at Eighth Avenue 2.2 feet with n=0.03 and 1.3 feet with n=0.04.

At 28th Street, clearing and snagging will lower a 25-year flood by 3.1 feet with n=0.03 and 2.0 feet with n=0.04.

The most flood prone house on the Brickyard Bayou floodplain is at 3368 Johnson Circle with a floor elevation of 10.61. This house is plotted at Station 15730 on the Brickyard Bayou flood profiles. The Brickyard Bayou flood of July 5, 1985, crested at an elevation of 11.14 feet near this location. The following flood elevations were computed for this house location:

| <u>Flood</u> | <u>Computed Stage at 3368 Johnson Circle</u> |
|--------------------------------|--|
| 100-Year (existing conditions) | 13.55' |
| 25-Year (existing conditions) | 11.98' 1.37' above floor |
| 10-Year (existing conditions) | 11.06' |
| 25-Year (n=0.04) | 10.44' 0.17' below floor |
| 25-Year (n=0.03) | 9.45' 1.16' below floor |

The most severe street flooding on the Brickyard Bayou floodplain occurs on Johnson Circle in Bayou View West Subdivision. The profile of Johnson Circle is plotted on the "Brickyard Bayou Flood Profiles." These profiles show that the depth of a 25-year flood with existing channel conditions at the west end of Johnson Circle is 3.5 feet. The 25-year flood depth would be 1 foot with the channel n value reduced to 0.03 and 2 feet with the channel n value reduced to 0.04.

CHANNEL IMPROVEMENT ALTERNATIVES

Three channel improvement alternatives for reducing flooding on Brickyard Bayou were evaluated. These alternatives are as follows:

Alternative No. 1 - Clear and Snag Channel from Courthouse Road to near 28th Street (except for already clean airport area between Hewes Avenue and Strawberry Road).

As discussed in the previous section, "Hydraulic Analysis", house flooding at a 25-year flood level would be eliminated by clearing and snagging, if the channel was maintained to keep the roughness coefficient below about 0.04. Streets in the west part of Bayou View West Subdivision would still flood to a depth of about 2 feet with channel n values of 0.04. Elimination of street flooding at the 25-year flood level would require channel improvements in addition to channel cleaning.

The total cost estimate for this project is \$600,000 and a breakdown of the cost estimate of Alternate No. 1 is given in Table No. 2.

Alternate No. 2: Earthen channel widening from Washington Avenue to near 28th Street and clearing and snagging of existing channel from Washington Avenue down to Courthouse Road.

Both house flooding and street flooding along Brickyard Bayou from a 25-year flood could be eliminated by clearing and snagging the existing channel from Courthouse Road to Washington Avenue and by increasing the size of the earthen channel from Washington Avenue to 28th Street. The required bottom width of the improved channel would vary from 55 feet at Washington Avenue to 40 feet at 28th Street. The depth would be about 9 feet and the sides would be sloped back on a 3 horizontal to 1 vertical slope. A channel roughness coefficient of 0.04 was used to determine the above required channel sizes.

The total cost estimate for this project is \$1,190,000 and a breakdown of the cost estimate of Alternate No. 2 is given in Table No. 3.

Alternate No. 3: Concrete paved channel from Washington Avenue to near 28th Street and clearing and snagging of existing channel from Washington Avenue down to Courthouse Road.

A relatively maintenance free alternative for eliminating both house and street flooding along Brickyard Bayou at the 25-year flood level is concrete paving the channel from Washington Avenue to near 28th Street and clearing and snagging the existing channel from Courthouse Road to Washington Avenue. The required bottom width of the paved channel would vary from 20 feet at Washington Avenue to 15 feet at 28th Street. The depth would be about 9 feet and the side slopes 2 horizontal and 1 vertical.

The total cost estimate for this project is \$5,365,000 and a breakdown of the cost estimate of Alternate No. 3 is given in Table No. 4.

CONSTRUCTION AND MAINTENANCE ROADWAY

Brickyard Bayou water depth between Courthouse Road and Hewes Avenue may be sufficient for clearing and snagging operations to be conducted from within the channel banks and construction of a roadway along the channel may not be required in this area. Upstream from Strawberry Road a construction roadway will probably be required. This roadway could be either a temporary roadway constructed to meet minimum requirements for construction operations, or it could be a well graded, aggregate surfaced, permanent maintenance roadway.

A roadway would not be needed in a 900 foot reach east of Washington Avenue where Canal Street is adjacent and parallel to Brickyard Bayou and in the airport area between Hewes Avenue and Strawberry Road.

The best roadway locations appear to be as follows:

1. Courthouse Road to 900 feet east of Washington Avenue - The roadway should be on the south bank of Brickyard Bayou.
2. Washington Avenue to Hewes Avenue - Roadway along south bank.
3. Strawberry Road to 34th Street - Roadway along north bank.
4. 34th Street to 8th Avenue - Roadway along south bank.
5. 8th Avenue to west side of Bayou View West Subdivision - Limited space for construction of roadway in this area because of development on both sides of Brickyard Bayou. The best location is probably along the north bank through Bayou View West Subdivision.
6. Between west side of Bayou View West Subdivision and about 400 feet north of 28th Street - Roadway along north bank.
7. Between 400 feet north of 28th Street and 28th Street - Roadway along east bank of Brickyard Bayou.

Cost estimates for both a temporary roadway and permanent roadway are shown in Table No. 5.

TABLE 1 - BRICKYARD BAYOU PEAK DISCHARGE - FLOOD FREQUENCY RELATION

| Location | Drainage Area (Sq Mile) | Peak Discharge (cfs) | | | | | |
|--------------------|----------------------------|----------------------|---------|----------|-----------|---------|----------|
| | | Rural | | | Urbanized | | |
| | | 10-Year | 25-Year | 100-Year | 10-Year | 25-Year | 100-Year |
| Courthouse Road | 5.6 | 1020 | 1250 | 1630 | 1740 | 2090 | 2860 |
| Hewes Avenue | 4.5 | 930 | 1150 | 1520 | 1430 | 1720 | 2430 |
| 8th Avenue | 3.3 | 800 | 1000 | 1300 | 1880 | 1480 | 2010 |
| 28th Street | 2.3 | 680 | 850 | 1120 | 1040 | 1260 | 1660 |

Table No. 2
 Cost Estimate
 Channel Improvement Alternative No. 1
 Clearing and Snagging Courthouse Road to 28th Street
 (Except for already clean Airport Area between Hewes Avenue and Strawberry Road)
 (Temporary Roadway)

| Item # | Description | Quantity | Unit | Unit Price | Extension |
|--------|-----------------------------|----------|------|------------|------------|
| 1 | Clearing and Snagging | 12,000 | LF | \$ 20 | \$ 240,000 |
| 2 | Fence Removal & Replacement | 3,000 | LF | \$ 10 | \$ 30,000 |
| 3 | Clearing and Grubbing | 10 | AC | \$ 3,500 | \$ 35,000 |
| 4 | Culvert Pipe | 1,000 | LF | \$ 40 | \$ 40,000 |
| 5 | Grading | 11,000 | LF | \$ 1 | \$ 11,000 |
| 6 | Geotextile Fabric | 3,000 | SY | \$ 2 | \$ 6,000 |
| 7 | Select Fill | 2,000 | CY | \$ 10 | \$ 20,000 |
| 8 | Seeding | 10 | AC | \$ 2,000 | \$ 20,000 |
| 9 | Rip Rap | 800 | CY | \$ 50 | \$ 40,000 |

Estimated Total Construction Cost \$ 442,000

Contingency (10%) \$ 43,000

Sub-Total \$ 485,000

Surveying 40,000

Engineering (7%) 35,000

Inspection 40,000

TOTAL ESTIMATED PROJECT COST \$ 600,000

Table No. 3
 Cost Estimate
 Channel Improvement Alternative No. 2
 Clearing and Snagging Courthouse Road to Washington Avenue
 Earthen Channel Widening Washington Avenue to 28th Street
 (Temporary Roadway)

| Item # | Description | Quantity | Unit | Unit Price | Extension |
|-----------------------------------|-----------------------------|----------|------|------------|------------------|
| 1 | Clearing and Snagging | 2,700 | LF | \$ 20 | \$ 54,000 |
| 2 | Channel Excavation | 100,000 | CY | \$ 4 | \$ 400,000 |
| 3 | Seeding | 28 | AC | \$ 2,000 | \$ 56,000 |
| 4 | Erosion Control Fabric | 80,000 | SY | \$ 1.50 | \$ 120,000 |
| 5 | Clearing and Grubbing | 30 | AC | \$ 3,500 | \$ 105,000 |
| 6 | Culvert Pipe | 1,000 | LF | \$ 40 | \$ 40,000 |
| 7 | Grading | 11,000 | CY | \$ 1 | \$ 11,000 |
| 8 | Geotextile Fabric | 3,000 | SY | \$ 2 | \$ 6,000 |
| 9 | Select Fill | 2,000 | CY | \$ 10 | \$ 20,000 |
| 10 | Fence Removal & Replacement | 3,000 | LF | \$ 10 | \$ 30,000 |
| 11 | Rip Rap | 800 | CY | \$ 50 | \$ 40,000 |
| Estimated Total Construction Cost | | | | | \$ 882,000 |
| Contingency (10%) | | | | | <u>\$ 88,000</u> |
| Sub-Total | | | | | \$ 970,000 |
| Surveying | | | | | 80,000 |
| Engineering (6%) | | | | | 60,000 |
| Inspection | | | | | <u>80,000</u> |
| TOTAL ESTIMATED PROJECT COST | | | | | \$1,190,000 |

Table No. 4
 Cost Estimate
 Channel Improvement Alternative No. 3
 Clearing and Snagging Courthouse Road to Washington Avenue
 Concrete Paved Channel Washington Avenue to 28th Street
 (Temporary Roadway)

| Item # | Description | Quantity | Unit | Unit Price | Extension |
|-----------------------------------|-----------------------------|----------|------|------------|-------------|
| 1 | Clearing and Snagging | 2,700 | LF | \$ 20 | \$ 54,000 |
| 2 | Concrete Channel Pavement | 8,400 | CY | \$ 300 | \$2,520,000 |
| 3 | Removal of Unsuitable Mtls | 30,000 | CY | \$ 8 | \$ 240,000 |
| 4 | Select Fill | 130,000 | CY | \$ 10 | \$1,300,000 |
| 5 | Fence Removal & Replacement | 3,000 | LF | \$ 10 | \$ 30,000 |
| 6 | Clearing and Grubbing | 30 | AC | \$ 3,500 | \$ 105,000 |
| 7 | Seeding | 12 | AC | \$ 2,000 | \$ 24,000 |
| 8 | Erosion Control Fabric | 11,000 | CY | \$ 1.50 | \$ 16,500 |
| 9 | Culvert Pipe | 1,000 | CY | \$ 40 | \$ 40,000 |
| 10 | Grading | 11,000 | LF | \$ 1 | \$ 11,000 |
| 11 | Geotextile Fabric | 3,000 | SY | \$ 2 | \$ 6,000 |
| 12 | Rip Rap | 800 | CY | \$ 50 | \$ 40,000 |
| Estimated Total Construction Cost | | | | | \$4,386,000 |
| Contingency (10%) | | | | | \$ 438,000 |
| Sub-Total | | | | | \$4,824,000 |
| Surveying | | | | | 100,000 |
| Engineering (5%) | | | | | 240,000 |
| Inspection | | | | | 100,000 |
| TOTAL ESTIMATED PROJECT COST | | | | | \$5,365,000 |

Table No. 5
Cost Estimate

Temporary Construction Roadway

| <u>Item #</u> | <u>Description</u> | <u>Quantity</u> | <u>Unit</u> | <u>Unit Price</u> | <u>Extension</u> |
|---------------|-----------------------------|-----------------|-------------|-------------------|------------------|
| 1 | Clearing and Grubbing | 10 | AC | \$ 3,500 | \$ 35,000 |
| 2 | Fence Removal & Replacement | 3,000 | LF | \$ 10 | \$ 30,000 |
| 3 | Culvert Pipe | 1,000 | LF | \$ 40 | \$ 40,000 |
| 4 | Grading | 11,000 | LF | \$ 1 | \$ 11,000 |
| 5 | Geotextile Fabric | 3,000 | SY | \$ 2 | \$ 6,000 |
| 6 | Select Fill | 2,000 | CY | \$ 10 | \$ 20,000 |
| 7 | Seeding | 10 | AC | \$ 2,000 | \$ 20,000 |

Estimated Total Construction Cost \$ 162,000

Permanent Roadway

| <u>Item #</u> | <u>Description</u> | <u>Quantity</u> | <u>Unit</u> | <u>Unit Price</u> | <u>Extension</u> |
|---------------|-----------------------------|-----------------|-------------|-------------------|------------------|
| 1 | Clearing and Grubbing | 10 | AC | \$ 3,500 | \$ 35,000 |
| 2 | Fence Removal & Replacement | 3,000 | LF | \$ 10 | \$ 30,000 |
| 3 | Culvert Pipe | 1,000 | LF | \$ 40 | \$ 40,000 |
| 4 | Grading | 11,000 | LF | \$ 2 | \$ 22,000 |
| 5 | Removal of Unsuitable Mtls | 4,000 | CY | \$ 8 | \$ 32,000 |
| 6 | Select Fill | 5,000 | CY | \$ 10 | \$ 50,000 |
| 7 | Geotextile Fabric | 20,000 | SY | \$ 2 | \$ 40,000 |
| 8 | Crushed Limestone | 12,000 | SY | \$ 5.50 | \$ 66,000 |
| 9 | Seeding | 6 | AC | \$ 2,000 | \$ 12,000 |

Estimated Total Construction Cost \$ 327,000

DRAINAGE IMPROVEMENT RECOMMENDATIONS

Alternate No. 1, clearing and snagging of channel between Courthouse Road and Hewes Avenue and between Strawberry Road and 28th Street, is the recommended first phase method of drainage improvement for Brickyard Bayou.

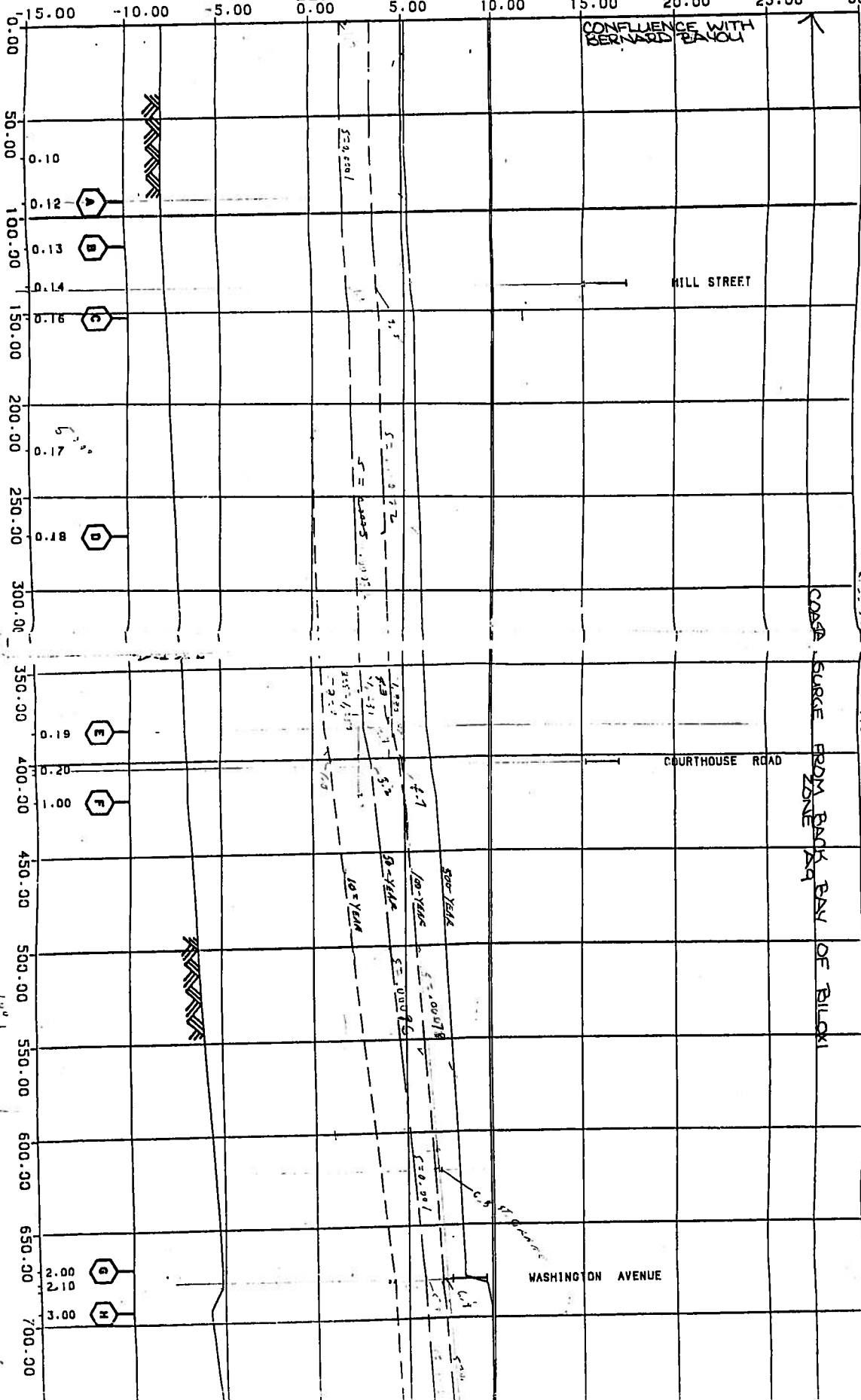
A 30 foot wide permanent easement should be acquired along one side of the channel to provide access for clearing and snagging operations and for future channel maintenance. Within this easement the contractor should, at his expense, construct the minimum roadway required to conduct the clearing and snagging operations.

Easements will be required on approximately 67 parcels if the roadway is constructed through Bayou View West Subdivision. About 43 easements will be required if the roadway is constructed along the south bank of Brickyard Bayou across from Bayou View West Subdivision.

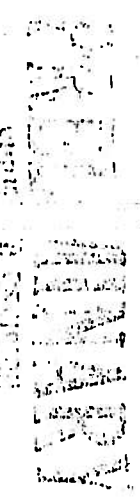
On an overall basis, we recommend the following program to solve short term and long term flooding problems in the Brickyard Bayou drainage basin:

- (1) Clearing and Snagging
- (2) Concrete channel improvements in phases from downstream to upstream with available funds (i.e., \$1,250,000/year will complete the concrete channel improvements in approximately four (4) years).

ELEVATION (FT-N.G.V.D.)



FLOOD INSURANCE STUDY
 HARRISON COUNTY, MISSISSIPPI
 BRICKYARD BAYOU - YR



HEADWATER FLOOD
 PROFILE
 Scale 1/4" = 1'-0"

15.00
-10.00
-5.00
0.00
5.00
10.00
15.00
20.00
25.00
30.00

0.00
50.00
100.00
150.00
200.00
250.00
300.00
350.00
400.00
450.00
500.00
550.00
600.00
650.00
700.00

CONFLUENCE WITH BERNARD BAYOU

MILL STREET

COURTHOUSE ROAD

WASHINGTON AVENUE

CROSS SURGE FROM BACK BAY OF BILLOXI

500-YEAR
 100-YEAR
 10-YEAR

1:1
 1:1
 1:1

1:1
 1:1
 1:1

A

B

C

D

E

F

G

H

0.10

0.12

0.13

0.14

0.16

0.17

0.18

0.19

0.20

1.00

2.00

2.10

3.00

October 4, 2003

Walter Thomas
13232 Dedeaux RD.
Gulfport, MS 39503

Mississippi Department of
Environmental Quality
P. O. Box 10385
Jackson, MS 39289-0385



RE: Comments from public hearing 9/30/03
W. C. Fore Mining Permit

Enclosed is a copy of the videotape that was requested at the hearing be made part of the minutes.

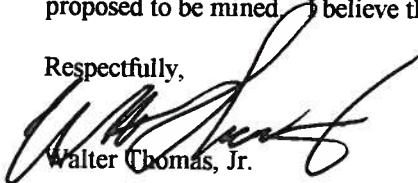
The permit being requested by W.C. Fore Trucking should not be granted as noted in my comments at the hearing. I live near a dirt pit located three blocks from my residence. I have visited my with neighbors who live much closer to the pit, and they constantly complain about Fore Trucking Company vehicles speeding along the streets and the amount of dust they create, have all but destroyed their quality of life and safety.

Vehicles travel this road daily, (see enclosed photo) from early morning to late evening. The neighbors feel helpless to stop the problem because neither the city nor Mr. Fore will control the situation.

At another inactive pit, there is a lot of trash and a dangerous situation for residents. (see enclosed photo) This pit is within 50 feet of a large residential subdivision, and is a breeding area for mosquitoes that might carry the West Nile virus. To allow the situation that exists in the Orange Grove area to be created in the North Gulfport Community, a community already stressed with problems such as flooding, drainage, traffic, safety, and sewer overflow, should not happen.

I recommend the commission visits these areas and observe the current sites being mined, and those proposed to be mined. I believe they would come to the conclusion that the permit should be denied.

Respectfully,



Walter Thomas, Jr.

Enclosures

Cc: Ella Holmes-Hines
Councilwoman, Ward Three

Frances Fredericks
Representative, District 119

Deborah Dawkins
Senator, District 48

13.11.4 WARDEN

October 3, 2003


Mississippi Department of Environmental Quality
P. O. Box 10385
Jackson, MS 39289-0385

RECEIVED
OCT 8 - 2003
Mississippi Department of Environmental Quality
Office of Pollution Control

To whom it may concern:

Upon attending a meeting on September 30, 2003 at 28th Street Elementary School, I would like to submit my comments at this time. To have a lake built-in this residential area in my opinion would be inhumane. The fact of the matter is this residential area is considered a flood zone. It does not take a rocket scientist or genius to make this evaluation. In my understanding an evaluation of the residents quality of life, the community health, nor the safety of our children were ever considered. Are we part of the Mississippi Gulf Coast or not? In your deliberation please know that the project is not needed or wanted.

Sincerely,


Mary Dallas Tillis

October 2, 2003



Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

To the office of Pollution Control,

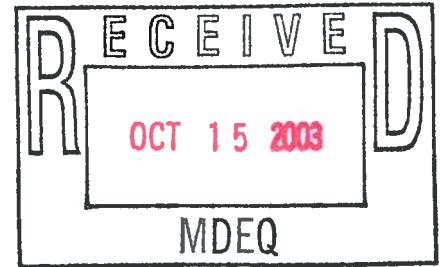
I am writing this letter to go on record that I am opposed to the Herald Project Mr. W.C Fore of Gulfport propose to build north of 33rd. Street and east of 34th. Ave. I am a resident of this area and a member of the Greater Mt. Rest Baptist Church which is located directly across the street from the proposed site. Not only will this project be sitting in my church's front door, but it poses a danger and an eye sore to our community. The City of Gulfport is broke, by its own admission, so there will be no funds for up keep. But the worst of all, this project will be a danger and a health risk to th s community.

The vast amount of dust the excavating will cause will aggravate respiratory problems in the area. The two million gallons of water it will produce everyday will add more flooding to an already flood prone area. And most of all, there will be no safety measures to a community filled with children who will view this 25 ft. deep pond, lake, or pit, the excavating will leave, as a place to have fun. Possibly causing many drownin, deaths. Would you want this on your conscience?

I appeal to you, please deny this permit for the Herald Project.

Sincerely,

A handwritten signature in black ink, appearing to read "Betty G. Harris". The signature is written in a cursive style with large, sweeping loops.



October 2, 2003

Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

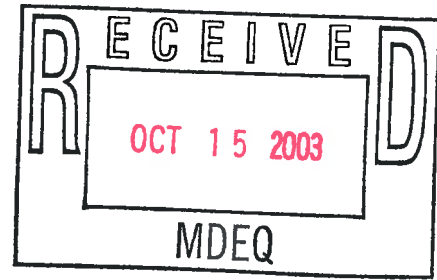
To the office of Pollution Control,

I am writing this letter to go on record that I am opposed to the Herald Project. Mr. W.C. Fore of Gulfport propose to build north of 33rd. Street and east of 34th. Ave. I am a resident of this area and a member of the Greater Mt. Rest Baptist Church which is located directly across the street from the proposed site. Not only will this project be sitting in my church's front door, but it poses a danger and an eye sore to our community. The City of Gulfport is broke, by its own admission, so there will be no funds for up keep. But the worst of all, this project will be a danger and a health risk to th s community.

The vast amount of dust the excavating will cause will aggravate respiratory problems in the area. The two million gallons of water it will produce everyday will add more flooding to an already flood prone area. And most of all, there will be no safety measures to a community filled with children who will view this 25 ft. deep pond, lake, or pit, the excavating will leave, as a place to have fun. Possibly causing many drownin; deaths. Would you want this on your conscience?

I appeal to you, please deny this permit for the Herald Project.

Sincerely, *Magie Mitchell*



October 2, 2003

Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

To the office of Pollution Control,

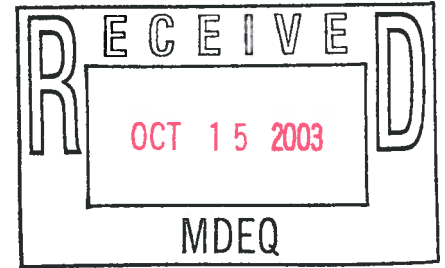
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The vast amount of dust the excavating will cause will aggravate respiratory problems in the area. The two million gallons of water it will produce everyday will add more flooding to an already flood prone area. And most of all, there will be no safety measures to a community filled with children who will view this 25 ft. deep pond, lake, or pit, the excavating will leave, as a place to have fun. Possibly causing many drowning deaths. Would you want this on your conscience?

I appeal to you, please deny this permit for the Herald Project.

Sincerely,

Rev. M.C. Mitchell



October 2, 2003

Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

Dear Broad of Pollution Control,

I am strongly opposed to the Herald Project Mr. W.C. Fore is trying to get a permit to build on his property north of 33rd. Street and east of 34th. Ave.

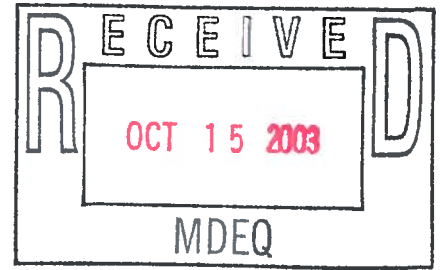
I am a member of the Greater Mt. Rest Baptist Church which is located across the street from this property. This project will be a blight to this community as well as an eye sore that sits in my church's front door. The noise from all the trucks would be so loud that we could not conduct services. The small city streets in the area would be impassable because the large dump trucks will have torn them up. The enormous amount of dust the excavating will produce will make it impossible to breath. The two million gallons of water being pumped out everyday will produce more flooding in an already flood prone area with poor drainage. The crime would increase because the site would not be protected by the City of Gulfport because they have no funds. And the most tragic of all, many children and possibly some adults lives would be lost from drowning, West Nile disease from standing water, and death due to respiratory problems from all the dust.

Please deny the permit to allow Mr. Fore to move forward with this project.

Thank You.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg A. Lawrence". The signature is written in a cursive style and is positioned to the right of the word "Sincerely,".



October 2, 2003

Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

Dear Broad of Pollution Control,

I am strongly opposed to the Herald Project Mr. W.C. Fore is trying to get a permit to build on his property north of 33rd. Street and east of 34th. Ave.

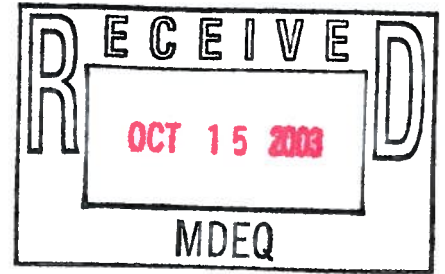
I am a member of the Greater Mt. Rest Baptist Church which is located across the street from this property. This project will be a blight to this community as well as an eye sore that sits in my church's front door. The noise from all the trucks would be so loud that we could not conduct services. The small city streets in the area would be impassable because the large dump trucks will have torn them up. The enormous amount of dust the excavating will produce will make it impossible to breath. The two million gallons of water being pumped out everyday will produce more flooding in an already flood prone area with poor drainage. The crime would increase because the site would not be protected by the City of Gulfport because they have no funds. And the most tragic of all, many children and possibly some adults lives would be lost from drowning, West Nile disease from standing water, and death due to respiratory problems from all the dust.

Please deny the permit to allow Mr. Fore to move forward with this project.

Thank You.

Sincerely,

Daniel Murphy



October 2, 2003

Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

Dear Board of Pollution Control,

I am strongly opposed to the Herald Project Mr. W.C. Fore is trying to get a permit to build on his property north of 33rd. Street and east of 34th. Ave.

I am a member of the Greater Mt. Rest Baptist Church which is located across the street from this property. This project will be a blight to this community as well as an eye sore that sits in my church's front door. The noise from all the trucks would be so loud that we could not conduct services. The small city streets in the area would be impassable because the large dump trucks will have torn them up. The enormous amount of dust the excavating will produce will make it impossible to breath. The two million gallons of water being pumped out everyday will produce more flooding in an already flood prone area with poor drainage. The crime would increase because the site would not be protected by the City of Gulfport because they have no funds. And the most tragic of all, many children and possibly some adults lives would be lost from drowning, West Nile disease from standing water, and death due to respiratory problems from all the dust.

Please deny the permit to allow Mr. Fore to move forward with this project.

Thank You.

Sincerely,

Steve B. Corbin



October 2, 2003

Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, MS 39289-0385

Dear Broad of Pollution Control,

I am strongly opposed to the Herald Project Mr. W.C. Fore is trying to get a permit to build on his property north of 33rd. Street and east of 34th. Ave.

I am a member of the Greater Mt. Rest Baptist Church which is located across the street from this property. This project will be a blight to this community as well as an eye sore that sits in my church's front door. The noise from all the trucks would be so loud that we could not conduct services. The small city streets in the area would be impassable because the large dump trucks will have torn them up. The enormous amount of dust the excavating will produce will make it impossible to breath. The two million gallons of water being pumped out everyday will produce more flooding in an already flood prone area with poor drainage. The crime would increase because the site would not be protected by the City of Gulfport because they have no funds. And the most tragic of all, many children and possibly some adults lives would be lost from drowning, West Nile disease from standing water, and death due to respiratory problems from all the dust.

Please deny the permit to allow Mr. Fore to move forward with this project.

Thank You.

Sincerely,

A handwritten signature in cursive script that reads "Arlene Murphy". The signature is written in black ink and is positioned below the typed name "Arlene Murphy".

OCT 07 2003
MDEQ

Page 1

1 MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
 2
 3 HARRELD PIT
 4
 5 PUBLIC HEARING
 6
 7
 8
 9
 10 Held at 7:00 p.m. on September 30, 2003, at
 11 28th Street Elementary School, 2810 34th
 12 Avenue, Gulfport, Mississippi 39501.
 13
 14
 15 Representing the Mississippi Department of
 Environmental Quality:
 16 Jerry W. Cain
 Billy Warden
 17 Michelle Vinson
 Phil Bass
 18 Michael Bograd
 Roy Furrh
 19
 20
 21
 22
 23 Reported By: Huey L. Bang, RMR, CRR
 24
 25

Page 3

1 these are draft permits and were created as a
 2 basis for the purpose of discussion and
 3 evaluation. This hearing follows a review by
 4 staff engineers and geologists that has taken
 5 over six months.
 6 At the table with me tonight are
 7 Mr. Billy Warden, Mr. Phil Bass, Ms. Michelle
 8 Vinson, Mr. Michael Bograd, and Mr. Roy Furrh.
 9 All of these staff members and a number of
 10 others that participate in the development of
 11 these draft permits.
 12 The decision in these matters
 13 will be made by the environmental quality
 14 permit board. The permit board is created by
 15 Mississippi law for the purpose of issuing or
 16 denying under such conditions and limitations
 17 as it may prescribe environmental protection
 18 permits to control or prevent the release of
 19 contaminants into the air and waters of the
 20 state.
 21 None of us here are on the permit
 22 board. We are the staff to the permit board.
 23 The composition of the permit board is
 24 established by law. As I said, none of the
 25 permit board members are here tonight, and I

Page 2

1 MR. JERRY CAIN:
 2 Before we begin, I would like to
 3 identify some elected officials that I
 4 recognize in the audience. Excuse me,
 5 Representative Frances Fredericks is here.
 6 Councilwoman Ella Holmes-Hines. Senator
 7 Deborah Dawkins. And Chris LaGarde is here
 8 representing Representative Taylor's office.
 9 Whenever you do this, you always risk not
 10 seeing someone, so if I have overlooked someone
 11 I will be happy to recognize you now. Okay.
 12 Thanks. Let's go ahead and get started.
 13 Ladies and gentlemen, as I said,
 14 I am ready to begin this hearing. I am Jerry
 15 Cain, the head of the environmental permits
 16 division of the state pollution control office.
 17 This hearing by the State Department of
 18 Environmental Quality regards the proposed
 19 issuance of a wastewater discharge permit and
 20 the modification of the mining permit
 21 associated with the operation of the W.C. Fore
 22 Trucking, Inc. Harreld Pit.
 23 This hearing is to receive your
 24 comments on any proposed permits and related
 25 permitting issues. I want to emphasize that

Page 4

1 can later this evening, if you care to,
 2 identify those positions that compose the
 3 permit board, but in an interest of time I
 4 think we will go on.
 5 As the hearing begins tonight,
 6 Mr. Warden of the pollution control staff will
 7 briefly describe the draft permits. After Mr.
 8 Warden's presentation we will then begin
 9 receiving comments.
 10 MR. BILLY WARDEN:
 11 As Mr. Cain just mentioned, the
 12 purpose of this hearing is to take comments
 13 from the public regarding the permit
 14 application submitted by W.C. Fore Trucking,
 15 Incorporated regarding a proposed mining
 16 project. The proposed project is located in
 17 Gulfport near the intersection of 33rd Street
 18 and 34th Avenue and it's referred to as the
 19 Harreld Pit.
 20 All surface mines in Mississippi
 21 that affect four acres or more must obtain a
 22 surface mining permit from the Mississippi
 23 Environmental Quality Permit Board. In
 24 addition, a national pollutant discharge
 25 elimination system water permit is also

Page 5

1 required for the management of all wastewater
2 associated with mining operations.
3 The applicant's property on which
4 the proposed mine is located consists of
5 approximately 112 acres located north of 33rd
6 Street and east of 34th Avenue. The actual
7 mining area is limited to approximately 49
8 acres located on the southern portion of this
9 property.
10 Natural drainage from this
11 property flows to two different receiving
12 streams. Approximately one half to two-thirds
13 of the property flows to the north into an
14 unnamed tributary of Turkey Creek. The
15 southernmost portion of the property drains to
16 the south into an unnamed tributary of
17 Brickyard Bayou.
18 The applicant also owns
19 approximately 40 acres just south of 33rd
20 Street. The mining permit application requires
21 the applicant to submit operational and design
22 details describing the method by which the
23 mining will be conducted and how the land will
24 be reclaimed after mining activities have been
25 completed.

Page 6

1 W.C. Fore Trucking, Incorporated
2 proposes to excavate sand by utilizing a
3 tracked excavator which will load the sand
4 directly into trucks. The mining material will
5 then be transported off site primarily to the
6 Port Authority property in Gulfport. The
7 mining operation is anticipated to be completed
8 in approximately three years.
9 Upon completion the applicant
10 proposes to reclaim the mine as a lake. The
11 banks of the lake will be appropriately sloped
12 and all other areas disturbed by the surface
13 mining operation will be graded and planted
14 with grass. The mining permit does require
15 that a performance bond be maintained for
16 reclamation costs. The bond will not be fully
17 released until at least two years after
18 reclamation is complete.
19 Second permit required of this
20 operation is a national pollutant discharge
21 elimination system permit, or NPDES permit
22 which regulates both storm water and wastewater
23 associated with mining activities. The storm
24 water is the rainfall which comes into contact
25 with the disturbed areas. And the wastewater

Page 7

1 is the groundwater that will be pumped out of
2 the excavation during mining operations.
3 The primary water contaminant
4 associated with mining operations is sediment.
5 The permit application contains a design which
6 directs all water runoff into sedimentation
7 ponds be constructed at the southeast corner of
8 the property so that the sediment will be
9 allowed time to settle before the water is
10 discharged off site. The water from the
11 sediment pond is proposed to be piped under
12 33rd Street and then approximately 1500 feet to
13 the southeast where it will be discharged into
14 an unnamed tributary of Brickyard Bayou. No
15 discharge from this disturbed area of the
16 operation will be directed towards Turkey
17 Creek.
18 The proposed draft NPDES permit
19 requires that the company implement a storm
20 water pollution prevention plan which includes
21 the use of berms, silt fences, hay bales, and
22 other approved best management practices to
23 control storm water runoff. The draft permit
24 also requires that the discharge from the
25 sedimentation pond be sampled and analyzed for

Page 8

1 biological oxygen demand, total suspended
2 solids, oil and grease, and PH. Sampling and
3 analysis will occur twice per month and
4 reported monthly. The facility must also
5 report the discharge flow rate at the time of
6 sampling.
7 The proposed mining area has been
8 configured to minimize the number of acres of
9 wetlands that will be impacted. The wetlands
10 which are impacted will be excavated only. No
11 filling of wetlands has been proposed,
12 therefore, the Corps of Engineers has
13 determined that a wetlands permit will not be
14 required for this project.
15 In May of 2003, W.C. Fore
16 Trucking, Incorporated submitted its surface
17 mining permit application to the department.
18 The application was reviewed by the
19 department's office of geology staff. The
20 application was determined to be complete and
21 was presented to the environmental quality
22 permit board in June. The permit board granted
23 the surface mining permit, however, it's
24 conditioned on the applicant obtaining other
25 environmental permits prior to beginning

1 operation.
2 As allowed by state law, an
3 evidentiary hearing was requested regarding the
4 issuance of this permit. The hearing will be
5 conducted by the permit board prior to the
6 initial decision becoming final.

7 Since the surface mining permit
8 was issued, the proposed project has been
9 altered including a reduction in the number of
10 acres proposed from 55 to 49, and the submittal
11 of a revised reclamation. An amended
12 application has been submitted to the office of
13 geology. Again, the purpose of this hearing is
14 to receive comments regarding the permit
15 actions requested by W.C. Fore, Incorporated,
16 which I just described. All comments received
17 here tonight and those received in writing will
18 be thoroughly considered before any
19 recommendation by the staff is made to the
20 environmental quality permit board. Thank you.

21 MEMBER OF THE AUDIENCE:

22 When will the comment hearing be
23 held?

24 MR. JERRY CAIN:

25 At the end of this hearing.

1 being established tonight to be presented to
2 the state environmental permit board.

3 For your views to be considered
4 by the board it is necessary that you comment
5 at a microphone so it can be recorded by the
6 court reporter to be presented to the board.
7 Again, please use the microphones as you make
8 your comments. We will begin with Ms. Deborah
9 McGee.

10 DEBORAH MCGEE:

11 List name and address or just --

12 MR. JERRY CAIN:

13 Just your name.

14 DEBORAH MCGEE:

15 Deborah McGee. And I have in my
16 hand a folder of information I want included in
17 the minutes. And they are one, a May 25th
18 article that was in The Sun Herald titled
19 Gulfport contractor wants to build park. And
20 in that article, I highlighted some areas, I
21 will not read everything in my hand, that's why
22 I'm giving them to you to include. It says
23 that he plans, which is Mr. Fore, to turn the
24 resulting hole after he has mined it into a
25 lake surrounded by a 40-acre park. Fore said

1 MEMBER OF THE AUDIENCE:

2 You can't mail them in, the
3 comments have to be turned in tonight?

4 MR. JERRY CAIN:

5 If you get them in by the end of
6 the week, Friday. Councilman Jenkins, I think
7 you walked in, I want to recognize him.

8 We're now ready to receive your
9 comments. Because many people want to comment,
10 we ask that you keep your comments as brief as
11 possible and that you focus on the
12 environmental issues, since that's the subject
13 of this hearing. We will take comments in the
14 order that you registered. We will take first
15 comments of those individuals who indicated
16 they would like to comment on the registration
17 form. After that we will receive comments from
18 anyone who wishes to comment that has not
19 already commented. Finally, we will open the
20 floor to anyone who may want to have additional
21 comments. I want to make it clear that all
22 comments and concerns will be thoroughly
23 evaluated prior to the staff making their final
24 recommendation to the permit board. It is very
25 important to remember that a hearing record is

1 he would install a fence around the property,
2 provide landscaping, and build a pavilion. The
3 city would have to pay for other amenities,
4 such as a tennis court, a ball field, he said.
5 Also, he said he would have little use for the
6 one million dollar property once the dirt is
7 excavated, and he believes the surrounding
8 community would benefit from a park.

9 A hole in the ground, and this is
10 his quote, a hole in the ground doesn't have
11 any value, he said. A park has value. That's
12 in there. On August the 8th, 2003, there was a
13 meeting between Mr. Fore that he presented his
14 ideas of the excavation area to representatives
15 of the community, also DEQ was there, the Corps
16 of Engineers, Representative Gene Taylor's
17 office, Trent Lott, and I think Thad Cochran's
18 office was in attendance there. And in that
19 meeting the community didn't have anything to
20 say, the only thing we were doing was listening
21 to his presentation because we had not had a
22 conversation with him. And in that, I'm just
23 going to highlight some parts of it. And that
24 was when he presented the plan that he is going
25 to mine 40 acres, and also he said he will turn

1 it into a park, some of the area, and donate it
 2 to the city.
 3 Mr. Fore's plans for the park, he
 4 said, was an open-air pavilion, fence will
 5 remain around it, surface walking track, and
 6 landscaping. Also he said he would provide a
 7 performance bond to the city. We had questions
 8 from the floor that was there. As I say, at
 9 the conclusion of that meeting, what we did was
 10 took those minutes from the August 8th meeting
 11 and had a community meeting on August the 18th.
 12 In the community meeting we presented to the
 13 community Mr. Fore's minutes from the August
 14 8th meeting. And from the community meeting
 15 that was presented, and also Mr. Fore called me
 16 on August the 13th to do an addendum to the
 17 meeting that he had before our community
 18 meeting to say some more things that he would
 19 put in the park. That was he said he is
 20 willing to put a 40 acre stocked lake, concrete
 21 picnic tables, half mile asphalt walking track,
 22 a 40 by 80 open pavilion with cover,
 23 landscaping, and an electrical aerate system to
 24 blow air into the water to create a ripple
 25 effect so that mosquito eggs won't hatch.

1 Well, in that meeting from the
 2 community, from this August 8th meeting, his
 3 addendum and everything, the community
 4 resounded -- unanimously vote to reject the
 5 mining of the lake in the community. And we
 6 did not just say we don't want a lake, we said
 7 okay, we have to have reasons why we don't want
 8 the lake. We said the safety of our children.
 9 The park will be surrounded by six residential
 10 areas, an elementary school, and churches.
 11 This facility will not be kept or manned by the
 12 city. The City of Gulfport has, through its
 13 own admission, can't support the park it
 14 currently has -- the parks it currently has.
 15 The future of the community, the
 16 area will become a haven for crime because the
 17 park is wooded and isolated, and to use for an
 18 example the Cloud Point Park. It has become a
 19 crime haven and the residents are trying to get
 20 it closed.
 21 This project will cause flooding
 22 in the Meadowpark edition to the City of
 23 Gulfport. Health hazards from the dust in the
 24 area, allergies, asthma. There is currently no
 25 infrastructure in the area. Concern about the

1 water quality after destruction of the wetlands
 2 and the water will be redirected to Brickyard
 3 Bayou, and the city is currently having a 14
 4 million dollar buyout for some of the areas
 5 surrounded by Brickyard Bayou because of
 6 flooding. And the six-foot fence that Mr. Fore
 7 is proposing to put up is not adequate to
 8 secure the lake from children.
 9 On September the 3rd we had a
 10 community meeting with Mr. Fore, and in that
 11 meeting Mr. Fore presented the map that -- of
 12 his proposed site. And he talked about the
 13 buffer zone, the sloping and everything, so we
 14 had various questions to him. We told him,
 15 Number 1, this six-foot fence is not adequate,
 16 make it eight foot. Also, we asked questions
 17 and was concerned about the lake being too
 18 close to residential areas. It's 100, by Mr.
 19 Fore said, it's 1080 feet from the apartments.
 20 That's too close when you have children. How
 21 far is it from 34th Street? I think that's
 22 34th Avenue. It's 100 feet. That's a
 23 community that's full of people.
 24 So, also, the park will not be
 25 supervised, will only be supervised by Mr. Fore

1 as long as he has it. When it goes to the
 2 city, that's where supervision stops at. So in
 3 that we had various concerns to him and also,
 4 Jerry, you were there, you explained DEQ's role
 5 in this because there were concerns of -- we
 6 are concerned about who is going to look after
 7 us if we suffer this park and the lake, who is
 8 going to look after us once the mine is done,
 9 the water is left there and the flooding is
 10 there?
 11 But also I was told that, okay,
 12 Deborah, you all don't want the lake.
 13 The reality is, permits may be granted and you
 14 may get a lake. So you need to get above the
 15 point of not wanting the lake and discuss what
 16 do you want in the area if there is a lake.
 17 Well, we come up with a list for that, too,
 18 since you asked us, you know, we were asked to
 19 come up with that.
 20 But in attendance in our zoning
 21 and planning meeting, I must say, we have been
 22 misled by the city and by Mr. Fore because we
 23 attend the council meetings, and the newspaper
 24 article that I read, everything says a park
 25 could go there eventually after the lake.

1 Well, in planning we learned the area is zoned
 2 industrial and a park is not allowed there. So
 3 what are we going to be left with, just a big
 4 open lake and no amenities for us if we're
 5 stuck with it.
 6 But being obedient, I said, okay,
 7 we will come up with some things if we are
 8 stuck with it. And some of these things were
 9 listed he had agreed to, that is a half mile
 10 asphalt walking track with three to four
 11 benches strategically placed around it. A 40
 12 by 80 open pavilion with cover and with men and
 13 women bathrooms and a water fountain. At least
 14 two barbecue pits, because it's a park, you
 15 want to have fun if you got to go there. A
 16 stocked pond to have fishing. Concrete tables
 17 and benches. Lighted park area, landscaping,
 18 playground equipment, fence and swings, a slide
 19 for the children. A water spigot close by the
 20 barbecue pits for clearance. The park to be
 21 manned by city employees for safety, and to
 22 keep the grounds cleaned. Before Mr. Fore turn
 23 the park over to the city to remove the barbed
 24 wire from the top of the fence and clear the
 25 woods around the lake area so it can be visible

1 from the park area to deter illegal activity.
 2 Install concrete covers to remove water from
 3 the area, and for the beauty of it add a
 4 fountain in the middle of the pond and give us
 5 something decent.
 6 But that's what we were asked to
 7 do is if we have a lake to put a park, but we
 8 don't want a lake in this area. It is
 9 detrimental to the community. We have our
 10 children's safety at risk. You have trucks
 11 that will be passing there constantly. How can
 12 the children learn? This school right here,
 13 28th Street School is on that -- below level
 14 for the no child left behind. They're Level 2.
 15 So and we're going to add that extra noise
 16 there, they're still going to be left behind
 17 some more. So we don't want it.
 18 Also, MDOT have had various
 19 meetings, many meetings with this community for
 20 the north/south connector road coming through
 21 here. Now, with the north/south connector road
 22 MDOT has talked to my church, St. John Baptist
 23 Church, and that surrounding area there they
 24 are proposing to buy out. Well, Mr. Fore's
 25 project is going to drastically affect that.

1 The community can benefit from an MDOT buyout,
 2 because the church is older, the community is
 3 older, and we don't want to stand in the way of
 4 progress, we don't want that reputation.
 5 That's why we say okay, the city needs to grow,
 6 we will sell out for MDOT.
 7 Mr. Fore wants his project for
 8 the city to grow again, but who is going to
 9 grow? Mr. Fore is going to grow. With MDOT,
 10 MDOT, we will benefit from a buyout, from Mr.
 11 Fore we will be hampered by a flood out. So
 12 say no. We ask you to say no to Mr. Fore's
 13 lake. Thank you.
 14 MR. JERRY CAIN:
 15 Thank you, Ms. McGee.
 16 Councilwoman Ella Holmes-Hines.
 17 ELLA HOLMES-HINES:
 18 Thank you. I also would like to
 19 thank Deborah for those comments. I was able
 20 to have one of those community meetings where I
 21 was in attendance and there was a resounding no
 22 to the, I call it a lake, a pond, a hole, a
 23 pit. I mean, it has various names that has
 24 changed since its inception. When Mr. Fore
 25 came before city hall in this discussion of a

1 park, this is was over a million dollars that
 2 would be placed in this park, to my
 3 understanding. When there was an interview
 4 done by the Sun Herald, it indicated that the
 5 city would have to do all of these amenities.
 6 Well, being a second-term council person, I'm
 7 well aware of the budget constraints with the
 8 City of Gulfport. And I know very well that we
 9 are struggling hard to keep the parks that we
 10 do have. We are also struggling hard
 11 financially. So I know for sure that the City
 12 of Gulfport is not in a position at this time,
 13 nor do we see based on the water rates that are
 14 increasing and based on that we increased
 15 property tax last year that we will be able to
 16 only give consideration to this project.
 17 From there, listening, and
 18 reading, and understanding what this issue is,
 19 which we will probably have an opportunity to
 20 hear this in a full city council discussion in
 21 our second meeting of October, we were told at
 22 that time that we would have leisure services
 23 to come out and to speak with the community.
 24 Well, in two or three letters that I wrote, I
 25 never received a response nor did the city

1 leisure services department meet with the
2 citizens that eagerly came to city hall trying
3 to get their voices heard. And in that meeting
4 they had a very hard time trying to allow them
5 an opportunity to say they did not want this
6 permitting process to take place.

7 With that happening, we decided
8 that we would start meeting in little concepts
9 of meeting, but there was no city discussion
10 from leisure services. I do not feel that the
11 city will be able to place a park there. And
12 that's the reason I offered a motion of
13 reconsideration to get the vote for
14 Holmes-Hines out of this picture, because I
15 know we can't afford this.

16 From that discussion has gone on
17 from planning, my understanding is that they
18 denied it at this time. Zoning, which approved
19 it, and it will then come before city council.
20 My understanding is before you, DEQ, get
21 involved in this, you have to have a vote of
22 confidence from the City of Gulfport; is that
23 correct?

24 MR. JERRY CAIN:
25 Well, what we have to have is any

1 on that. That would be very helpful. But many
2 citizens are here today stating their
3 opposition. I have already gone on the record
4 and the City of Gulfport we speak through our
5 minutes. And Holmes-Hines in the
6 reconsideration vote decided that this is not
7 going to be something that is going to benefit
8 the area since I cannot get a leisure service
9 director or a leisure service person to even
10 come in and speak to the citizens that this is
11 impacting. And that's very irregular in the
12 business of the City of Gulfport. They should
13 be able to have access to that director or to
14 the mayer to give those comments, as well as
15 myself and the council which they have not been
16 able, outside of hostility, to give those
17 comments. So I would hope that you extend that
18 period at least 14 days would be helpful. And
19 we appreciate -- you are giving that acceptance
20 today?

21 MR. JERRY CAIN:
22 Yes, ma'am. I'm comfortable with
23 giving you two additional weeks, so that will
24 be 14 days from now, I don't have a calendar.
25 ELLA HOLMES-HINES:

1 permit issued of local approval.
2 ELLA HOLMES-HINES:
3 At this time you do not have
4 local approval based on our planning
5 commission. And I would hope that once that
6 this hearing is taking place, that we could
7 have an opportunity to give you more comments.
8 I was concerned very much when you said that
9 your written comment period will be at the end
10 of this week. Why is that such a short period?

11 MR. JERRY CAIN:
12 Actually there's been a notice of
13 30 days, a 30-day period is when traditionally
14 people submit written comments.

15 ELLA HOLMES-HINES:
16 Can you expand that time?

17 MR. JERRY CAIN:
18 Sure I can.

19 ELLA HOLMES-HINES:
20 It would be most helpful to do
21 that. Because today you gave a written text,
22 of course, that was not in the library for
23 public disclosure and so, therefore, those
24 comments that you gave we would like an
25 opportunity to review those and give comments

1 I greatly appreciate that. On
2 your permitting board, how are they chosen?
3 MR. JERRY CAIN:

4 They are, and I can go through
5 and tell you who they are, they are heads of
6 agencies -- first of all, they're established
7 by statute. And they are heads of agencies
8 identified as having interest in environmental
9 concern.

10 ELLA HOLMES-HINES:
11 Can you give us those.

12 MR. JERRY CAIN:
13 I can tell you. By law the
14 permit board is composed of the Chief of the
15 Bureau of Environmental Health with the State
16 Department of Health, the Director of Wildlife,
17 Fisheries -- the Department of Wildlife,
18 Fisheries and Parks, the Director of the Office
19 of Land and Water Resources within the
20 Department of Environmental Quality, the
21 Supervisor of the State Oil and Gas Board, the
22 Director of the Department of Marine Resources,
23 the Director of the Office of Geology in the
24 Department of Environmental Quality, and the
25 Commissioner of Agriculture and Commerce.

ELLA HOLMES-HINES:

Thank you. The other comment I wanted to make is Brickyard Bayou. I'm concerned about the selection of the two million gallons water per day. Brickyard Bayou is in an area where I, as a representative, have an area called Bayou View West. Bayou View West had to be bought out in the tune of 18 million dollars because of the flooding in that area. We started at 8th Avenue and then we moved across Hewes Avenue. But one of the things that was most tragic is that that cleanup process of Brickyard Bayou did not assist in those homes bought, buyout. We were told that in order to look at leaving those residents near Brickyard Bayou, we would need at least 55 million dollars.

So I'm concerned now that we have gone through uprooting over 200 families and now we are saying we are still able to discharge two million gallons per day.

Now, if I was the federal government and FEMA, I would be looking for some of the money back, because that tells me that maybe we didn't do our homework well

stream like Brickyard Bayou, it represents a small amount of flow that goes in that bayou. What we will do is reopen this issue.

ELLA HOLMES-HINES:

Thank you. Well, you've made two concessions and I'm very happy, and I will yield but I will have more comments, thank you, sir.

MR. JERRY CAIN:

I appreciate the decorum everybody is showing, but we have a lot of speakers so if we could limit our thoughts so that we could go on and get out of here before tomorrow. Mr. Rip Daniels.

RIP DANIELS:

I would like to yield right now to the folks in the area. I will speak later. I know they want to speak.

MR. JERRY CAIN:

Representative Frances Fredericks.

REPRESENTATIVE FRANCES FREDERICKS:

Thank you, so very much. I live in the area, I've been living in the area since 1966. I'm in walking distance of the proposed

enough because it should not be able to accept anymore water based on an 18 million dollar buyout, and now here today we are hearing that two million gallons will be placed into this facility. Have you issued any of the concerns about the water being able to take on this type of excess?

MR. JERRY CAIN:

I think what your question is have we considered whether or not two million gallons a day will contribute to flooding, is that your question?

ELLA HOLMES-HINES:

That's correct.

MR. JERRY CAIN:

Two million gallons sounds like a lot of water.

ELLA HOLMES-HINES:

The reason that we think it is because we just completed an 18 million dollar buyout, that it cannot take anymore water.

MR. JERRY CAIN:

But when you look at -- and it is a lot of water, particularly in your category. But in terms of total volume that goes into a

park. I was present when we went before the zoning board and the planning board. The zoning board denied us and favored Mr. Fore. The planning board denied Mr. Fore and favored us, and I do have copies of that for you.

I also have copies to let you see that this area is not zoned for a park. We have been misled. We cannot have a park there, it would have to be rezoned. I would like to talk to you for just a minute about the location of the proposed pit.

You are going to be mining an area parallel to 34th Avenue. If there is 112 acres of land, you do not have to mine that in our face. That will put that pit directly in front of Greater Mount Rest Church and all of the children who walk up and down that area to school would have to pass that pit which would be very enticing to the children going up and down that area.

When you look at this area, you are looking at six residential areas. All have a number of children who attend this school and who has to pass up and down this road. When we look at this area, also, and you're talking

1 about digging out there for three years, 25
2 feet deep, 48 acres wide, that's going to be a
3 lot of dust and trash in our homes.

4 At the same time, we are talking
5 about a port road being built. MDOT is going
6 to come through this same area putting a
7 highway to take the 18 wheelers off of 49 and
8 place them through our area going to Canal Road
9 and up to I-10. That's still going to be a lot
10 of traffic, a lot of trucks, a lot of danger
11 for our children that we can't do nothing about
12 in the construction phase.

13 So I'm telling you, I'm speaking
14 against this project. I do not want it. I
15 don't think it's necessary, and I will
16 challenge any of you to show me an area in the
17 State of Mississippi where this type mining has
18 gone on in a residential area. You say to me
19 that this is surface mining and I will be the
20 first to tell you, I tell Rose every day, I
21 know nothing about the environment, but when
22 you go 25 feet deep, I think you are a little
23 bit below the surface, and I have a problem
24 with that.

25 When we look at two million

1 gallons of water, I challenge any of you to
2 walk out of here and go and follow that road
3 around, that ditch around the railroad to go to
4 Brickyard Bayou, there's not a single ditch,
5 and they are ditches, sir, there's not a single
6 ditch in this area can carry that much water
7 per month, and we're talking about doing it per
8 day, two million gallons of water per day. We
9 cannot handle it. Every home in the Rosalyn
10 yard will flood, my church will flood, all the
11 churches down this road will flood. We don't
12 have any place for that much water to go.
13 When you hear that Brickyard Bayou has been dug
14 out, I challenge you and anybody that says they
15 dug it out or knows where it was dug, when it
16 was dug or how it was dug, to go look today,
17 it's eroding. Go look at it. The reason I
18 know, I went, it's eroding. And if we are
19 going to put that much water in it, it's not
20 going to help things at all.

21 And I'm asking you to please look
22 very hard at this project. To look at this
23 project when you say we are going to give you
24 something, we are going to give you a park. I
25 challenge that because we don't need a park in

1 this area. We don't need a park. I also
2 challenge the fact and want to know the answer
3 to when we started out you told me one hole was
4 going to be out there, and now I hear there's
5 going to be three holes out there. So I would
6 like to know how many holes are going to be out
7 there, how are they going to be left, and when
8 they're going to be left, and if we're talking
9 about three years, that's a long time. MDOT
10 has not given us a time line. But MDOT is
11 going to give us something for their stay.
12 From Mr. Fore we get a hole, and I think we
13 need more than that if you are going to put
14 that type of problem on us.

15 So I'm asking you to look at the
16 hazards, to look at the danger to our children,
17 to look at the health hazard to the people
18 living in this area, and please deny this
19 permit.

20 MR. JERRY CAIN:

21 Thank you, Ms. Frederick.
22 Eloise Frederick. Let me
23 apologize for the temperature, apparently this
24 is set someplace else and we can't control it.
25 So if it gets hot, feel free to take off your

1 jacket.
2 ELOISE FREDERICK:
3 Good evening. We as the
4 community have spoke as a body and said we do
5 not want a pond nor a park in our community.
6 We hope that the minutes will reflect that we
7 are opposing the pond and the park. Please
8 deny it, we don't want it, we have spoke and
9 said we don't want it, and we are saying we
10 don't want it, and we will continue to say we
11 don't want it. Please deny.

12 MR. JERRY CAIN:

13 Mr. Walter Thomas; am I right?

14 WALTER THOMAS:

15 Let the residents speak first and
16 I will get back.

17 MR. JERRY CAIN:

18 Ms. Mary Wilson.

19 MARY WILSON:

20 Good evening. I would like to
21 say that we do not want this hole, we do not
22 want this death trap, you can call it a lake, a
23 pond, or whatever you want to call it, it's a
24 death trap for our kids. There is enough going
25 on with losing our kids without bringing

1 something extra in here for them. I live in
2 walking distance of this death trap. I do not
3 want it, I do not want the water backing up in
4 my home, I do not want the water backing up in
5 my church. All these people here, they're not
6 just here for decoration. These people are
7 here and to say we do not want it. Just that
8 plain and simple.

9 MR. JERRY CAIN:

10 James Harris.

11 JAMES HARRIS:

12 My name is James Harris. I want
13 to ask are there wetlands on this property and
14 how will they be protected? Please deny this
15 permit. 28th Elementary School is one of our
16 most beloved schools. We are concerned about
17 the four years that trucks will be interrupting
18 their studies and potential safety issues of
19 our children. Please deny this permit.
20 Appreciate that.

21 MR. JERRY CAIN:

22 To answer your question, there
23 are seven acres of wetland that are within the
24 mining permit, and those seven acres have been
25 shown to the Corps of Engineers. Since there

1 question the size of that settling pond. Is it
2 going to clean the water? Is it of an adequate
3 size that allows the dirty water to stay in it
4 for a long enough time? And again, I just want
5 to repeat, it seems very convenient to me that
6 49 acres, I'm sure y'all are more familiar than
7 me about that. But I would like y'all, when
8 you present this to the permit board, to raise
9 that issue. To me they should be held to the
10 standard of a 50-acre pond because they are so
11 close and initially did ask for 55 acres. That
12 can logically only be the reason that they
13 dropped it down to that size is my inference.

14 So on that, I'm also wondering
15 are there going to be aquatic shelves in that
16 sedimentation pond which increase the
17 efficiency of that type of pond, if you have an
18 aquatic shelf. So that's on the ability of
19 that pond to clean the water as it goes into
20 the ditches that are going to carry all of this
21 two million gallons to Brickyard Bayou.

22 My next question is what I'm
23 actually much more concerned about, and that is
24 flooding. And with two million gallons a day,
25 as opposed to considering that much water going

1 will be no filling, only excavation, do not
2 need a Corps of Engineers permit, to my
3 knowledge. Mr. Howard Page.

4 HOWARD PAGE:

5 Good evening. I will try to be
6 brief. I'm going to address three areas here.
7 My first area I'm concerned with is the water
8 quality of the discharge here. And I notice
9 that there's been a change of the plan from 55
10 acres to 49 acres, and that raises a concern
11 with me that I would like to give to any
12 engineers that might be among you. I'm not an
13 engineer, but I understand that at 50 acres a
14 pond is not allowed to be used what's called
15 the rational method for sizing the
16 sedimentation pond, and it seems to me -- which
17 is going to allow the pollutants, it's the size
18 of the pond that's going to allow the
19 pollutants to precipitate out and theoretically
20 clean water comes out of that pond. It seems
21 to me kind of convenient that we've gone down
22 to 49 acres which has taken us one acre below
23 the threshold, and so I do have some concerns
24 about that.

25 My concern being I don't -- I

1 into Brickyard Bayou and then flowing into
2 Bernard Bayou, I think that that water should
3 be considered on its impact to the ditches
4 which it will be flowing through every day, an
5 additional two million gallons constantly
6 flowing. If these ditches already have two
7 million gallons in them, then their ability to
8 protect this neighborhood from flooding, which
9 is basically what they're there for, is
10 obviously reduced. So I think that that two
11 million gallons should be looked at in the
12 ditches, not in the bayou, because I'm sure
13 it's fairly able to handle that volume. I
14 don't believe the ditches are.

15 On the flooding issue I know the
16 question I have is as you are introducing two
17 million gallons flowing down the ditches to
18 Brickyard Bayou and out to Bernard, on the
19 Coast here we have -- the worst storm event we
20 can have is when we have a large tropical storm
21 come in and high tide. This creates tidal
22 flooding. In other words, as opposed to the
23 water flowing to the gulf of -- to the Sound,
24 the water actually is forced the other way.
25 But once you start digging this pit and start

1 this engineering and process, these two million
2 gallons are going to be produced. And so I'm
3 very concerned that they're not going to be
4 able to get out, there is just no way during
5 those flooding events, during those storm
6 events, which is what causes flood. So, again,
7 I would like close scrutiny to be put on that
8 to the tidal flooding issue in those ditches.

9 And to keep it brief, the last
10 thing I would like to look at is the economics
11 of this, because I think that y'all do look at
12 the economic benefit versus the environmental
13 impact of this. And to me, economic benefit is
14 negligible for the community, and as a matter
15 of fact it's negative. You have folks who live
16 here in Gulfport, we have a nice community, we
17 have schools and homes, residential areas have
18 been established for a long time. And now you
19 are going to have large amounts of heavy truck
20 traffic, you are going to have some loud heavy
21 equipment, heavy pumps being worked. This is
22 going to makes this area less attractive to
23 live in for those four years, or maybe three,
24 but the four years is what I was told the
25 project will go on. So to me I see a very

1 church which sits directly across from this
2 project, and our children play out there. In
3 fact, we just had a picnic and we chose, as a
4 body, to have a picnic at a park that did not
5 have a pond, a water, or anything for the
6 safety of the children. Now do you think if
7 we've done that for the children, do you think
8 we want them to have a forever pond or ditch or
9 pit right across from the church? Just think
10 about that. Give it some serious thought.

11 So I'm opposed to this because of
12 safety concerns, the dangers to the children,
13 the proposed community, and everybody that's
14 here tonight.

15 MR. JERRY CAIN:
16 Before I call the next person,
17 let me maybe clarify something to make sure we
18 understand. Department of Environmental
19 Quality is neither a proponent or opponent. We
20 are not vying for the pit. We are not trying
21 to stop the pit. We are trying to apply the
22 rules and regulations of the state to the
23 requested activity. And part of that process
24 is to get public information and input into the
25 record so it can be considered. So please

1 negative economic benefit to everyone in the
2 community, and a sole economic benefit, of
3 course, going to the owner with the mining
4 operation.

5 And my final point is again on
6 economics. It's once this is completed by the
7 owner's admission, the property is basically
8 worthless. So once this activity occurs, then
9 whatever else could have been cited there,
10 whatever else value that land could be used for
11 will be gone. We'll get four years of activity
12 and then zero benefit forever into the future.
13 As well, of course, a great deal of cost to the
14 City of Gulfport to maintain this property. So
15 thank you.

16 MR. JERRY CAIN:

17 Ms. Arlene Murphy.

18 ARLENE MURPHY:

19 Good evening. I'm a member of
20 Greater Mount Rest which sits right across from
21 the proposed project you are going to try to
22 build and we are going to try to not get you to
23 build it. Praise God. But anyway, I am
24 opposed to it because of the safety concerns.
25 We do have a large youth department in our

1 understand we are neither a proponent or
2 opponent of this development.

3 Ms. Martha Magee. Thank you.
4 Okay. I think this says coach -- I'm not sure
5 what it says. 625 24th street, Gulfport.

6 MR. STEPNEY:

7 That's me. I'm going to yield to
8 some of the parent, but I want to make one
9 statement and I'm going to come back later.
10 But I want to yield to some of the parents here
11 that's going to affect them because they have
12 children in this area, but I will come back
13 later. But that's Stepney, S-T-E-P-N-E-Y.

14 MR. JERRY CAIN:

15 Thank you.

16 Ms. Paula Vassey; is that right?

17 PAULA VASSEY:

18 My name is Paula Vassey and I'm
19 not near as well prepared as everybody else is.
20 I have some things I would like the DEQ to
21 consider.

22 MR. JERRY CAIN:

23 Ms. Vassey, get a little closer
24 to the microphone, I'm sure the court reporter
25 is having a little difficulty hearing you.

1 PAULA VASSEY:
 2 Is that better?
 3 MR. JERRY CAIN:
 4 Yes.
 5 PAULA VASSEY:
 6 I have just a few issues I would
 7 like the DEQ to address. One of the facts is
 8 the project doesn't have local permitting yet.
 9 I attended two meetings, a zoning meeting and a
 10 planning meeting, it was turned down. But not
 11 only was it turned down, the application wasn't
 12 even right. What was advertised was for a
 13 park. We asked that that permit application be
 14 taken off the board, off the table, and they
 15 refused to do that. The permit ap -- they
 16 heard testimony and information was presented
 17 on the pit. We ask that that be taken off
 18 since it hadn't been applied for. So we would
 19 like first and foremost the DEQ to address the
 20 issue that this really isn't even a project
 21 because it's not a properly applied for
 22 project. So any help y'all could give us in
 23 getting that taken care of, to be readvertized,
 24 a new hearing on both issues of zoning and
 25 planning since it was improperly applied for

1 would be a benefit to us.
 2 If through any means y'all could
 3 keep the general public informed on every time
 4 this project is changed, because every time I
 5 go to a meeting or hear it, the project
 6 changes. We have a hard time keeping up with
 7 what's going on. Some of the problems that we
 8 think need to be addressed on this would be
 9 that the end result to reclaim the property as
 10 a park is not allowed in the zoning
 11 classification. So it would require a zoning
 12 change before. And I think that zoning change
 13 needs to be established up front.
 14 The other permit would be what
 15 we're here for tonight, a mining permit from
 16 DEQ. We need copies of the truck routes
 17 showing the routes that are traveled. The way
 18 we figure the dirt coming out of that pit over
 19 a three to four-year project, which they said
 20 would only be a two-year project, so we need
 21 some clarification on that. We're talking
 22 about minimum of 300 trucks per day traveling
 23 through this residential neighborhood and
 24 endangering people's lives.
 25 And another thing there was a

1 letter to the editor yesterday in The Sun
 2 Herald, there's already a traffic problem in
 3 this area. I think DEQ is allowed to address
 4 quality of life issues here. And when there is
 5 already a traffic problem, to implement or
 6 allow a permit, another three to 400 trucks per
 7 day into a neighborhood that already has a
 8 problem should be given some serious
 9 consideration.
 10 The weight limits on the truck,
 11 they indicated they would be using 20 cubic
 12 yard trucks. They never said whether that was
 13 wet or dry. We need to make sure that that's
 14 monitored and kept within the weight limits
 15 that are allowed. These are small residential
 16 roads out here. I don't think any of them
 17 should have big trucks on them.
 18 Two million gallons of water per
 19 day, it's not very considerate of DEQ to
 20 continue to permit projects in areas that are
 21 known for flooding. Ms. Fredericks' house has
 22 flooded several times. They live in houses
 23 with no carpet because they can't keep the
 24 water. So to insinuate to this particular
 25 group of people that two million gallons is not

1 much, when they know it doesn't take one inch
 2 of rain to flood their house out, their sewage
 3 overflows, their commodes would be non useable
 4 is not really a pertinent or polite comment in
 5 this particular neighborhood.
 6 We think the issue of water
 7 quality going into the streams with the testing
 8 and monitoring, we think other things should be
 9 tested and monitored for just besides PH. We
 10 know there is no numerical classification on
 11 turbidity of water. If you don't have one
 12 established, it needs to be. We understand
 13 that most of the waters in this particular area
 14 are on the impaired water bodies list. DEQ is
 15 working to try to establish some CMDLs. I
 16 don't know if there is one on Brickyard Bayou.
 17 I know on Bernard Bayou and some of the other
 18 ones turbidity has been a problem.
 19 Through the recent hearings on
 20 DEQ they are trying to de-list the waters in
 21 this area. They've been after that for years
 22 due to the slow down in economic development.
 23 But we have consent decree with EPA and DEQ, we
 24 need these waters cleaned up before we permit
 25 anymore storm water discharge to continue to

1 flood and put pollutants into our lakes and
2 streams. They are not safe for drinking, they
3 are not safe for swimming, they are not safe
4 for recreation, they're not safe for fishing.
5 This water goes to the Gulf of Mexico. We live
6 down here. We survive off of our tourism
7 industry. Our beaches have been closed I can't
8 tell you how many times. Whatever y'all permit
9 north comes south. We need to look at the
10 issue of polluted water, storm water runoff in
11 a very strict manner. Thank you.

12 MR. JERRY CAIN:

13 Mr. Calvin Jackson.

14 CALVIN JACKSON:

15 Good evening. I am really
16 concerned because I had some comments the other
17 night on this. When you are talking about
18 running that water to Turkey Creek, that's what
19 they said, and that's almost a mile from where
20 the dredging is going to be. And then you are
21 going to Brickyard Bayou. We won't have no
22 wild life within the water. The fish will be
23 gone in Turkey Creek. The fish will be gone in
24 Brickyard Bayou. And Turkey Creek now when it
25 rains just a little bit becomes muddy. And the

1 other members who are here. I'm Deborah
2 Dawkins. I'm a state senator for this area,
3 District 48. I'm vice-chair of the Senate
4 Environmental Committee, and I'm also on the
5 public health committee, and I would argue this
6 is an issue that concerns both of us. Some
7 people have a problem making that connection.
8 And there are health impacts I think that would
9 be associated with this project if it were
10 permitted. However, before I go into that, I
11 know it's not customary to ask questions at
12 these meetings, but this -- I only became aware
13 of this meeting anecdotally. I'm sure that the
14 department advertised it properly, I have no
15 doubt of that, but it must have been in the
16 legal section.

17 MR. JERRY CAIN:

18 Yes, ma'am. First off, you can
19 certainly ask questions and we will try to
20 answer them if we have an answer. We were in
21 direct contact with a lot of community leaders,
22 and I also understand that they made some
23 sorted efforts to get people to be aware of
24 this meeting. And, in fact, to this audience
25 we should mention that there was notice.

1 Corps of Engineers, they haven't done anything
2 yet but we're waiting. But I ask that you all
3 will turn it down like the planning commission
4 because we have no need for it. Thank you.

5 MR. JERRY CAIN:

6 Mr. Blakely.

7 ALBERT BLAKELY:

8 My name is Albert Blakely, and
9 I've lived in this area practically all of my
10 life. And I would just like to say if Mr. Fore
11 really wants to do something that he would seek
12 to get this area rezoned from commercial to a
13 residential area and invest in people to put
14 some homes out there would be the most thing
15 that I see the benefit of out there.

16 MR. JERRY CAIN:

17 Johnny Lee. Johnny Lee. 3114
18 Harrison Drive? Okay. Reverend Arthur Gibbs?

19 ARTHUR GIBBS:

20 Yes, I would like to yield to
21 those who are closer to the proposed area.

22 MR. JERRY CAIN:

23 Senator Deborah Dawkins.

24 SENATOR DEBORAH DAWKINS:

25 Thank you, Mr. Cain, and the

1 SENATOR DEBORAH DAWKINS:

2 I think that this audience is an
3 indication that the people in the community got
4 notice, but -- and that you tell me that there
5 was legal notice that was given in the legals,
6 but I would argue once again as I often have to
7 the department, that it would be very useful to
8 people outside the community to have some sort
9 of ad that's not in the legals.

10 MR. JERRY CAIN:

11 Yes, ma'am.

12 SENATOR DEBORAH DAWKINS:

13 And you said something about a
14 June hearing which I'm completely unaware of, a
15 June hearing where there was an amended
16 application?

17 MR. JERRY CAIN:

18 I think what we said was that the
19 geology permit went before the June permit
20 board; is that right? And which we know the
21 permit board confirms the issuance of that
22 permit. That was not a hearing.

23 SENATOR DEBORAH DAWKINS:

24 So just for future record, I
25 would like to be notified whenever there is

1 anything to do with this proposed application,
 2 whether it be geology, water quality, or
 3 anything else. And I'm sure Representative
 4 Fredericks would as we both represent this area
 5 at the state level. And I think maybe some of
 6 your remarks, and I'm sure you didn't mean to
 7 do this, Mr. Cain, but some of your remarks
 8 about the permit board might have been
 9 misleading. Yes, by statute the directors of
 10 those agencies are appointed to the permit
 11 board, but you all know here when was the last
 12 time you saw those directors there? They never
 13 come to those meetings.

14 MR. JERRY CAIN:

15 They send their designee.

16 SENATOR DEBORAH DAWKINS:

17 As they always do.

18 MR. JERRY CAIN:

19 That is --

20 SENATOR DEBORAH DAWKINS:

21 Well, I've never seen any of the
 22 directors there and I've been going seven or
 23 eight years. So if you could provide to the
 24 people that you have been providing information
 25 the names and addresses of all the members who

1 like the people here know Gulfport. But there
 2 is no other community in the city, maybe up and
 3 down the Coast, where a strip mine would be
 4 allowed as close to a school, to churches, and
 5 let me just tell you something about this
 6 school, this is a wonderful school. Until I
 7 was elected to office I had never spent any
 8 time here. But this is a wonderful school, and
 9 it provides not only service to the students,
 10 but a lot of services to the community. And to
 11 impact it negatively in any way from a health
 12 aspect, environmental aspects, or any other
 13 ways, the permit board will not be doing a
 14 service that it is supposed to do to the
 15 community.

16 I appreciate your extension of
 17 the comment period, that's not an uncommon
 18 thing, and I think that's the least that could
 19 be offered to the folks here tonight. One
 20 thing that I would like to see addressed by
 21 that permit applicant is what are the intended
 22 hours of operation? I do not -- I haven't seen
 23 the permit application, I probably won't have a
 24 chance to read it. I probably won't have a
 25 chance to deal with this again until it goes

1 are the designees at the permit board I think
 2 that would be very useful to the community so
 3 they can communicate with them.

4 MR. JERRY CAIN:

5 Yes, ma'am, we can.

6 SENATOR DEBORAH DAWKINS:

7 With regards to the surface
 8 mining, and I think the comments about that
 9 were very pertinent. But I was interested when
 10 I went to one of the meetings, which I also
 11 found out about anecdotally, that on the agenda
 12 this was listed as what I guess it is, a strip
 13 mine. And although we statutorily call strip
 14 mining in Mississippi surface mining, as
 15 Representative Fredericks noted, I don't think
 16 technically in my opinion something that's 25
 17 feet deep qualifies as a surface mine, it's a
 18 strip mine. But, okay, just for the sake of
 19 argument let's call it a surface mine. I don't
 20 know of any other community in Gulfport where a
 21 strip mine would be allowed this close to a
 22 residential community.

23 Now, the designees on the permit
 24 board are going to read this document and they
 25 don't know Gulfport like I know Gulfport and

1 before the permit board in Jackson, which I
 2 promise you I will be there. But the hours of
 3 operation should and must be addressed. This
 4 is a residential community and we need to know,
 5 you know, are they planning to operate around
 6 the clock six to six, ten to five, what is
 7 their intent.

8 Also, Mr. Cain, I think by
 9 statute there are a lot of considerations,
 10 archives and history should look at this
 11 community. This is a very historic community.
 12 It's one of the first African American
 13 communities in the State of Mississippi, and
 14 archives and history should evaluate it as part
 15 of this permit application.

16 I'm also concerned about the
 17 roads. If anyone thinks the State of
 18 Mississippi can afford to keep up this road or
 19 expand it or anything else they are sadly
 20 mistaken in this year.

21 I don't know from the permit
 22 application, as I haven't seen it, if wildlife
 23 -- if the Department of Wildlife has fully
 24 evaluated it. I've seen marine resources who
 25 has evaluated what's going to be happening with

1 the impact to Brickyard Bayou. I assume when
2 you put two million of freshwater a day into
3 brackish water that it changes the salinity
4 somewhat, although I'm not a water quality
5 expert. I'm going to yield to some of the
6 folks who are here tonight who live in the
7 community, but I do represent the community and
8 I will follow this all the way through. Thank
9 you.

10 MR. JERRY CAIN:

11 Mr. Fore, would you like to speak
12 to the hours of operation?

13 W.C. FORE:

14 Approximately nine to ten hours a
15 day.

16 MR. JERRY CAIN:

17 Mr. Fore said approximately nine
18 to ten hours a day.

19 MEMBER OF THE AUDIENCE:

20 Too long.

21 MEMBER OF THE AUDIENCE:

22 He said something different or
23 his lawyer did at the last meeting.

24 MR. JERRY CAIN:

25 Ms. Rose Johnson.

1 birds, the fish, the shrimp, the crabs, and
2 other aquatic life, or even cause them to
3 leave. The seafood industry is very important
4 to our economy.

5 Because of this proposed dirt pit
6 location and the size, the African American
7 residents are concerned about the increasing
8 flooding from the on-site sediment pond after a
9 heavy rainfall. We have a community that
10 deserves protection. We have many needs in our
11 community such as flood control, water and
12 sewer upgrade, sidewalks, and roads
13 improvements. Under DEQ guidelines and
14 regulations, DEQ is allowed to consider
15 cumulative impacts to communities and
16 infrastructure such as quality of life issues.
17 That includes flooding, air quality, water
18 quality, increased traffic from large trucks
19 that would tear up our streets even worse.
20 Loud noise from heavy equipment operated, and
21 more importantly, this project is too risky. A
22 child could get hurt in the dirt pit or even
23 drown. This pit is located near several
24 churches, an elementary school where children
25 walk to school. The safety of our children

1 ROSE JOHNSON:

2 Hi, thank you very much. I'm
3 Rose Johnson. I am state chair of Sierra Club.
4 Mr. Fore owns the property, and ordinarily it
5 would be okay for him to do what he wants on
6 his property, but unfortunately, in this case,
7 the impacts of the proposed dirt pit would
8 significantly impact other people's property.
9 Sierra club has great concerns about water
10 quality, and there are also concerns about the
11 proposed dirt pit would create a blight to the
12 community. We are also concerned about the
13 possibility of wetlands destructions, although
14 you say that it won't affect the wetlands, but
15 we want this to go on the record. Wetlands
16 have a significant value in filtering ground
17 water. This project would pump two million
18 gallons of water a day into Brickyard Bayou,
19 which is an impaired water body.

20 We have noticed in the storm
21 water permit that there are only limits set for
22 total suspended solids in the permit. We want
23 to know what's in the water that's going to be
24 discharged into the bayou? There could be
25 pollutants and contaminants that could harm the

1 must be paramount.

2 The residents also fear when the
3 digging process starts it will disrupt the
4 resting place of large rats, snakes, and other
5 reptiles that would invade their yards, homes,
6 and streets and further disrupt the quality of
7 life. We do not want, we do not need a dirt
8 pit or so-called lake regardless of promises
9 made.

10 Mr. Fore has already violated the
11 public trust and a public slap in the face to
12 DEQ by beginning this project without proper
13 permit. How can we trust Mr. Fore or the city
14 to do as they are supposed to do in maintaining
15 this project? There are alternatives where Mr.
16 Fore can get his dirt. He just has to pay a
17 little bit more to haul it a little bit
18 farther, but that's just the cost of doing
19 business. Why should thousands of people
20 suffer for Mr. Fore to make a large profit from
21 his dirt pit?

22 MR. JERRY CAIN:

23 Thank you, Ms. Johnson. Let me
24 clarify something. I did not say there would
25 be no wetlands destroyed. What I did say was

1 there are seven acres of wetlands that will be
2 within the pit. If that's excavated, those
3 wetlands will be destroyed, certainly. What I
4 told you was the Corps of Engineers says it
5 doesn't require a permit because under the
6 regulations there is no fill. I just wanted to
7 clarify that.

8 ROSE JOHNSON:

9 Thank you very much, we will be
10 watching.

11 MR. JERRY CAIN:

12 Mr. Booker Natson; is that right?

13 BOOKER NATSON:

14 Yes, sir. My name is Booker
15 Natson, and I have a couple of requests that I
16 would like to make if I could. One is that if
17 it were possible for us to get the names of the
18 people that are on the planning board --

19 MR. JERRY CAIN:

20 Permit board?

21 BOOKER NATSON:

22 Yes, sir, the permit board, I'm
23 sorry.

24 MR. JERRY CAIN:

25 Yes, sir.

1 I think it might be worthwhile to
2 reiterate what I said earlier about the
3 process. And this process, as I said, is for
4 the purpose of gathering information and
5 getting communities, the public's concerns
6 about this. We are creating a verbatim record
7 by the court reporter. Everything that's said
8 here, everything that's presented, everything
9 that's presented between now and 14 days will
10 be presented to each and every permit board
11 member, verbatim. Verbatim. So I just want to
12 make sure that everybody understands that.
13 Because that's really the whole purpose of this
14 meeting is to make sure that this information
15 gets to the permit board so that they can have
16 it all to consider as they make a decision.

17 Now, in regards to who the permit
18 board members are. I believe if you go to our
19 web page it's listed under, when you go to the
20 MDEQ web page, main page, it says permit board,
21 and I believe the members are listed there.
22 But in addition, we will send copies of the
23 members' names and addresses to Ms. Fredericks,
24 is that all right, and Ms. Magee, and then let
25 you disseminate however you care to. Thank

1 BOOKER NATSON:

2 I would imagine that someone here
3 is going to report back to the planning board
4 as to what to what took place at this meeting;
5 am I correct?

6 MR. JERRY CAIN:

7 Yes, sir.

8 BOOKER NATSON:

9 Well, I'm sure you are going to
10 state to the planning board that people of this
11 community does not want this pit in their
12 community. And I will appeal to Mr. Fore that
13 if he would reconsider, I understand it's his
14 land, his property, he can do with it like he
15 please, but I would appeal to Mr. Fore that if
16 he could find another way to use this property
17 and this land that's more constructive and more
18 creative to this community, that he would do
19 that, and that everyone in this room have the
20 names where they can contact these planning --
21 I continue to say planning board, but I mean
22 the permit board so they can make their --
23 their concerns known to the permit board.
24 Thank you, sir.

25 MR. JERRY CAIN:

1 you.

2 MEMBER OF THE AUDIENCE:

3 And Ms. Dawkins wanted a copy.

4 MR. JERRY CAIN:

5 Yes, Senator Dawkins, we will
6 make sure you get a copy, also.

7 Another one of these names that's
8 hard for me to read the writing. I am going to
9 say that this is Marcel Lawty?

10 MARCEL FAIRLEY:

11 Marcel Fairley.

12 MR. JERRY CAIN:

13 Fairley, I'm sorry.

14 MARCEL FAIRLEY:

15 Good evening. I own a house in
16 the area, and my daughter lives in that house,
17 and she have a three year old. I do not want
18 that pit. I would like for my granddaughter to
19 be able to go to 28th Street School when she
20 becomes kindergarten, but I do not want that
21 pit for her safety.

22 MR. JERRY CAIN:

23 Is it Edie or Eddie Potts?
24 Russell Boulevard. Elizabeth Potts?

25 ELIZABETH POTTS:

1 I just want to say good evening
2 everybody. And I was listening to what you
3 were saying, it's like what you are saying and
4 what we're saying, it doesn't matter because
5 you are planning to do what you want to do
6 anyway. Now, if it was in your backyard, you
7 wouldn't want it there either. So now I'm just
8 going to say what I feel because I want to
9 think it's just because y'all come in here and
10 want to take over, do what you want to do, I
11 don't think it's right.

12 Now, I'm going to say it, and
13 like you say, we will get papers back from
14 different things and all of that, but you talk
15 like you are planning to carry on while we're
16 waiting for the papers. So we don't need that.
17 So I didn't say it, I'm just going to say it,
18 because it's not right. Let somebody come in
19 your yard and root up where you live and put a
20 big lake there for the kids and things to fall
21 in and get hurt and all of this stuff.
22 Because, see, I don't live down here, but I'm
23 still a part of this. I live a little bit
24 further up the street, but the same thing
25 happens to them happens to me whenever there's

1 now, the devil be trying to take over.
2 Because he say coming through to destroy and to
3 kill. So that's -- somebody got to wake up,
4 shake up, read the Bible and pray and let God
5 lead them what to do, not take on to us,
6 because we are nothing without Christ. We are
7 nothing. Things we do, it's not pleasing
8 Christ. Let him lead, let him guide you. And
9 you will be live right.

10 MR. JERRY CAIN:

11 I hope I have this right,
12 Reverend Laborde; is that right?

13 REVEREND LaBORDE:

14 I'm Reverend Oriel LaBorde. The
15 first thing I would like to say, we don't want
16 this in the community. Number 2, it's not
17 environmentally right. You said that
18 Department of Environmental Protection are
19 sitting on the board to decide this permit.
20 You said that the zoning commission sat on the
21 board. Wildlife and Fisheries, nothing is
22 mentioned of those doing anything about the
23 fishery and the wildlife in the lake when it's
24 finished. The environmental, forget it, they
25 are totally out of sync. Now when you are

1 a big rain.

2 MR. JERRY CAIN:

3 Eugene Hawthorne. Ms. Vertie
4 Marie Bradley? Ms. Dorothy Wilson? Ms. Carla
5 Wilson? I said Carla, but it may be Carela
6 Wilson.

7 CARELA WILSON:

8 My name is Carela Wilson, and
9 I've been here in Gulfport ever since 1958 and
10 we have had floods. In our floods we lose
11 things and when storms come we lose things.
12 And now if this pond be built we sure enough
13 going to lose things. We're going to lose our
14 children, and maybe some of us. See, it's
15 danger. Main thing need building is some
16 churches to get people's souls saved to go to
17 heaven. Do that. We will be pleased and God
18 at our side, not something here to take
19 people's lives. And if someone be took, won't
20 even be have time to look up to God ask God
21 forgiveness. The children won't live to ask
22 God for forgiveness to go to heaven. That's
23 what needs to be, is churches. Go around
24 getting souls saved. He will be pleased in
25 God's eyesight. And the thing that going on

1 building this thing, which is going to take
2 three years or four years, you are going to be
3 having large amount of trucks. There is going
4 to be loud noises that is going to go above the
5 decibel, the allowable decibels for noise
6 pollution definitely. Churches won't be able
7 to hold services, in your home you won't be
8 able to have conversations, then you end up
9 with dust pollution. There is no way you are
10 going to be able to -- in a dirt without on 400
11 acres without the whole community is going to
12 be filled with dust. Everything is going to be
13 covered with dust. Our cars are going to be
14 covered with dust. Our houses are going to be
15 covered with dust. Our church is going to be
16 covered with dust, we are going to be covered
17 with dust.

18 What about the people who has
19 different respiratory problems. There are lot
20 of people with respiratory problems has to be
21 considered. Then the next thing is you are
22 going to put -- you have water. A large body
23 of water settling, settling, it breed on --
24 Number one, it's no good. That water becomes
25 stagnated, it becomes stinks, and it forms

1 algae, all these different things form into the
 2 water. It creates a -- it changes the
 3 environmental imbalance in the area, not only
 4 water area, but around the area. All of that
 5 changes. Now during our salvation, during the
 6 working period, water is going to be drained
 7 off to where that's going to the different
 8 areas. Now when this water drains, yes, there
 9 is one main tributary that's running, but there
 10 are side streams. These side streams, they are
 11 settling holes, breeding holes for mosquitos,
 12 not only mosquitos, but snakes, all these
 13 different things have to be taken into
 14 consideration in granting a permit to do such a
 15 work. You have allowed -- this is a
 16 residential area close to one of our main
 17 highway, our main thoroughfare, which is 49. 49
 18 on the highway map is listed as a main highway.
 19 It's not a small highway. It goes right
 20 through town. And you have a large body of
 21 water sitting with no protection whatsoever.
 22 You are just creating danger. You have school
 23 areas, we have the children around, and you
 24 have not given us anything concrete, concrete
 25 as to when you are through doing your work with

1 water when the rain comes or something, even
 2 though you build an embankment, that water
 3 rises, erodes all the side of the embankment.
 4 The next thing you know our house won't be
 5 flooded, they will be washed away. I'm
 6 speaking as a civil engineer who knows what I'm
 7 talking about, and environmental concerns. And
 8 we got to -- he has left, he has raised a
 9 concern of sediments in the water. When you
 10 build the lake after you have built this thing
 11 and you have it, all the water settles on the
 12 bottom. There are sediments settled inside,
 13 all the dirt and thing that comes and settles
 14 on the bottom of that. There is a lot of dirty
 15 water that settles there, but you have to give
 16 that water enough time to settle itself so that
 17 the clearer water can drain off.
 18 Now, is there any allowance made
 19 for these things? There are no allowance made
 20 for these things. So I would say emphatically,
 21 it does not meet the environmental quality,
 22 wildlife and fisheries haven't explained
 23 themselves as to what they're going to do.
 24 Are they going to put some fish in there? Are
 25 they going to do different things to keep the

1 this large body of water sitting here. Now,
 2 you supposed to have fenced this water as when
 3 they build lakes, you know, they build the
 4 dams, they put the big large fences around
 5 these dams, they have security protection, we
 6 wouldn't have any of that. It would be a large
 7 -- a big hole sitting there. The bank of this
 8 you say you are going to build it and you are
 9 going to slope the bank, you may put some
 10 landscaping. After a while erosion takes
 11 place. If you go to walk on that walkway that
 12 they put around the edges of that lake, not
 13 only the children slipping, but maybe I may
 14 slip into there. I may tend to walk on there
 15 or walk there and I may slip into that lake.
 16 That's one too many.
 17 The other problem that I have,
 18 the other concern I have is the flooding. This
 19 area floods. Two years ago we were going to
 20 have the Baptist Seminary Conference here at
 21 St. Johns. We couldn't have it that same year.
 22 It was no major rain, it was just a little
 23 storm. We couldn't have it, the place was
 24 flooded. We have to go somewhere else. Now
 25 you are putting a lake, 49 acres, with all this

1 water -- to keep the PH of the water quality
 2 okay? That even if we want to fish there we
 3 can? It's not addressed. So all we are left
 4 with at the end of -- beside the horror during
 5 construction, because during construction is
 6 going to be a nightmare, then we have small
 7 shops. The small shops in the area usually
 8 during construction, they lose customers and
 9 have to be closed. These are our -- these are
 10 us trying to make a living. We lost a living.
 11 So these are some of the concerns we have. We
 12 do not want that horrendous thing in our
 13 community.
 14 MR. JERRY CAIN:
 15 Dale McShawn?
 16 DALE McGEE:
 17 McGhee.
 18 MR. JERRY CAIN:
 19 I'm sorry. Yes, sir, Mr. McGhee.
 20 DALE McGEE:
 21 You made the statement earlier
 22 that you were not an opponent or proponent of
 23 this project, but you do have a responsibility.
 24 And that responsibility lies in your mission
 25 statement. I went on your website, and your

1 mission statement reads like this. The mission
2 of the Mississippi Department of Environmental
3 Quality is to safeguard the health, safety, and
4 welfare of present and future generations of
5 Mississippians by conserving and improving our
6 environment and in fostering wise, wise
7 economic growth through focused research and
8 responsible regulation. That is your
9 statement.

10 I grew up in Meadowpark just
11 southeast of here as a child. There is not a
12 person or an engineer in this room that knows
13 these ditches better than I do. I caught
14 crawfish, minnows, and tadpoles out of these
15 ditches. But one thing that I can remember as
16 a child, that any time that it rained, it would
17 always flood, even today.

18 Now, my environmental question to
19 you is this, on the southeast portion of Mr.
20 Fore's property, looking south towards 30th
21 Avenue, can you tell me the elevation from his
22 property to the average elevation of Meadowpark
23 elevation?

24 MR. JERRY CAIN:

25 I can't.

1 unwanted act against people who have spoke
2 against this hazard that you all are about to
3 make a decision. It's very important, the ones
4 we speaking to here, even though the board is
5 not here. It's very important you take this
6 information back to them in the same way that
7 it have been given to you, because if they make
8 any other decision besides deny this permit,
9 they are immoral, they are wrong, and there is
10 no justice and no cause.

11 MR. JERRY CAIN:

12 Mr. Joshua Anderson. Joshua
13 Anderson. Mr. Mark Lee.

14 MARK LEE:

15 Good evening. My name is Mark
16 Lee and I'm a resident here in the City of
17 Gulfport, and I'm also a member of the Anointed
18 Temple Church of God located right down the
19 street here on -- behind the trucking company.
20 We are very concerned about this particular
21 project that is being taking place in our city.
22 And our residents have already been spoken and
23 they've been said many, many times here
24 tonight, the reason we don't want this project
25 in our community. My question to the board is,

1 DALE MCGHEE:

2 The reason I ask that question is
3 if there is a torrential rain, the worst case
4 scenario, what is going to happen to that
5 water? It is going to run downhill, downhill
6 to where, Meadowpark. That is a question I
7 would like you to address. Thank you.

8 MR. JERRY CAIN:

9 Ms. Betty Magee. Reverend Billy
10 Barnes?

11 REVEREND BILLY BARNES:

12 Good evening. I stand and I
13 believe nothing has been said about the
14 environment. There is no question that it is
15 an environmental hazard. I heard different
16 names, a pit, a ditch, and a lake. First
17 question I want to ask you is why do you want
18 to put a lake on the Gulf Coast? That lets me
19 know that this is not about a park, this is
20 about greed. This is not about the environment
21 because it has been proven that it's an
22 environmental hazard. It's only about greed
23 and someone making a involved decision. If
24 this board make a decision other than what this
25 community has spoken, you all are sticking an

1 why from time to time you continuously come
2 into the black folks' community and bring
3 problems?

4 MR. JERRY CAIN:

5 Mr. William Young. Mr. Young.

6 WILLIAM YOUNG:

7 I yield. I yield my time, that's
8 my pastor over there to speak.

9 MR. JERRY CAIN:

10 Mrs. Sammie Gray.

11 SAMMIE GRAY:

12 Good evening. My name is Sammie
13 Gray, and my question is strictly to DEQ and I
14 would like to know what has the DEQ said about
15 the state tolls crossing this property, and how
16 far above the water level is this. And to Mr.
17 Fore I would also like to say, Mr. Fore, we
18 live in this neighborhood and it's ridiculous,
19 not just you, but anybody who wants to do
20 anything comes to north Gulfport or any black
21 section of our community and just throw
22 something at us. Now, had this been my company
23 and I went behind Bayou View, I don't think I
24 would have even gotten an application. So I
25 don't think it's right for you all to just do

1 whatever that you want to do when it comes to
 2 our neighborhood. And you won't develop it,
 3 you won't clean it up, we can't get -- we're
 4 overcharged taxes, we're flooding now, we can't
 5 afford flood insurance, I mean, I live right
 6 around the corner here. My grand babies stand
 7 out here mornings right here to walk to school.
 8 Now you talk about a truck passing by. My
 9 daughter got to get up at five to get kids
 10 ready, but now you got a truck going to run
 11 down the street, so I don't think we even
 12 should be considering this because this does
 13 not happen in your neighborhood, you won't let
 14 it happen at Swan Lake, you won't let it happen
 15 at wherever, but you want to do it in our
 16 neighborhood. If you wanted this property,
 17 come out here with some real money, talk to
 18 these people, and fix it up so we can leave our
 19 house where we pay \$65,000 taxes on \$30,000
 20 homes, which we can only sell for 20,000.
 21 Now you want to come in here and
 22 put a big pit. This is not right. This is not
 23 right. And there is no concern given to this
 24 community at all, whether you be black, white,
 25 Asian, or whatsoever, we're not even being

1 I'm a pastor in this area, and
 2 did pastor over here, but I'm a pastor in
 3 Gulfport, and what I would like to know is, who
 4 is going to pay for all this water? The city
 5 is half broke now, if they've got money to pay
 6 for this, I would like for them to give me some
 7 of my money back.
 8 MR. JERRY CAIN:
 9 Is your question who is going to
 10 pay --
 11 TRAVIS ANDERSON:
 12 This two million gallons of water
 13 a day going to cost money?
 14 MR. JERRY CAIN:
 15 This is not water that comes from
 16 the tap or from a pipe, this is water that is
 17 produced from the groundwater. As I said,
 18 that's three to five feet below the surface, so
 19 when you are digging a maximum of 25 feet,
 20 which this project is for, so you are going to
 21 hit groundwater three to five feet below. So
 22 it's going to produce water. And to be able to
 23 mine that water will have to be discharged.
 24 TRAVIS ANDERSON:
 25 Next question I have, why are

1 considered as human beings the way these people
 2 are treating us. That's for the city all the
 3 way back to Jackson. I thank you, sir.
 4 MR. JERRY CAIN:
 5 Ms. Gray, if I may, at the
 6 beginning, and I did know understand what you
 7 said, you asked what about the state tolls,
 8 T-O-L-L-S?
 9 SAMMIE GRAY:
 10 Tolls crossing this property.
 11 The other one was how far above
 12 the water table is this project?
 13 MR. JERRY CAIN:
 14 The water table, as I understand
 15 it, is three to five feet below the surface.
 16 Three to five feet below the surface.
 17 MEMBER OF THE AUDIENCE:
 18 What is the elevation right now?
 19 MR. JERRY CAIN:
 20 I don't know what the ground
 21 elevation is. We have that in a file. I don't
 22 personally know it. I do know that the
 23 groundwater is three to five feet below the
 24 surface I understand. Dr. Travis Anderson?
 25 TRAVIS ANDERSON:

1 these projects, as someone else has stated,
 2 always coming to the black community? Is there
 3 another area other than our area that some
 4 holes could be dug, and if there are, why
 5 aren't they being pursued? Thirdly, it's good
 6 for all of us to be here, but it would be
 7 better for us to call 60 Minutes or PrimeTime,
 8 Dateline, CNN. This is worse than the worst
 9 nightmare. This is a joke that should never
 10 have been told. I'm opposed. I'm happy that
 11 all of these folks showed up. I hope that they
 12 go home, call their different representatives,
 13 call 60 Minutes, get on the computer and send
 14 some e-mails, maybe we can get some real crowds
 15 down here. I think what has happened here is I
 16 think you all have stirred up some folks that
 17 probably you shouldn't have stirred up. I
 18 don't think it's going to get no better. I
 19 think it's going to get a lot worse. And my
 20 suggestion would be to the rest of our friends
 21 and neighbors is we all bus folks into the next
 22 meeting and we all make sure that we get some
 23 cameras that's going to stay throughout the
 24 meeting and make sure there's some from out of
 25 town. I think folks out of the State of

1 Mississippi need to know some of the things
 2 we're trying to do to some of our
 3 neighborhoods. It's ridiculous.
 4 But we're still in the year 2003,
 5 what we're still trying to do and pull off in
 6 our communities. Snakes and everything else is
 7 going to be coming out of there. Who is going
 8 to pay for the first child that drowns in that
 9 water? If Mr. Fore would want to make some
 10 money, why don't he insure that if anything
 11 happen, any disaster, any homes flood, any
 12 homes washed away, I know this man, anybody, we
 13 ought to ask him who is going to pay for this?
 14 Is he going to pay for it, or you all, the
 15 board that's going to pass this, are they going
 16 to have some insurance in case, listen, we're
 17 going to do it anyway, but what we're going to
 18 do, we're going to be responsible if any child
 19 gets drowned in that water, we're going to make
 20 sure that family never works again, never have
 21 to live in this community. This is a
 22 ridiculous act. And I don't know about the
 23 other, I think everybody -- I voice the
 24 sentiment of everybody, we're outraged.
 25 MR. JERRY CAIN:

1 I want to go back to the people
 2 that deferred when their names were called
 3 first. Mr. Walter Thomas, would you like to
 4 speak now?
 5 WALTER THOMAS:
 6 My name is Walter Thomas. And
 7 it's hard for me to believe that we're having
 8 this discussion tonight. There were some
 9 people asking a question earlier about were
 10 there any other dirt pits located within
 11 residential areas, and I'm quite sure you know
 12 where they are, here in Gulfport.
 13 Now, in Orange Grove about three
 14 blocks from my house is a dirt pit. And I want
 15 to tell you that these dirt pits were put there
 16 back when the county, when Orange Grove was in
 17 the county. However, they -- back there, and
 18 there's a lot of holes back there. And I think
 19 if anybody here would go up there and look at
 20 these dirt holes, you wouldn't have to stand
 21 around and think long about what the city need
 22 to be made about putting a hole in this
 23 community. Now what's interesting about these
 24 holes, they back up to one of these -- Wildwood
 25 Subdivision, and it's one straight large drop

1 off, and then just nothing but ground. The
 2 kids go over there and play and they've had a
 3 lot of incidents. As a matter of fact they had
 4 a kid get killed over there on a four wheeler.
 5 They had a kid get drowned over there in the
 6 lake. And they always having problems, and the
 7 residents where these trucks go in and bring
 8 out dirt, which happens to be one of Mr. Fore's
 9 dirt pits, okay, neighbors down that road are
 10 complaining constantly. But what they say is
 11 they can't get DEQ to look at their complaints.
 12 So one of the things there is a
 13 real serious problem in Gulfport, it's kind of
 14 corrupt, you know. Our elected officials down
 15 here only don't care about the citizens, only
 16 about the dollars. So when they failed last
 17 week, or week before last to get approval from
 18 planning, there was an appeal. Now, I can tell
 19 you right now how that appeal is going to
 20 happen. I've been watching for eight years.
 21 The vote is going to be four to three or five
 22 to two. That's how it's going to come out. It
 23 happens like that all the time. Okay.
 24 Now, generally what happens down
 25 there, the mayor and our city council members

1 only care about people with dollars. So we
 2 know -- well, except one, okay. We know
 3 exactly how it's coming. Your board is the
 4 only one going to get a chance to make a just
 5 decision because I know you are going to have
 6 to make it. Mr. Fore is going to get his
 7 approval from planning once he have an override
 8 from the city council. The only thing going to
 9 happen is he is going to get tied up in court.
 10 So that's what going to happen before the fight
 11 even gets started. He can get the planning,
 12 but it's going on to court before it comes to
 13 you for your approval. We do not have a city
 14 of leadership here that is doing very much for
 15 the citizens.
 16 As a matter of fact, just a few
 17 months ago the mayor of this city called this
 18 community we are standing in here tonight dumb
 19 bastards. That gives you some kind of
 20 indication of how things work. There is no
 21 trust here for the government, I can tell you
 22 that right now. But to go back and talk about
 23 the dirt pits that are located over in Orange
 24 Grove, consider what you are going to do right
 25 here in this community which is a much larger

1 area. Orange Grove where the pits are all kind
2 of back in the back, but they all still have to
3 come through the residential area. Here you
4 are putting it right smack dab of all these
5 people, kids, schools, and churches. Doesn't
6 make sense.

7 MR. JERRY CAIN:

8 I want to make sure I know where
9 this pit is you are talking about. In the
10 Orange Grove community is near Wildwood
11 Subdivision.

12 WALTER THOMAS:

13 Ask Mr. Fore to give you the
14 address, sir. It's on Ladner Road where it is,
15 but Mr. Fore can tell you exactly where it.

16 MR. JERRY CAIN:

17 You said it was --

18 W.C. FORE:

19 Jerry, I don't own the pit over
20 there against Wildwood.

21 MR. JERRY CAIN:

22 What you said was, what you
23 described, shear cliff, it's what's called a
24 high wall.

25 WALTER THOMAS:

1 of hot air? Let me ask you, this panel here,
2 you all live here or somewhere else?

3 MR. JERRY CAIN:

4 Everyone here lives in the
5 Jackson area.

6 REVEREND DAVIS:

7 So we already have two strikes
8 against us besides what Brother Thomas said,
9 money. We have people who don't live here.
10 Secondly, we have people here to catch the heat
11 who don't make the decision. I would like for
12 the record to show that when you present this
13 to this board, ask them this question, how many
14 of them would want this in their neighborhood?
15 We would like to question the addressed, also,
16 what's going to happen to the property value of
17 these houses in this neighborhood if Mr. Fore
18 is allowed to do what he wants to do?

19 We understand also that we're at
20 this level right now tonight because the people
21 who are supposed to represent our people
22 continue to do what they always do. I want to
23 say tonight since there are so many of us here,
24 we need to make sure that the folks downtown
25 representing us need to start representing us.

1 It's an unsightly thing next to a
2 house. And the way that you go up in there and
3 go around in that thing is really not very
4 worthy of -- the people that own the property
5 back there would have a hard time selling the
6 house, no doubt about it.

7 MR. JERRY CAIN:

8 Reverend Davis, would you like to
9 speak?

10 REVEREND DAVIS:

11 Thank you. First before I say
12 anything, I would like to ask, because I'm a
13 pastor of the Faith Missionary Baptist Church,
14 but also represent the alliance. I would like
15 for the alliance and every minister in the
16 house who would stand, to stand right now, and
17 some who are standing to raise your hand.
18 Thank you, brothers.

19 Now, these brothers are here, as
20 well as myself, because some live in the
21 community, we pastor people in the community,
22 and we are here because we're black. All this
23 conversation has been taking place I, like
24 others, have sat here and wondered, is this
25 really meaning anything, or is it just a bunch

1 Mr. Thomas had said it's all
2 about money and we know that to be true. In
3 fact, we need to start making sure that folk
4 who are black going to represent start
5 representing us. There is a question in my
6 mind, if I understand correctly, this property
7 was not first zoned for what Mr. Fore wants lis
8 that correct?

9 MR. JERRY CAIN:

10 That's my understanding, yes,
11 sir.

12 REVEREND DAVIS:

13 All right. If that be true,
14 unless I am missing something, there are
15 supposed to be some letters that go out to the
16 citizens of that neighborhood so that if you
17 have an objection to it it can be addressed.
18 What happened to the letter?

19 MR. JERRY CAIN:

20 The department does not make
21 those decisions. Zoning is a local issue
22 that's decided by city government. So we're
23 not part of that process. That's a parallel
24 process that goes on locally, and part of the
25 zoning issue and planning is to determine --

1 local people to determine the appropriateness
2 of an activity in an area. And as you very
3 correctly pointed out, it should be determined
4 by local people, not by people in Jackson. So
5 that's a process that the councilwoman
6 described as going forward, and it will be
7 appealed eventually to the city council. We
8 don't deal with that in Jackson.

9 So I'm not familiar with their
10 process if they send letters out or how they
11 give their notice. I can't address that.

12 REVEREND DAVIS:

13 With all due respect to you, sir,
14 I understand you don't know the answer to that,
15 but perhaps Ms. Hines.

16 ELLA HOLMES-HINES:

17 The process should have afforded
18 those residents an opportunity to receive
19 letters that this was a discussion for special
20 exception use for an I-1. It has been upon the
21 discussion of Mrs. Fredericks, Senator Dawkins,
22 and myself to try and run ahead, the reason I
23 say Senator Dawkins is that she has been so
24 helpful with keeping a discussion with the
25 agencies of communication for things that is

1 makes it very limited to those who are
2 accessing the particular discussion of zoning
3 and planning, which is not correct. But we
4 didn't do our work in the City of Gulfport,
5 neither did DEQ in notifying about this
6 meeting, sir.

7 REVEREND DAVIS:

8 Best I can tell, if I understand
9 correctly, zoning did not send out any letters?

10 ELLA HOLMES-HINES:

11 No.

12 REVEREND DAVIS:

13 But if we want to put a church in
14 an area that was not zoned for it, the Gospel,
15 we would need the permission for the citizens
16 to put a church there to save souls but a man
17 can put a ditch there to take a soul? My final
18 comment is really a question, Mr. Fore, would
19 you want this in your neighborhood?

20 W.C. FORE:

21 What I propose to put in would be
22 very, very nice and it would upgrade the
23 neighborhood.

24 REVEREND DAVIS:

25 If you don't want it in your

1 very helpful as well as Mrs. Fredericks has
2 been untirely running this information to get
3 to get to all of the constituency. That was
4 not her charge, but she did that, Mrs.
5 Fredericks, and paid her money to do that. The
6 notification should have come from the City of
7 Gulfport, and some notification other than
8 legal notice should have come from DEQ. But
9 Mrs. Fredericks and others took upon themselves
10 to notify people that are here today, and
11 that's really very sad. What if we had not
12 gotten involved as what the pastor is telling
13 you, is that you would have had a record that
14 would have been documented by minimally those
15 who are in the area.

16 If you don't do the planning as
17 the minimum was done, legal notice for DEQ, the
18 minimum was done for the City of Gulfport, you
19 are not going to get a great population of
20 people who are going to tell you what they need
21 and what they do not want. So it is important.
22 The city did not follow it, I'm very sure of
23 that, and we have a tendency to do that quite
24 often of not notifying adjacent areas, but we
25 also have in our ordinance a discussion that

1 neighborhood, it's not qualified to be in our
2 neighborhood.

3 MR. JERRY CAIN:

4 I appreciate your comments, but
5 please direct the questions and comments to the
6 podium. We do not want to have interchange
7 back and forth. We want to try to do this in
8 order and make sure we keep a record of all the
9 comments that are made. Mr. Paul Gates.

10 PAUL GATES:

11 I've only been here for a few
12 minutes, you know, and listening at the
13 reverend and all the other people speak on
14 this, you know, it's been my estimation of
15 every time someone, you know, want to put
16 anything bad as opposed to something good,
17 whatever, they come to the black neighborhoods
18 and things. They come to the black
19 neighborhoods when we got property, homes or
20 whatever, they go down to the tax office, they
21 come there, they want to get our home, get our
22 properties and stuff like that. It leaves a
23 bad taste in your mouth. As opposed to like
24 the ditch being in Bayou View or some place
25 where a majority of white people live, so far

1 as middle class and things like that, then you
 2 go down to the black people, what they got,
 3 what they try to build on and everything and
 4 you put things in their neighborhood. You
 5 don't ask their permission to do anything, you
 6 just do things. You don't ask no one
 7 permission, how they feel about this, how they
 8 feel about that, you just do things. But then
 9 when we need and grieve, you give that hand
 10 there, but are you feeling us? Are you really
 11 feeling what we feel inside? We got eyes, we
 12 got dreams, we got kids and grand kids, we have
 13 all that. We would like to get along to the
 14 point wherever you put your hand in mine and I
 15 put my hand in yours, it's about something,
 16 it's about each other, it's about real, it's
 17 about our dreams and your dreams together, not
 18 taking, not dumping things over on us that we
 19 don't want. Putting things on us that we don't
 20 want. There is a trust level there that's
 21 really bad.
 22 When you look at someone, someone
 23 is looking at you, also. And you need to step
 24 up to the plate for what's real and don't give
 25 us this garbage, because that's what it is,

1 doing is going to determine whether the hole
 2 will adversely impact a community that hasn't
 3 been studied; is that not true?
 4 MR. JERRY CAIN:
 5 There is no requirement for an
 6 environmental impact study. What we are
 7 reviewing is whether or not the application
 8 submitted to DEQ for the activity is complying
 9 with the law. The law does not require an
 10 environmental impact study.
 11 RIP DANIELS:
 12 Is it proper for the citizens of
 13 this area to request that a study be done on
 14 this area prior to any approval of a permit for
 15 this project?
 16 MR. JERRY CAIN:
 17 It's certainly proper to ask the
 18 question and we would consider that.
 19 RIP DANIELS:
 20 I asked the question, I know, but
 21 that's not what I said. Is it proper for the
 22 North Gulfport Civic Club to request a study on
 23 this area, environmentally, before any
 24 consideration is given to the approval of a
 25 permit?

1 that's all.
 2 MR. JERRY CAIN:
 3 Reverend Gibbs. Mr. William
 4 Young? Johnny Lee -- I'm sorry, Mr. Young?
 5 WILLIAM YOUNG:
 6 No, no, Reverend Davis spoke for
 7 all the pastors. I was part of that group.
 8 MR. JERRY CAIN:
 9 Johnny Lee? Mr. Rip Daniels?
 10 RIP DANIELS:
 11 Good evening. And I've always
 12 said that there are simple answers to complex
 13 questions. I've got some simple questions that
 14 I think merit some answering. It's more than
 15 obvious that what the people here are saying,
 16 that the quality of life that they're
 17 experiencing here environmentally is already
 18 bad. My question is, is whether there has been
 19 an environmental study on this area before the
 20 hole?
 21 MR. JERRY CAIN:
 22 No.
 23 RIP DANIELS:
 24 Well, then my next question is,
 25 the environmental impact study that you're

1 MR. JERRY CAIN:
 2 And my answer was, yes, it
 3 certainly can be asked.
 4 RIP DANIELS:
 5 Ask the question is what I
 6 thought I heard you say, but not to require a
 7 -- in other words --
 8 MR. JERRY CAIN:
 9 I don't make that decision. I
 10 don't make that decision. That decision is
 11 part of the record, and it is now part of the
 12 record, and will be considered.
 13 RIP DANIELS:
 14 So let me ask you this, is it
 15 proper for the North Gulfport Civic Club to
 16 submit a permit or request a permit, would that
 17 be the process whereby they can actually
 18 achieve a study on the quality of the
 19 environment that they have here now?
 20 MR. JERRY CAIN:
 21 I guess I don't understand the
 22 question.
 23 RIP DANIELS:
 24 Let me tell you the direction I'm
 25 going and I hate to put you on the spot, but

1 what I'm hearing is, and I don't certainly
2 blame you guys, it's obviously as a result of
3 deterioration and how things have been kept
4 here, and basically the typography of the area.
5 What I'm hearing here is that you are
6 evaluating whether or not a project will impact
7 an area that hasn't, to this day, been
8 evaluated?

9 MR. JERRY CAIN:

10 I understand the question, and
11 let me -- first off, the purpose of this
12 hearing is to evaluate the permit. Everyone
13 will be considered. We have limitations to
14 what we can evaluate or not. There are things
15 that fall within the purview of the Department
16 of Environmental Quality, and we look at those
17 things. The record, obviously, has gone way
18 afar of what's within our responsibility.
19 Particularly it goes to the area of local
20 planning and zoning and local land use.

21 I would venture to say, though,
22 that these kind of concerns will be heard by
23 those people who make these kind of decisions,
24 and it is a part of a public record that can be
25 asked for by anyone, and be provided to

1 particular group of streams have monitoring
2 when, I don't know.

3 RID DANIELS:

4 Do you evaluate the amount of
5 water that travels down the ditches, the
6 volume?

7 MR. JERRY CAIN:

8 And we are -- our agency is
9 primarily charged with the quality of water.
10 Quality of water, not volume of water. Now, we
11 consider those things, but again, our primary
12 charge is quality of water. And what we do do
13 when we get concerns like this regarding the
14 quantity of water, is to make those concerns
15 known to those -- or to those people who do
16 consider those things and are aware of those
17 concerns, provide that information to them.

18 RIP DANIELS:

19 So within your mission statement
20 that the gentleman read whereby it indicated
21 you were committed to maintaining a certain
22 quality and safety, could you explain the
23 considerations that the DEQ gives to safety, is
24 that to safety of the water, the safety of the
25 people in the area?

1 whomever.

2 RIP DANIELS:

3 Let me be a little bit more
4 specific. In your evaluation of this project,
5 do you evaluate the thoroughfare that the
6 trucks will be traveling?

7 MR. JERRY CAIN:

8 No, sir.

9 RIP DANIELS:

10 Do you evaluate the ditches that
11 the water will be traveling?

12 MR. JERRY CAIN:

13 Yes, sir.

14 MEMBER OF THE AUDIENCE:

15 Do you evaluate the quality of
16 that water that is traveling down the ditches?

17 MR. JERRY CAIN:

18 Okay. And it's a two-part
19 answer. We will evaluate that condition for
20 discharge from the mining operation and those
21 conditions will be structured to protect the
22 downstream waters. We as an agency have to do
23 monitoring upstream, and that is part of an
24 ongoing process, and we do have that
25 responsibility. Now, as to whether or not this

1 MR. JERRY CAIN:

2 It's another one of those
3 two-part answers. There are those things that
4 we have clear authority to require, and in the
5 sense of our authority, is the water quality
6 such that it will harm fish and wildlife, is
7 the water of a quality such that it will harm
8 the use of it for recreation. If it were to be
9 a drinking water source, would it be safe to
10 drink, those are the kind of safety issues that
11 we look at. Second part of this question is,
12 when there are other concerns, even though we
13 may not have direct regulatory authority, we
14 try to influence the people that are doing the
15 activity to consider those things and to try to
16 address them. Do we have regulatory authority
17 on some of these bigger issues regarding safety
18 after the mining is done, no, we don't.

19 RIP DANIELS:

20 Well, I'm asking about regulatory
21 authority, now. I'm asking as to your -- what
22 you are -- the information you gather and the
23 extent to which you use it, because it's not so
24 much regulatory.

25 MR. JERRY CAIN:

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1 I understand, but there are very
2 fine lines we have to operate by.
3 RIP DANIELS:
4 So you don't evaluate the air?
5 MR. JERRY CAIN:
6 We do evaluate the air.
7 RIP DANIELS:
8 Oh, okay. So you do evaluate the
9 air.
10 MR. JERRY CAIN:
11 I'm sorry, but you asked me about
12 water. We evaluate air, water, and land. So
13 yes.
14 RIP DANIELS:
15 So you evaluate the air, water,
16 and land as per the safety then of the
17 citizens?
18 MR. JERRY CAIN:
19 Yes, sir, in the context of does
20 it meet standards, can it meet the designated
21 uses.
22 RIP DANIELS:
23 So given those perimeters, and I
24 promise you, I'm about at the end of this.
25 Given those parameters, you are evaluating this

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1 project's impact on the safety and the quality
2 of life?
3 MR. JERRY CAIN:
4 Yes.
5 RIP DANIELS:
6 As per the environment for these
7 people?
8 MR. JERRY CAIN:
9 Yes, sir.
10 RIP DANIELS:
11 Without evaluating the quality of
12 life now? In other words, at what point do you
13 come up with a normal. Are you saying did --
14 here is my question, are you saying with your
15 evaluation, what you are giving the board to
16 permit, are you suggesting that it would not
17 adversely impact an area that is already
18 impacted?
19 MR. JERRY CAIN:
20 If it has an adverse impact it
21 would adversely impact an area whether it was
22 impacted before or not. If it has an adverse
23 impact, it would impact burdened areas as
24 opposed to previously impacted areas.
25 RIP DANIELS:

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1 In other words, if, in fact, it
2 makes worse an area that is determined
3 stressed, then you would obviously consider
4 that?
5 MR. JERRY CAIN:
6 Absolutely.
7 RIP DANIELS:
8 So with that said then it would
9 stand to reason you would have already
10 evaluated the area.
11 MR. JERRY CAIN:
12 I understand now. In terms of
13 water quality, air quality, and land, I'm being
14 honest.
15 RIP DANIELS:
16 I can understand, but you didn't
17 say volume.
18 MR. JERRY CAIN:
19 Volume is outside of our
20 authority.
21 RIP DANIELS:
22 Did I not hear you, you evaluate
23 the amount of water in the ditches?
24 MR. JERRY CAIN:
25 Quality of the water in the

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1 ditches.
2 RIP DANIELS:
3 So the volume is not something,
4 the amount of water, the two million --
5 MR. JERRY CAIN:
6 We do not have the regulatory
7 authority, but it is something -- there are
8 agencies who consider that. Local city
9 government has, and I don't know who in
10 Gulfport, but many times local and county
11 governments have requirements that speak
12 directly to volumes of water.
13 RIP DANIELS:
14 Lastly, I would simply request
15 this, I would hope that the DEQ would give some
16 consideration, particularly in this project, to
17 the fact that had it been submitted as a
18 development of an upscale pond to improve the
19 area, it may have been a different story, but
20 what we're talking about here is a strip mine.
21 Now, granted, obviously that's not within your
22 parameter, but I think what is within your
23 parameter is this, please gauge this project
24 now based not upon the environmental quality of
25 the project going forward, but evaluate it

1 based upon the environmental impact of an
2 already stressed area. It is not whether it is
3 an environmentally friendly development, it is
4 whether it is an environmentally unfriendly
5 project based upon an environment that is not
6 conducive. Thank you.

7 MR. JERRY CAIN:

8 Mr. Daniels, what you are
9 describing is called cumulative effects, and
10 that's something that we will.

11 We have gone through, I believe,
12 everyone that had indicated that they would
13 like to speak. I would now like to open the
14 floor up to anyone that has not yet spoken
15 here.

16 MR. PHIL BASS:

17 Let me say something real quick,
18 because we have some folks who are getting up
19 to leave. We've been here for about two and a
20 half hours, why don't we take about two minutes
21 to stand up and stretch and then we will start
22 this again.

23 (SHORT BREAK)

24 MR. JERRY CAIN:

25 I want to open the floor now to

1 already has asthma kids and other breathing
2 related problems at the highest in the school
3 district.

4 Also, as well, someone else said,
5 if this community has to be stuck with this
6 project, my question to Mr. Fore is this, are
7 you going to put some money where your mouth is
8 and where your project is and fund us to
9 educate the parents, the community, and the
10 children on preventative measures for the
11 illnesses that may arise because I assure you
12 they will. These children are in recess out
13 here in the yard, so when this digging and the
14 dust is going on, these children are out here
15 playing. So I've watched Mr. Fore throughout
16 this night smile, and laugh, asthma is a life
17 threatening emergency.

18 Mr. Fore has every right to do
19 what he wants to do with his property, but he
20 has no right to endanger the lives of our
21 children.

22 MR. JERRY CAIN:

23 I believe this gentleman.

24 LAWRENCE COLLIN:

25 Lawrence Collins, I live at 3503

1 people that have not spoken, and I believe--
2 would you please state your name.

3 MARJORIE HOLSLEY:

4 My name is Marjorie Holsley, and
5 I would like to address this project from a
6 health perspective. First of all, I am a
7 school nurse here at 28th Street Elementary,
8 and I've heard a lot of talk about the quality
9 of air. This school has a 23 percent asthma
10 rate already. As opposed to other schools in
11 the district that have a seven percent, nine
12 percent, twelve percent asthma rate, this
13 school already has an asthma rate of 23
14 percent.

15 I'm concerned about the stagnant
16 water because the kids are going to play in it,
17 that's naturally attractive to them. We have
18 not eradicated the West Nile Virus yet and all
19 along with other water born diseases that
20 follow that.

21 I heard Mr. Fore said that --
22 make a statement that we don't understand,
23 about some of our statements are not true, we
24 don't understand. Mr. Fore, I do understand
25 that the particular area you are talking about

1 Meadowlark Drive across from Mrs. Fredericks,
2 and I've been there since 1966. I came here
3 with the Air Force, and Gulfport is not the
4 only place I've lived but it is my home now and
5 where we reared our children.

6 Now, I have sat and listened and
7 this is not the first meeting I have been in.
8 We are at a great disadvantage. We're required
9 to come, and plead, and cry, and beg, and
10 explain to you that you might tell the board
11 how we feel. And Mr. Fore can sit over there
12 and not have to say a word because his money
13 pays for you and your salary and we pay as
14 taxpayers, but he get the benefit and we've got
15 to sweat.

16 And nothing against you all
17 because I don't know you and you don't know me,
18 but this statement I want to make, you can't
19 give that board, you can't tell them how I feel
20 right now. They're not looking at me, they
21 didn't hear that senior mother or grandmother
22 over there. They didn't hear Reverend Davis,
23 president of our ministers alliance, you see.
24 And so we're being already slighted. The next
25 thing is, we -- maybe somebody else thinks like

1 the mayor did, that we're all dumb bastards.
 2 Now we don't need Reverend Jesse
 3 Jackson and the other nationally known artistic
 4 people, we live here. This is our home. And
 5 so there ought to come a time when we ought to
 6 be able to get together and be able to do
 7 things decent and in order. Together we
 8 achieve the extraordinary. Amen. We can do
 9 that. And I would like to at this time just
 10 quote a saying from Albert Einstein, since I'm
 11 not so bright. Albert Einstein said, "Peace
 12 cannot be kept by force, it can only be
 13 achieved by understanding." Amen. That's all
 14 we're asking, that somebody would understand
 15 our predicament. That's all we're asking.
 16 That's all we're asking. That's all we're
 17 asking tonight, is that somebody would
 18 understand. And I hope when you go back to
 19 make your report, tell them, those people are
 20 serious. This is not a game to us. And if
 21 not, tell us what the next step is after you
 22 approve the permit. Tell us what the next step
 23 is. Amen.
 24 MR. JERRY CAIN:
 25 Reverend Collins, again, I will

1 talk to you about the process, where we go from
 2 here. Before I do that, though, let me see if
 3 some of these other people want to go ahead and
 4 make their comments.
 5 WILLIAM MARTIN:
 6 Good evening, my name is William
 7 Martin. I'm the supervisor of District 4 which
 8 represents this area. Now, let me ask a
 9 question first of all, is everybody up here
 10 from the DEQ?
 11 MR. JERRY CAIN:
 12 Except for the court reporter,
 13 yes.
 14 WILLIAM MARTIN:
 15 Are there any black people at
 16 DEQ?
 17 MR. JERRY CAIN:
 18 Yes, there are.
 19 WILLIAM MARTIN:
 20 I would like the next time you
 21 come to a minority neighborhood where the
 22 issues are what's going to affect the minority
 23 community that maybe you would bring some
 24 minorities with you.
 25 MR. JERRY CAIN:

1 I understand. Let me speak to
 2 that. That's a good opportunity. I sit here,
 3 and the first thing I did when I looked at this
 4 pane, it was obviously a difference, but let me
 5 tell you, I think what we bring is people that
 6 are working on the particular project we are
 7 discussing. Now, I could bring people here
 8 that weren't working on this project, but that
 9 would be disingenuous of us. We have engineers
 10 and geologists that are black and are women
 11 that work on my staff, and they get the same
 12 opportunities to come to these meetings and to
 13 discuss this. But we don't make -- I mean,
 14 that's kind of like lying and deceitful to you
 15 if we bring people here that aren't working on
 16 this project. Then you ask them a question and
 17 they don't know what you are talking about. So
 18 what does that do for us?
 19 WILLIAM MARTIN:
 20 I understand that.
 21 MR. PHIL BASS:
 22 Let me add to that, Mr. Martin.
 23 We have a young lady, she is my age and she
 24 looks a lot better than I do, Gloria Tatum,
 25 who is our environmental justice coordinator,

1 and Gloria would be here tonight except she is
 2 giving birth to a grand baby. So she had
 3 another priority. But Gloria wanted to be
 4 here. You are going to see Gloria down here
 5 working with your community. DEQ recognizes
 6 that we need to be working in the environmental
 7 justice arena and Gloria is doing a very good
 8 job in helping us do that. So you will have
 9 the opportunity to work with Gloria and other
 10 members of our staff.
 11 WILLIAM MARTIN:
 12 Thank you. Secondly, in the last
 13 several months, I've had unfortunately too much
 14 contact with DEQ. And it has involved the
 15 Turkey Creek area, so I understand that you
 16 have a permitting part and you have an
 17 enforcement part. Now, the enforcement part is
 18 supposed to make sure that the permitting --
 19 whoever receives the permit does what they're
 20 supposed to do. But we've learned dealing with
 21 the Turkey Creek that an area that's been
 22 dumping into the Turkey Creek with a permit
 23 hasn't been permitted for a year and a half.
 24 In addition to that, they had several problems,
 25 and even today I don't think that they

1 completed that permit, reapplication for that
2 permit.

3 So are we going to be assured
4 that we are going to have, if in fact this
5 project is allowed, that the enforcement part
6 of DEQ is going to enforce?

7 MR. JERRY CAIN:

8 Yes, sir.

9 WILLIAM MARTIN:

10 That's my question, because it's
11 been my experience right now that it hasn't
12 been done right now in the Turkey Creek area.

13 MR. JERRY CAIN:

14 Yes, sir. And I'm familiar with
15 the specific project you are talking about.
16 All I can say is that we have a limited number
17 of resources, we're trying to issue permits as
18 quickly as we can for those facilities that
19 already have permits and have insured that
20 they're within compliance, and I'm going to be
21 completely honest with you, with the limited
22 resources we have we literally cannot be on
23 every day, on every project. So we have to
24 rely on the public to tell us when they see
25 things, and then we, I can assure you, that we

1 investigate every complaint we receive. Every
2 single one. And sometimes there's merit,
3 sometimes there's not, but one of the tools we
4 use -- because Mississippi is like every other
5 state, we can't just fund everything we would
6 like to have. We would like to have twice the
7 staff we have, but there are other priorities
8 in the state.

9 WILLIAM MARTIN:

10 I understand. I understand that,
11 but all I'm saying is, if we're already
12 experiencing a situation with other water
13 quality issues that aren't being enforced, you
14 know, and now we're going to add to that
15 potential, if this is approved, then we're
16 going to have to increase the number of people
17 that are enforcing, or something is going to
18 have to be done. I mean, I called DEQ -- first
19 I called, and then I said it on a state
20 television program, then I wrote two letters.
21 Then I had to finally have a meeting before I
22 got a response, and I'm an elected official.
23 But I will say, they finally did respond, but
24 it took all of that for something to happen.

25 Finally, let me say this, we know

1 that you're on the permitting end of this, we
2 understand that the final decision is going to
3 be made by the city, but I think we need to
4 bring as citizens, we are going to have to
5 bring the power to bear on the city officials.
6 That's where we are going to have to stop this.
7 I see that. And we have to let our officials
8 know that if they're not going to support us,
9 they're not going to represent us in our best
10 interest, then when it's time to vote, we've
11 got to go and vote. Find somebody that will.
12 Thank you.

13 MR. JERRY CAIN:

14 Just a couple things real quick.

15 I've heard over and over again this is a
16 decision that's been made. That is not true.
17 You know, we could certainly all, and you might
18 imagine, find other things to do on a Tuesday
19 evening than stand up here and have to feel
20 compassion that we have. But we have to do
21 that so that we can gather all the information,
22 and that information is being made available so
23 that everything can be considered before the
24 decision is made. I can't tell you whether it
25 will or will not be made. And I can tell you

1 that everything that has been said here and is
2 submitted will be presented to the permitting
3 board. Yes, sir.

4 JAMES BLACK:

5 I'm James Black, I'm with Faith
6 Chapel (INAUDIBLE) environmental justice. This
7 is, as much as anything, an EJ issue,
8 environmental justice issue. You mentioned
9 Gloria Tatum, I wish she was here tonight, too.

10 Historically in Afro-American
11 communities manufacturing and other capacities
12 always end up in our communities. I believe
13 Mr. Fore owns some 100 acres over there in
14 Edgewater Estates, if I'm correct, building a
15 subdivision there. I live in Edgewater
16 Estates. There is no way in the world those
17 white folks would let him cover over there and
18 dig some holes in that ground. In District 4,
19 according to CDC has it's Number 2 in the state
20 in lead poisoning of children. Right over here
21 in Turkey Creek, the Navy base, and DEQ did the
22 testing, dioxin spilled from the Navy base that
23 flowed through Turkey Creek. Whenever Turkey
24 Creek overflows they have dioxin sediments
25 float into the community. Most people don't

1 know that over here. Now we're adding another
2 problem to this area, and someone said stressed
3 area.

4 I would like to see DEQ, and I'm
5 going to call Ms. Tatum, Gloria, when I get
6 back to the office, because this is as much as
7 anything an environmental justice issue, and it
8 is an injustice to the community.

9 Now, EPA need to be involved, and
10 I believe people in this community are prepared
11 to sue Fore and DEQ and anybody else if
12 necessary because it has to stop. This project
13 will not go through, Mr. Fore. Now we are
14 praying people -- we are praying people, we've
15 got folks in here to speak the word of God, and
16 when you speak it and believe it it shall
17 happen. This project will not go forward. I
18 say that in the name of our Lord Jesus Christ,
19 and I say (INAUDIBLE) our work today, we're not
20 just sitting down and pray people, we're going
21 to act, too. This thing, again, I will repeat
22 myself, this is an environmental justice issue,
23 we already have a lead problem here, we have
24 dioxin problems over here with Turkey Creek
25 overflowing, and now they want to put a big

1 And I would ask Mr. Fore, please do not put
2 your pit in our neighborhood.

3 MR. JERRY CAIN:

4 I want to see if there is anybody
5 else who has not spoken yet? Yes, ma'am, and
6 then you will be next, ma'am.

7 PATRICIA SPHINX:

8 My name is Patricia Sphinx. I
9 just want to agree with the gentleman who said
10 that we need to put a face to these words and
11 this transcript. I would like to be entered
12 into the official record. The tape that Walter
13 Thomas is now making of the proceeding, so that
14 the permitting board can see the people who are
15 speaking these words.

16 MR. JERRY CAIN:

17 Yes, ma'am, that's fine. If
18 that's provided to us.

19 MEMBER OF THE AUDIENCE:

20 We will do that.

21 MR. JERRY CAIN:

22 Ma'am.

23 MEMBER OF THE AUDIENCE:

24 I just want to say I was born and
25 raised here in Gulfport. I walked these

1 trash hole right in this community. Believe me
2 I say tonight it will not happen.

3 And we want DEQ, we want the EJ
4 department which has really not done anything,
5 I hate to say it, but it is one of the sorriest
6 environmental justice departments in the
7 country, in our DEQ, it really is. So we will
8 be contacting Ms. (INAUDIBLE) for the EPA, I
9 will be calling her tomorrow. I want them to
10 get involved in this project because what is
11 happening here is wrong, and again I say
12 emphatically, it will not happen.

13 MR. JERRY CAIN:

14 Yes.

15 JUANITA MAYS:

16 Hi, my name is Juanita Mays and I
17 live in the area. I bought a home here three
18 years --

19 MR. JERRY CAIN:

20 Juanita Mays?

21 JUANITA MAYS:

22 Yes. I bought a home here three
23 years ago, and it's a nice area for me and my
24 children, but I also suffer from a breathing
25 problem, as do a son of mine, and a grandchild.

1 streets when I was a child. The area he is
2 trying to put it in is called the old Rosalyn
3 yard, I lived there, (INAUDIBLE) there's
4 several different places here that we lived
5 played when we were a kid. And we feel
6 invaded. We feel like what we're saying is --
7 nobody's listening. And my children was raised
8 up here, went to this same school, and it's
9 just, to me, I feel like it's worse than 9/11.
10 When 9/11 come, you all were scared to death,
11 but that's the way we feel right about now, but
12 we're scared in a different way, because we
13 know like Reverend Davis said, the money. We
14 may not have the money, but we have God in our
15 life, and we have faith. We have faith that
16 you can't even measure. And, you know, this
17 town, this area is our home. We have memories
18 here, my kids have memories here, I have
19 memories here. And what Mr. Fore is trying to
20 do is wrong. And he need to go home and pray
21 and ask God is this what you will have me to
22 do, because there's too many people here crying
23 out don't do this. Somebody needs to hear.
24 And if he turn a deaf ear to this, that's blood
25 on his hands, because the first kid that get

1 drown or get hurt or ran over by a truck, I
 2 want to know how he is going to sleep at night.
 3 I wish God could just come down and say
 4 Deborah, Mr. Fore is resting, you know. I wish
 5 he could. So, Mr. Fore, I ask you, don't do
 6 this. You don't have any grandchildren out
 7 here, you don't even have any children up out
 8 here, I'm sure you don't. I don't even think
 9 you know a black person's name out here in this
 10 neighborhood personally you could call your
 11 friend. So I ask you in God's name. This is
 12 worse than 9/11.

13 MR. JERRY CAIN:

14 Anyone who has not spoken.

15 MR. JERRY CAIN:

16 Yes, ma'am.

17 ROSIE GARNER:

18 Good evening, my name is Rosie
 19 Garner, and I'm the pastor of the House of
 20 Prayer For All People Outreach, and I rose to
 21 say first of all I thank God for blessing all
 22 of us to be here tonight. And I heard so many
 23 opposes tonight, and I rose to say that I am in
 24 agreement with all the opposers that have taken
 25 place this night. And I also wanted to say

1 grew up in this neighborhood, and seems like
 2 you should know and the committee should know
 3 that everyone is against this from all parts of
 4 Gulfport. And I would ask that Mr. Fore, he
 5 seem like a man that know how to make money,
 6 would he take it somewhere else, because we
 7 have kids and grandchildren here, and I grew up
 8 here. And it's dumping right into this area.
 9 We have a church here, a church over there. I
 10 ask him to please find it in his heart where
 11 these people are crying out that we don't want
 12 this. And I ask you to please, Mr. Fore, you
 13 can go somewhere else and make your dollar.
 14 Don't make it here.

15 MR. JERRY CAIN:

16 Anyone else who has not yet
 17 spoken?

18 DORIS JULIAN:

19 Good evening, my name is Doris
 20 Julian and I'm also a resident in this area for
 21 over 30 years and I'm just trying to find out
 22 with all that's been going on, we got MDOT, we
 23 got the pipes that just been put through, and
 24 with Turkey Creek, are we getting an invitation
 25 to move?

1 that we do know that the eyes of the Lord is in
 2 every place beholding the evil and the good,
 3 and he is in control of all things. And I also
 4 thank God for Pastor Black for saying that
 5 faith without work is dead. And we're here
 6 tonight and it's clearly understood that we do
 7 oppose. Whether anyone said anything or
 8 whether the rest of them have a chance to say
 9 anything, it is obvious that we oppose. I have
 10 lived in this neighborhood for over 30 years.
 11 Have raised my children and now grandchildren.
 12 And also speaking on flooding, I have watched
 13 the area flood. Looking out of the window to
 14 see the water after a couple of hours almost
 15 reach into my home. And the drainage system
 16 have been very poor. And to dig a pit, a lake,
 17 a hole, or whatever you call it would be a
 18 disaster. And I pray that God will not allow
 19 this to take place in this area. Thank you,
 20 sir.

21 MR. JERRY CAIN:

22 Anyone that has not yet spoken
 23 that would like to address? Yes, sir.

24 REVEREND KIMBALL OTIS:

25 I'm Reverend Kimball Otis. I

1 GEORGE TATE:

2 I would just like to ask a
 3 question. I know someone has already
 4 mentioned --

5 MR. JERRY CAIN:

6 Please state your name.

7 GEORGE TATE:

8 George Tate. And my dad has the
 9 church right here, right across the street from
 10 where he's trying to put the pit. I would like
 11 to ask the question, if you all decide to go
 12 ahead on and do this regardless of how the
 13 community feel, would the ditch or the hole,
 14 can it be filled in where it wouldn't cause
 15 anyone to -- I mean, is he going to fill it in
 16 or is he just going to leave it a hole there?
 17 If you fill it in, maybe it won't be -- you
 18 know. And are these trucks going to run seven
 19 days a week? Somebody going to replace the
 20 road that the trucks cause? From my
 21 understanding, they've already got a pit there
 22 on Menge Avenue that they're pulling sand out
 23 of. Have they run out of sand there, because
 24 he's already pulling out of Menge Avenue over
 25 there somewhere. So.

1 MR. JERRY CAIN:
 2 Regarding whether the hole can be
 3 filled up or not, we can't require that it be
 4 filled up. That's out of our authority. The
 5 question regarding whether the roads will be
 6 repaired, I assume that they're city streets, I
 7 guess the City of Gulfport would have to
 8 address that issue. Anyone, yes, sir?
 9 LUTHER FAIRLEY:
 10 I want to say good evening. I'm
 11 Luther Fairley, pastor of St. John Baptist
 12 Church. I know we have spent a whole lot of
 13 time here tonight, and I'm convinced that it
 14 was well worth it. The scripture says in Roman
 15 8 and 28, in this we know all things, work
 16 together for the good of them. That love the
 17 Lord and a (INAUDIBLE) call him to his purpose.
 18 We all are gathered here and a whole has been
 19 said, and I know we are not supposed to call
 20 names, but I do want to say first of all when
 21 you all go back to your review board and the
 22 board, the one who grants permission, I would
 23 like for you to say to them that Pastor Fairley
 24 of the St. John Baptist Church at Gulfport,
 25 Mississippi, said that don't discuss about a

1 pit, don't discuss about a pond, don't discuss
 2 about the quality of the water, the volume,
 3 just let them know point blank, those people do
 4 not want a hole to be digged in their
 5 neighborhood. Because if you go and do it
 6 anyway, and someone has already said the blood
 7 will be on your hand, you already know how this
 8 group feels already. It took two and a half
 9 hours to discover how they feel. Now, I think
 10 quality and assurance ought to be about people
 11 and how they feel and how they live in their
 12 community. I do want to say this to Mr. Fore,
 13 and we've already spoke before, but I want to
 14 say this to him and I want to say it in the
 15 presence of this body, I'm not a politician,
 16 I'm just an area concerned pastor who concerned
 17 about their members. I want to say to him if
 18 you want to be remembered throughout the City
 19 of Gulfport for something good, you can sell
 20 St. John about five acres of that land and I
 21 guarantee when we build our church you will
 22 never be forgotten in the City of Gulfport
 23 throughout the district of Mississippi. Thank
 24 you.
 25 MR. JERRY CAIN:

1 Anyone else who has not yet
 2 spoken? Sir, I believe --
 3 BILL MAGEE:
 4 Bill Magee, again, can you tell
 5 me, has there been a study done on the quality
 6 of the water in the Meadowpark area?
 7 MR. JERRY CAIN:
 8 I can't tell you if there has, I
 9 can't tell you if there haven't.
 10 MEMBER OF THE AUDIENCE:
 11 But that would take place prior
 12 to you issuing the permit?
 13 MR. JERRY CAIN:
 14 No, sir.
 15 BILL MAGEE:
 16 I thought that's what you told
 17 Brother Daniels, that your mission statement is
 18 kind of wide, but your scope is very narrow,
 19 and the only thing you look at is the quality
 20 of the water, so that would seem to be one of
 21 the questions that you could look at.
 22 MR. JERRY CAIN:
 23 It's absolutely a question we can
 24 look at. But whether or not we need to go in
 25 that area, I can't promise you.

1 BILL MAGEE:
 2 How would we know like Reverend
 3 Black said that we don't know that there's
 4 dioxins in the water currently?
 5 MR. JERRY CAIN:
 6 The only answer I have to that is
 7 that I don't know.
 8 BILL MAGEE:
 9 When will we know?
 10 MR. PHIL BASS:
 11 Let me try to answer the dioxin
 12 issue. First off, we know the source of the
 13 dioxin and we have followed the source. We
 14 think we have a good handle on where the dioxin
 15 has moved and where it hasn't. So that's, you
 16 know, we worked with the CB Base, we worked
 17 with the community for a number of years, done
 18 an awful lot of analysis, so we think we
 19 understand where it is and where it isn't.
 20 BILL MAGEE:
 21 Okay, but have there ever been a
 22 study done in Meadowpark.
 23 MR. PHIL BASS:
 24 I'm sorry, but I can't sit here
 25 and tell you yes it has, and no it hasn't, but

1 doing it analytically, you've got to remember,
2 it's awful expensive. I don't have a price of
3 dioxin now, it's been a number of years, up to
4 \$2,000 a test. So you follow the trail, you
5 don't go out, you know, if the trail leads to
6 the left, you don't go off to the right. Once
7 you establish by a systematic study that this
8 is where the trail is leading, you follow the
9 trail and that's what we've done with the
10 dioxin issue because it's very specific with
11 this particular kind of dioxin.

12 BILL MAGEE:

13 Let me tell you where I'm leading
14 with my question. You say you are not
15 concerned about the amount of water, correct?

16 MR. JERRY CAIN:

17 I didn't say that we were not
18 concerned. What I told you is we don't have
19 regulatory authority.

20 BILL MAGEE:

21 Because the way the Meadowpark
22 water discharge, it's going to meet right there
23 at the southeast corner of Mississippi Power
24 and right where Mr. Fore's water is going.
25 When it backs up, you know what happens to

1 issues, so that's what I'm saying.

2 PAULA VASSEY:

3 We are telling you there are
4 human health issues in the Turkey Creek north
5 Gulfport area. They need to be monitored.
6 They need to be tested. We're back to consent
7 decree between Sierra Club, DEQ, TMDL Program,
8 implementations, monitor and testing. We are
9 tire of hearing inadequate funding, inadequate
10 testing, and inadequate personnel. This is an
11 issue that's of dire importance. You yourself
12 know how many phone calls, letters, comments,
13 newspaper articles, on the TV, the radio,
14 newspaper, that mention the north Gulfport
15 Turkey Creek area. We would like more
16 resources pumped into this area.

17 MR. PHIL BASS:

18 And I can tell you that as it
19 rotates back into the Turkey Creek area, we
20 will be doing that. I'm very proud of the
21 increased monitoring we've got going on in the
22 State of Mississippi and we are working very
23 hard to rotate those places and gather as much
24 data as we can. And these young men and women
25 who are out there doing that today are working

1 sewage when it floods? I've been in a house
2 that has flooded three times, you know what
3 happens to the sewage?

4 MR. JERRY CAIN:

5 Yes, sir.

6 Anyone else? Yes, ma'am, Ms.
7 Vassey.

8 PAULA VASSEY:

9 There are a few more issues of
10 concern. First, I'm going to address Mr. Bass.
11 You mentioned the cost of a test for dioxin,
12 are you saying that the people in this
13 community are not worth the \$2,000 that it
14 costs to do the dioxin test?

15 MR. PHIL BASS:

16 Absolutely not. What I'm saying
17 to you is, that we have to be good stewards of
18 the state's money. We have to make decisions
19 as to where we get the most value and where the
20 contamination is because we want to deal with
21 where the real issues are, where the health
22 impacts are. If we're out going somewhere
23 where we know or believe very strongly that the
24 evidence says there is not an issue, then we
25 may be avoiding the places where there are real

1 extremely long hours, and we're doing much
2 better than we ever have, and we intend to keep
3 that up?

4 PAULA VASSEY:

5 The other thing is, as part of
6 the permitting process, things to be looked at.
7 Has MEMA or can we involve MEMA or FEMA to
8 discuss the benefits of adding more water into
9 this area versus buying out more houses? I
10 would think that would be a step in the right
11 direction. Some more issues of concern would
12 be the stated hours and days of operation. A
13 responsible party should be part of the permit
14 process to keep the roads clean so these
15 residents do not have to have a health hazard
16 riding up and down their roads every day. They
17 should also appoint a citizens watch dog
18 community of some of the local residents here.
19 As you've seen, they can be very good at
20 networking in their neighborhood. They need a
21 voice in this project. A responsible person to
22 repair the roads before, during, and after this
23 project. A responsible person for improved
24 drainage during and after this project.
25 We know that y'all require a cash bond. We

1 would like an explanation of what that cash
2 bond would cover. Another one would be a
3 responsible person to provide security on site
4 to protect the neighborhood children. An
5 endowment to the City of Gulfport if y'all are
6 going to permit this project and try to give
7 them a park they don't want, then an endowment
8 that would help to pay the cost of maintaining
9 and overseeing this site would be a benefit.
10 There is a couple more. They need a person in
11 their neighborhood that can wash cars and
12 houses on a regular basis. Four years of
13 eating dust from Fore's dump trucks, sucks.
14 Thank you.

15 MR. JERRY CAIN:

16 Anyone else that would like to
17 speak?

18 HOWARD PAGE:

19 Howard Page, I would like to say
20 thank you. I would like to quickly add one
21 more point that I think has been brought up and
22 I had mentioned it. There is a coast wide EIS
23 being done right now, as I'm sure y'all are
24 aware. I believe we expect the results in
25 October or so. And I think that because of the

1 Yes, ma'am.

2 ELLA HOLMES-HINES:

3 Ella Holmes-Hines, City of
4 Gulfport. One of the things I wanted to ask,
5 do you know how soon that the second public
6 hearing can be held?

7 MR. JERRY CAIN:

8 I think what you're asking is do
9 we know -- there is not a second public hearing
10 that happens before there is a decision made by
11 the permit board. Can I talk to you a little
12 bit about the process?

13 ELLA HOLMES-HINES:

14 But before you move from there,
15 when does the permit board meet? We would like
16 to have a caravan coming into that meeting.

17 MR. JERRY CAIN:

18 First off, the permit board meets
19 on the second Tuesday of every month. That's
20 their regular scheduled meeting. I don't know
21 when this issue will go before them, but I will
22 insure you that --

23 ELLA HOLMES-HINES:

24 We will be notified?

25 MR. JERRY CAIN:

1 cumulative impacts of the large project at
2 Turkey Creek wetland fill and a project of this
3 magnitude that I would like you to pass onto
4 the permit board that I would like for them to
5 wait for the results of that EIS and to
6 consider all of that information at once. I
7 think a lot of the information that the
8 citizens were asking for here tonight will be
9 in that EIS, so I just wanted to mention that.

10 MEMBER OF THE AUDIENCE:

11 I'm going to be very brief. I
12 just wanted to thank God --

13 MR. JERRY CAIN:

14 Please state your name.

15 ROSIE GARNER:

16 Rosie Garner. I just wanted to
17 say that I thank God for the key people that
18 are working on our behalf, State Representative
19 Ms. Frances, I wouldn't have known about so
20 much if she had not kept me informed. And I
21 thank God for also our city council, Ms.
22 Holmes, and also Ms. Magee, and all the key
23 people that have really kept us abreast of
24 what's going on.

25 MR. JERRY CAIN:

1 Yes.

2 ELLA HOLMES-HINES:

3 We would like to be present in
4 that meeting to listen to the process so they
5 can put faces with the people who are talking.

6 MR. JERRY CAIN:

7 Yes, ma'am.

8 ELLA HOLMES-HINES:

9 This board, this panel that has
10 endured three hours of discussion, will you
11 make a recommendation to the permit board?

12 MR. JERRY CAIN:

13 I will make a recommendation to
14 the permit board.

15 ELLA HOLMES-HINES AUDIENCE:

16 In that, what have you gathered
17 from this meeting that you can say you will
18 communicate to that board.

19 MR. JERRY CAIN:

20 Well, I can certainly say that it
21 is not something that is wanted by the
22 community. There are very strong compassionS
23 to this.

24 MEMBER OF THE AUDIENCE:

25 What (INAUDIBLE) we have here

1 tonight that you can take back and say these
2 are valid reasons that we really need to look a
3 this project?

4 MR. JERRY CAIN:

5 Trust me, I mean, this verbatim
6 record is going to be given to the permit
7 board. We will review this record and we will
8 go through and summarize it and identify the
9 points and the issues and bring all of those
10 concerns to the permit board. There's a lot
11 that's been said here. But surely, let me
12 assure you that we will review it and it will
13 be shared with the permit board.

14 ELLA HOLMES-HINES:

15 Do you have any doubt at this
16 time whether this community wants a park? I
17 feel sometimes that that's going to be the
18 softest tone that people can adhere to. Have
19 you heard loudly and clear that the park is not
20 what the citizens want?

21 MR. JERRY CAIN:

22 Yes, ma'am. I think the best way
23 to reply to that is, I may not be smart, but I
24 am not stupid.

25 ELLA HOLMES-HINES:

1 Thank you. The transcript, we
2 are struggling with transcript costs. How much
3 would this transcript cost, or can it be given
4 to one of the representatives of the state,
5 send it to -- I mean, representative Frances
6 Fredericks or Senator Dawkins, one of the --

7 MR. JERRY CAIN:

8 We will provide a copy of the
9 transcript.

10 ELLA HOLMES-HINES:

11 That will be most helpful because
12 we don't have the money to do that.

13 MR. JERRY CAIN:

14 Let me say this, we will provide
15 a copy of the transcript. That will not be for
16 the purpose of receiving additional comments.
17 When that comment period is closed. That is
18 the transcript, and that is the documentation
19 that will be used.

20 ELLA HOLMES-HINES:

21 In that permitting board process?

22 MR. JERRY CAIN:

23 It won't be open --

24 ELLA HOLMES-HINES:

25 No, sir, that's not what I'm

1 looking for.

2 PAULA VASSEY:

3 On that issue, you said the
4 comment period is closed, but you can still
5 address letters to the commissioner
6 individually.

7 MR. JERRY CAIN:

8 You can write a letter if you
9 want to.

10 ELLA HOLMES HINES:

11 We will do that also. Also with
12 the citizen watchdog area that was a very good
13 comment that came from this side of the room.
14 But let me assure you if we talk about the
15 park. The City of Gulfport is broke. I will
16 say that again, the City of Gulfport is broke.
17 It cannot fix roads that are torn up from this
18 project. It's not going to be able to monitor
19 the pond. It will not be able to look at
20 safety measures. That is just not something
21 now that the City of Gulfport can afford. So
22 please educate your board that this is not
23 about a park that the city can maintain. It
24 will speak very closely to that. And our
25 budget which we just approved, which will be

1 effective tomorrow, that there is not money to
2 take on such a vast discussion that the
3 citizens are expecting that when this is turned
4 over that we can do this. Thank you, sir.

5 MR. JERRY CAIN:

6 If I may these local issues are
7 decided by the local bodies who hear this
8 information.

9 ELLA HOLMES-HINES:

10 And that will be heard October
11 21st at 2:30 is when it will be heard on both
12 appeals. You at this time do not have a
13 clearance from the city on this project. It
14 will be held October 21st at 2:30.

15 MR. JERRY CAIN:

16 I understand.

17 ELLA HOLMES-HINES:

18 Thank you, sir.

19 MR. JERRY CAIN:

20 Is there anybody else that would
21 like to speak?

22 WALTER THOMAS:

23 I have one more thing I want to
24 say. Walter Thomas. I just want to respond to
25 a comment you made a moment ago about your

1 board and getting a transcript and the speech.
2 We have a city council down here that don't
3 even read their minutes, they know how they're
4 going to vote when they walk into the room. So
5 we hope that your board down there is going to
6 do a lot better job than ours. This is how
7 elected officials in Gulfport do, because they
8 never read it what they get.

9 MR. JERRY CAIN:

10 Our permit board takes this
11 seriously, these issues. And really and truly,
12 as you might imagine, this is going to be quite
13 a voluminous transcript. And as I have to
14 present things to the permit board and answer
15 questions from them, it's obvious if you read
16 this stuff. I can't say that every permit
17 board member reads every word, but I can say
18 that I feel when I stand before them they have
19 considered the issue.

20 MEMBER OF THE AUDIENCE:

21 I might just have one word, my
22 president left before I got a chance to speak.

23 MR. JERRY CAIN:

24 Can you state your name?

25 EDDIE HARTWELL:

1 My name is Eddie Hartwell, I'm a
2 pastor of the St. James Baptist Church, and I
3 have members of our church that live in this
4 community.

5 I know it's probably an ugly
6 thing to even have to say in this day and time,
7 but on sometimes on issues like this, this
8 group of people are not fairly represented.
9 There are times when things come into our
10 community and it's shoved right straight down
11 our throat, I know y'all heard it a while ago.
12 There is a thing, I don't know exactly how to
13 define it, as environmental racism. It looks
14 like the dirty projects wind up in our
15 communities. This development, Mr. Fore owns
16 property all over Harrison County, I know, I
17 serve on the Harrison County Zoning Commission.
18 We pass good projects, you know, for him, and
19 sometimes with opposition, sometimes without
20 opposition, but we always way it and do it
21 fairly. But each one of those times we've
22 never had the kind of outcry against a project
23 from the community like we have with this one.

24 Your organization that you all
25 are representing here tonight is possibly our

1 last resort. Possibly our last resort. And we
2 would wish you all would remember the golden
3 rule, the one that sits on the higher board
4 than any of us will ever sit on says, love your
5 neighbor like you love yourself. Do unto
6 others as you would have them do unto you.
7 None of you would want your children exposed to
8 the things, the dangers and the hazards and the
9 detriment to your community overloading the
10 infrastructure that's already vastly
11 undermaintained, the funds, the councilwoman
12 has just said we don't have the funds to
13 maintain it in the shape that it's in.

14 So how in good conscience, how in
15 good conscience could we issue a permit to
16 bring about further detriment, further
17 deprivation than is already here. I pray that
18 you all will indeed hear the hearts of these
19 people. We're not against development. There
20 is nobody in this town that knows that we need
21 money and jobs anymore than those of us that
22 have been in this room tonight. But we just
23 don't need it to further tear down the little
24 bit that's already here. Thank you.

25 MR. JERRY CAIN:

1 I want to talk about next steps,
2 but before I do that I want to know if there is
3 anybody that would like to add anything else
4 before we go on?

5 The next steps. Well, obviously
6 the next steps are that this record will be
7 developed by the court reporter, we will
8 continue to receive written comments. I didn't
9 look at the calendar, but whatever 14 days is
10 from now. October 14th, that's an easy one.

11 And so if you want additional
12 written comments to be received they need to be
13 received in our office by close of business on
14 October 14th.

15 Once that record is completed,
16 the staff will begin the work of reviewing all
17 the comments that you've made. And we will be
18 for sure identifying those issues that are
19 clearly environmental, and those issues that
20 are technical, and those issues that go to
21 quality of life and community concerns.

22 As we identify those, we will
23 flush out wherever it goes in terms of
24 providing an adequate response to the permit
25 board to consider. We will give -- once

1 completed, this matter will be scheduled before
2 the permit board. I do not know at this date
3 which permit board meeting it will be. I do
4 not know how long it is going to take to go
5 through this process.

6 I will tell you that we will
7 insure that the community representatives that
8 have been identified through this hearing will
9 be notified in advance, typically two weeks is
10 what we try to do, ten working days, so that
11 you will have an opportunity to be present if
12 you care to at that meeting. Again, but I need
13 to be genuine with you, the next meeting of the
14 permit board is not a hearing. It is a meeting
15 where we will tell the permit board the results
16 of this hearing and, of course, they will have
17 the record and then they will decide whether
18 they want to make a decision on the issue or
19 (INAUDIBLE) whatever it is.

20 What the permit board typically
21 allows for is for a representative of both
22 sides of the issue to make a brief
23 presentation, generally five to ten minutes,
24 before the permit board. And I think in large
25 part it's done just for the very reason that

1 of whatever testimony of those witnesses who
2 submitted the pretrial testimony.

3 Then the permit board based on
4 all of that makes a decision. The decision can
5 be to affirm whatever their original decision
6 was, it could be to change their original
7 decision, or it could be to modify it. That
8 decision then is appealable to the Chancery
9 Court, and you have to request for the appeal,
10 and then based on the record that is generated
11 during the formal evidentiary hearing before
12 the permit board, it then goes to Chancery
13 Court. And then there is a decision there and
14 ultimately it can go to the State Supreme Court
15 that if aggrieved parties continue to appeal
16 it. That's the process.

17 Next step is to formalize a
18 transcript, then to -- the staff to prepare the
19 information for the permit board and bring it
20 to the permit board, the permit board to make a
21 decision. I do not know today what day that
22 will be. Yes, ma'am.

23 REPRESENTATIVE FRANCES FREDERICKS:

24 Do I need to send another letter
25 to you to ask, because I've already requested

1 you said, so that some of the compassion, the
2 feeling, emotion can be shared with the permit
3 board. But again, it is not a hearing. And
4 this is something that the permit board
5 traditionally does.

6 Once the permit board makes a
7 decision, and whatever the decision is, it's
8 going to potentially aggrieve someone on one
9 side. If the aggrieved party requests an
10 evidentiary hearing, then there will be an
11 evidentiary hearing. What an evidentiary
12 hearing is, is something very much akin to a
13 trial. There will be the applicant, there will
14 be the department, and then whoever requests
15 the hearing. And then they will be in a formal
16 quasi-courtroom setting, sworn witnesses and
17 evidence presented regarding the issue.

18 The process is that once that
19 hearing has been requested, then we notify the
20 party that they are involved with that they are
21 to submit pretrial testimony, and there is a
22 process where we try to get most of the
23 testimony (INAUDIBLE) in advance. Those issues
24 can then be review by the permit board and then
25 the hearing is actually where there is rebuttal

1 an evidentiary hearing because I was afraid of
2 what was going to happen, do I need to --

3 MR. JERRY CAIN:

4 Yes, ma'am. I'm sorry, I should
5 have remembered. That's correct. You have
6 already appealed the mining permit, and what
7 the staff expects, there may be appeals of the
8 wastewater, the water permits, and so if there
9 are appeals we will handle all of those
10 together. So you will not necessarily have to
11 re-request an appeal of the mining permit. If
12 the decision on the wastewater permit is
13 adverse to your position, then you would need
14 to request an appeal, if you care to, of that
15 permit, the wastewater permit.

16 REPRESENTATIVE FRANCES FREDERICKS:

17 Would those two hearings be at
18 the same time?

19 MR. JERRY CAIN:

20 Yes, ma'am.

21 REPRESENTATIVE FRANCES FREDERICKS:

22 Okay. Do I have to go through
23 that in order to get to Chancery Court, is that
24 what you are saying?

25 MR. JERRY CAIN:

1 Yes, ma'am.
 2 REPRESENTATIVE FRANCES FREDERICKS:
 3 Have to do the evidentiary
 4 hearing in order to get into Chancery Court?
 5 MR. JERRY CAIN:
 6 Yes, ma'am. Again, that all
 7 depends on whatever the decisions are and who
 8 is aggrieved and so forth. So it's a process.
 9 And it's 30 days from the date of the permit
 10 board action to request a hearing; is that
 11 right? So the date the permit board makes a
 12 decision on the modification of the mining
 13 permit and to the wastewater permit, there is
 14 30 days from that point to request the hearing.
 15 REPRESENTATIVE FRANCES FREDERICKS:
 16 So I need to do another request?
 17 MR. JERRY CAIN:
 18 If you feel aggrieved and are so
 19 moved to do so.
 20 REPRESENTATIVE FRANCES FREDERICKS:
 21 I feel I'm going to be aggrieved,
 22 that's why I'm trying to stay ahead. I'm
 23 trying to keep it moving.
 24 MR. JERRY CAIN:
 25 I am not trying to discourage you

1 from doing that. I just want to be careful
 2 that this record isn't showing that Mr. Jerry
 3 Cain is recommending that all this stuff be
 4 appealed. That's the process. I'm giving a
 5 last opportunity for anybody that would like to
 6 make a comment?
 7 MEMBER OF THE AUDIENCE:
 8 I would like to say, I just
 9 recently started walking a while back here, as
 10 you can see I need to, and it's rather nice
 11 right there on 34th. We've got the sidewalks
 12 there and it's nice and now you want to take
 13 the application to let the guy put the pit
 14 there or whatever. I'm asking, please don't do
 15 it because our people in our neighborhood are
 16 getting out more and exercising more, and
 17 that's better than putting a pit there and
 18 people getting sicker than what they already
 19 are. Please do not do it.
 20 MR. JERRY CAIN:
 21 Yes, ma'am. Anybody else before
 22 I close this hearing?
 23 MEMBER OF THE AUDIENCE:
 24 I would like to say something. I
 25 really appreciate you all coming down here and

1 listening to us, and I'm praying and I'm asking
 2 you all, I'm asking the people in this room
 3 that know how to pray, let's pray. We do not,
 4 if you don't get anything else out of this
 5 tonight, we do not, do not. We're not talking
 6 about no park, I don't even want a park to come
 7 up when you all are talking about this, we just
 8 plain simple do not want this. Just that plain
 9 and simple. No park to come up. We just don't
 10 want that pit. Thank you.
 11 MR. JERRY CAIN:
 12 Yes, ma'am.
 13 BOOKER NATSON:
 14 Sir, before you close out. My
 15 name is Booker Natson, again. And here in
 16 America we are supposed to be a nation, one
 17 nation under God where the will of the people
 18 is the mandated, but we saw in the last
 19 presidential election where the man that got
 20 the popular vote didn't become the president.
 21 That hurt me because I thought that this was --
 22 America was striving to be that ideal that we
 23 preach to all the world about.
 24 If this board ignore the will of
 25 the people, then what we're saying to the world

1 that we are hypocrites. We don't respect the
 2 will of the majority, but the minority with the
 3 money. We are at war right now in Iraq. We're
 4 trying to prevail and to tell the world that
 5 democracy and peace is what we're all about.
 6 But when we still have areas like here in
 7 Mississippi where if the people's will do not
 8 go forward, then all we're saying is nothing.
 9 It's absolutely nothing.
 10 And I would pray that the time
 11 would come when this country will live up to
 12 the ideas that all the founding fathers wanted
 13 it to be, and I believe that here in this room
 14 tonight and the world today, I believe America
 15 is still in the developing process, and we
 16 tonight can still allow the will of the people
 17 and the ideas that our founding fathers founded
 18 this land on to go forward by not allowing the
 19 minority with the money to override the will of
 20 the majority on this project. And that's all I
 21 have to say. Thank you, sir.
 22 MR. JERRY CAIN:
 23 Yes, ma'am.
 24 PAULA VASSEY:
 25 I just have two more things for

1 the environmental justice division of yours.
 2 We do consider this an environmental racist or
 3 injustice issue. We know that in no rich white
 4 community in this area would this be even on
 5 the table, okay. And then there is another
 6 thing which is when dealing with issues that
 7 affect quality of life, we would like for the
 8 DEQ to always consider their mission statement,
 9 and I would hope that every letter that comes
 10 into your office on this issue would quote your
 11 mission statement back to you. It's a good
 12 statement, it just needs to be -- it just needs
 13 to be included in every issue. You know and I
 14 know on cumulative impacts, past, present, and
 15 future, in this particular neighborhood and
 16 area, it needs to be emphasized. Cumulative
 17 impacts are killing this community. This is
 18 one of the oldest communities in this area.
 19 They deserve the chance to survive. They've
 20 been herded into an area where they can't get
 21 out because they can't afford it. They can't
 22 sell where they're at, they're taxed to death
 23 on it, it needs to be considered. They deserve
 24 the right to have a community to raise their
 25 family, and you heard comments, most of the

1
 2
 3
 4
 5 **REPORTER'S CERTIFICATE**
 6 I, HUEY L. BANG, Certified Shorthand
 7 Reporter and Notary Public in and for the State
 8 of Mississippi do hereby certify that the
 9 proceedings were reported by me in shorthand
 10 and transcribed under my personal supervision,
 11 and is a true and correct transcript to the
 12 best of my ability and understanding;

13 That I am not of Counsel, nor related
 14 to Counsel or the parties hereto, and in no way
 15 interested in the outcome of this event.
 16

17
 18 **HUEY L. BANG**
 19 **CERTIFIED SHORTHAND REPORTER #1147**
 20 **REGISTERED MERIT REPORTER**
 21 **CERTIFIED REALTIME REPORTER**
 22 **NOTARY PUBLIC**
 23 My Commission Expires September 17, 2005.
 24
 25

1 people in this area have owned their houses in
 2 the 30 to 60 year range. They can't afford to
 3 go anywhere else. They look to our state and
 4 federal agencies to represent them and take
 5 care of them and keep their communities safe
 6 environmentally request that you please
 7 consider cumulative impact. They had the Butch
 8 Ward project, they have the airport project,
 9 they have a parking garage that gets more
 10 consideration than they do. It's a 13 acre
 11 wetland fill. They have an imminent domain
 12 project going in where the airport is taking
 13 people's property. They have just issue after
 14 issue. They never get time to rest and enjoy
 15 living because they're always fighting in their
 16 community to keep their community as a whole.
 17 Thank you.
 18 **MR. JERRY CAIN:**
 19 Okay, anyone else that would like
 20 to make a comment? Seeing no one, I close this
 21 hearing. Thank you.
 22
 23 **(WHEREUPON THE HEARING WAS CONCLUDED)**
 24
 25



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MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

HARRELD PIT

PUBLIC HEARING

Held at 7:00 p.m. on September 30, 2003, at
28th Street Elementary School, 2810 34th
Avenue, Gulfport, Mississippi 39501.

Representing the Mississippi Department of
Environmental Quality:

- Jerry W. Cain
- Billy Warden
- Michelle Vinson
- Phil Bass
- Michael Bograd
- Roy Furrh

Reported By: Huey L. Bang, RMR, CRR

1 MR. JERRY CAIN:

2 Before we begin, I would like to
3 identify some elected officials that I
4 recognize in the audience. Excuse me,
5 Representative Frances Fredericks is here.
6 Councilwoman Ella Holmes-Hines. Senator
7 Deborah Dawkins. And Chris LaGarde is here
8 representing Representative Taylor's office.
9 Whenever you do this, you always risk not
10 seeing someone, so if I have overlooked someone
11 I will be happy to recognize you now. Okay.
12 Thanks. Let's go ahead and get started.

13 Ladies and gentlemen, as I said,
14 I am ready to begin this hearing. I am Jerry
15 Cain, the head of the environmental permits
16 division of the state pollution control office.
17 This hearing by the State Department of
18 Environmental Quality regards the proposed
19 issuance of a wastewater discharge permit and
20 the modification of the mining permit
21 associated with the operation of the W.C. Fore
22 Trucking, Inc. Harreld Pit.

23 This hearing is to receive your
24 comments on any proposed permits and related
25 permitting issues. I want to emphasize that

1 these are draft permits and were created as a
2 basis for the purpose of discussion and
3 evaluation. This hearing follows a review by
4 staff engineers and geologists that has taken
5 over six months.

6 At the table with me tonight are
7 Mr. Billy Warden, Mr. Phil Bass, Ms. Michelle
8 Vinson, Mr. Michael Bograd, and Mr. Roy Furrh.
9 All of these staff members and a number of
10 others that participate in the development of
11 these draft permits.

12 The decision in these matters
13 will be made by the environmental quality
14 permit board. The permit board is created by
15 Mississippi law for the purpose of issuing or
16 denying under such conditions and limitations
17 as it may prescribe environmental protection
18 permits to control or prevent the release of
19 contaminants into the air and waters of the
20 state.

21 None of us here are on the permit
22 board. We are the staff to the permit board.
23 The composition of the permit board is
24 established by law. As I said, none of the
25 permit board members are here tonight, and I

1 can later this evening, if you care to,
2 identify those positions that compose the
3 permit board, but in an interest of time I
4 think we will go on.

5 As the hearing begins tonight,
6 Mr. Warden of the pollution control staff will
7 briefly describe the draft permits. After Mr.
8 Warden's presentation we will then begin
9 receiving comments.

10 MR. BILLY WARDEN:

11 As Mr. Cain just mentioned, the
12 purpose of this hearing is to take comments
13 from the public regarding the permit
14 application submitted by W.C. Fore Trucking,
15 Incorporated regarding a proposed mining
16 project. The proposed project is located in
17 Gulfport near the intersection of 33rd Street
18 and 34th Avenue and it's referred to as the
19 Harreld Pit.

20 All surface mines in Mississippi
21 that affect four acres or more must obtain a
22 surface mining permit from the Mississippi
23 Environmental Quality Permit Board. In
24 addition, a national pollutant discharge
25 elimination system water permit is also

1 required for the management of all wastewater
2 associated with mining operations.

3 The applicant's property on which
4 the proposed mine is located consists of
5 approximately 112 acres located north of 33rd
6 Street and east of 34th Avenue. The actual
7 mining area is limited to approximately 49
8 acres located on the southern portion of this
9 property.

10 Natural drainage from this
11 property flows to two different receiving
12 streams. Approximately one half to two-thirds
13 of the property flows to the north into an
14 unnamed tributary of Turkey Creek. The
15 southernmost portion of the property drains to
16 the south into an unnamed tributary of
17 Brickyard Bayou.

18 The applicant also owns
19 approximately 40 acres just south of 33rd
20 Street. The mining permit application requires
21 the applicant to submit operational and design
22 details describing the method by which the
23 mining will be conducted and how the land will
24 be reclaimed after mining activities have been
25 completed.

1 W.C. Fore Trucking, Incorporated
2 proposes to excavate sand by utilizing a
3 tracked excavator which will load the sand
4 directly into trucks. The mining material will
5 then be transported off site primarily to the
6 Port Authority property in Gulfport. The
7 mining operation is anticipated to be completed
8 in approximately three years.

9 Upon completion the applicant
10 proposes to reclaim the mine as a lake. The
11 banks of the lake will be appropriately sloped
12 and all other areas disturbed by the surface
13 mining operation will be graded and planted
14 with grass. The mining permit does require
15 that a performance bond be maintained for
16 reclamation costs. The bond will not be fully
17 released until at least two years after
18 reclamation is complete.

19 Second permit required of this
20 operation is a national pollutant discharge
21 elimination system permit, or NPDES permit
22 which regulates both storm water and wastewater
23 associated with mining activities. The storm
24 water is the rainfall which comes into contact
25 with the disturbed areas. And the wastewater

1 is the groundwater that will be pumped out of
2 the excavation during mining operations.

3 The primary water contaminant
4 associated with mining operations is sediment.
5 The permit application contains a design which
6 directs all water runoff into sedimentation
7 ponds be constructed at the southeast corner of
8 the property so that the sediment will be
9 allowed time to settle before the water is
10 discharged off site. The water from the
11 sediment pond is proposed to be piped under
12 33rd Street and then approximately 1500 feet to
13 the southeast where it will be discharged into
14 an unnamed tributary of Brickyard Bayou. No
15 discharge from this disturbed area of the
16 operation will be directed towards Turkey
17 Creek.

18 The proposed draft NPDES permit
19 requires that the company implement a storm
20 water pollution prevention plan which includes
21 the use of berms, silt fences, hay bales, and
22 other approved best management practices to
23 control storm water runoff. The draft permit
24 also requires that the discharge from the
25 sedimentation pond be sampled and analyzed for

1 biological oxygen demand, total suspended
2 solids, oil and grease, and PH. Sampling and
3 analysis will occur twice per month and
4 reported monthly. The facility must also
5 report the discharge flow rate at the time of
6 sampling.

7 The proposed mining area has been
8 configured to minimize the number of acres of
9 wetlands that will be impacted. The wetlands
10 which are impacted will be excavated only. No
11 filling of wetlands has been proposed,
12 therefore, the Corps of Engineers has
13 determined that a wetlands permit will not be
14 required for this project.

15 In May of 2003, W.C. Fore
16 Trucking, Incorporated submitted its surface
17 mining permit application to the department.
18 The application was reviewed by the
19 department's office of geology staff. The
20 application was determined to be complete and
21 was presented to the environmental quality
22 permit board in June. The permit board granted
23 the surface mining permit, however, it's
24 conditioned on the applicant obtaining other
25 environmental permits prior to beginning

1 operation.

2 As allowed by state law, an
3 evidentiary hearing was requested regarding the
4 issuance of this permit. The hearing will be
5 conducted by the permit board prior to the
6 initial decision becoming final.

7 Since the surface mining permit
8 was issued, the proposed project has been
9 altered including a reduction in the number of
10 acres proposed from 55 to 49, and the submittal
11 of a revised reclamation. An amended
12 application has been submitted to the office of
13 geology. Again, the purpose of this hearing is
14 to receive comments regarding the permit
15 actions requested by W.C. Fore, Incorporated,
16 which I just described. All comments received
17 here tonight and those received in writing will
18 be thoroughly considered before any
19 recommendation by the staff is made to the
20 environmental quality permit board. Thank you.

21 MEMBER OF THE AUDIENCE:

22 When will the comment hearing be
23 held?

24 MR. JERRY CAIN:

25 At the end of this hearing.

1 MEMBER OF THE AUDIENCE:

2 You can't mail them in, the
3 comments have to be turned in tonight?

4 MR. JERRY CAIN:

5 If you get them in by the end of
6 the week, Friday. Councilman Jenkins, I think
7 you walked in, I want to recognize him.

8 We're now ready to receive your
9 comments. Because many people want to comment,
10 we ask that you keep your comments as brief as
11 possible and that you focus on the
12 environmental issues, since that's the subject
13 of this hearing. We will take comments in the
14 order that you registered. We will take first
15 comments of those individuals who indicated
16 they would like to comment on the registration
17 form. After that we will receive comments from
18 anyone who wishes to comment that has not
19 already commented. Finally, we will open the
20 floor to anyone who may want to have additional
21 comments. I want to make it clear that all
22 comments and concerns will be thoroughly
23 evaluated prior to the staff making their final
24 recommendation to the permit board. It is very
25 important to remember that a hearing record is

1 being established tonight to be presented to
2 the state environmental permit board.

3 For your views to be considered
4 by the board it is necessary that you comment
5 at a microphone so it can be recorded by the
6 court reporter to be presented to the board.
7 Again, please use the microphones as you make
8 your comments. We will begin with Ms. Deborah
9 McGee.

10 DEBORAH MCGEE:

11 List name and address or just --

12 MR. JERRY CAIN:

13 Just your name.

14 DEBORAH MCGEE:

15 Deborah McGee. And I have in my
16 hand a folder of information I want included in
17 the minutes. And they are one, a May 25th
18 article that was in The Sun Herald titled
19 Gulfport contractor wants to build park. And
20 in that article, I highlighted some areas, I
21 will not read everything in my hand, that's why
22 I'm giving them to you to include. It says
23 that he plans, which is Mr. Fore, to turn the
24 resulting hole after he has mined it into a
25 lake surrounded by a 40-acre park. Fore said

1 he would install a fence around the property,
2 provide landscaping, and build a pavilion. The
3 city would have to pay for other amenities,
4 such as a tennis court, a ball field, he said.
5 Also, he said he would have little use for the
6 one million dollar property once the dirt is
7 excavated, and he believes the surrounding
8 community would benefit from a park.

9 A hole in the ground, and this is
10 his quote, a hole in the ground doesn't have
11 any value, he said. A park has value. That's
12 in there. On August the 8th, 2003, there was a
13 meeting between Mr. Fore that he presented his
14 ideas of the excavation area to representatives
15 of the community, also DEQ was there, the Corps
16 of Engineers, Representative Gene Taylor's
17 office, Trent Lott, and I think Thad Cochran's
18 office was in attendance there. And in that
19 meeting the community didn't have anything to
20 say, the only thing we were doing was listening
21 to his presentation because we had not had a
22 conversation with him. And in that, I'm just
23 going to highlight some parts of it. And that
24 was when he presented the plan that he is going
25 to mine 40 acres, and also he said he will turn

1 it into a park, some of the area, and donate it
2 to the city.

3 Mr. Fore's plans for the park, he
4 said, was an open-air pavilion, fence will
5 remain around it, surface walking track, and
6 landscaping. Also he said he would provide a
7 performance bond to the city. We had questions
8 from the floor that was there. As I say, at
9 the conclusion of that meeting, what we did was
10 took those minutes from the August 8th meeting
11 and had a community meeting on August the 18th.
12 In the community meeting we presented to the
13 community Mr. Fore's minutes from the August
14 8th meeting. And from the community meeting
15 that was presented, and also Mr. Fore called me
16 on August the 13th to do an addendum to the
17 meeting that he had before our community
18 meeting to say some more things that he would
19 put in the park. That was he said he is
20 willing to put a 40 acre stocked lake, concrete
21 picnic tables, half mile asphalt walking track,
22 a 40 by 80 open pavilion with cover,
23 landscaping, and an electrical aerate system to
24 blow air into the water to create a ripple
25 effect so that mosquito eggs won't hatch.

1 Well, in that meeting from the
2 community, from this August 8th meeting, his
3 addendum and everything, the community
4 resounded -- unanimously vote to reject the
5 mining of the lake in the community. And we
6 did not just say we don't want a lake, we said
7 okay, we have to have reasons why we don't want
8 the lake. We said the safety of our children.
9 The park will be surrounded by six residential
10 areas, an elementary school, and churches.
11 This facility will not be kept or manned by the
12 city. The City of Gulfport has, through its
13 own admission, can't support the park it
14 currently has -- the parks it currently has.

15 The future of the community, the
16 area will become a haven for crime because the
17 park is wooded and isolated, and to use for an
18 example the Cloud Point Park. It has become a
19 crime haven and the residents are trying to get
20 it closed.

21 This project will cause flooding
22 in the Meadowpark edition to the City of
23 Gulfport. Health hazards from the dust in the
24 area, allergies, asthma. There is currently no
25 infrastructure in the area. Concern about the

1 water quality after destruction of the wetlands
2 and the water will be redirected to Brickyard
3 Bayou, and the city is currently having a 14
4 million dollar buyout for some of the areas
5 surrounded by Brickyard Bayou because of
6 flooding. And the six-foot fence that Mr. Fore
7 is proposing to put up is not adequate to
8 secure the lake from children.

9 On September the 3rd we had a
10 community meeting with Mr. Fore, and in that
11 meeting Mr. Fore presented the map that -- of
12 his proposed site. And he talked about the
13 buffer zone, the sloping and everything, so we
14 had various questions to him. We told him,
15 Number 1, this six-foot fence is not adequate,
16 make it eight foot. Also, we asked questions
17 and was concerned about the lake being too
18 close to residential areas. It's 100, by Mr.
19 Fore said, it's 1080 feet from the apartments.
20 That's too close when you have children. How
21 far is it from 34th Street? I think that's
22 34th Avenue. It's 100 feet. That's a
23 community that's full of people.

24 So, also, the park will not be
25 supervised, will only be supervised by Mr. Fore

1 as long as he has it. When it goes to the
2 city, that's where supervision stops at. So in
3 that we had various concerns to him and also,
4 Jerry, you were there, you explained DEQ's role
5 in this because there were concerns of -- we
6 are concerned about who is going to look after
7 us if we suffer this park and the lake, who is
8 going to look after us once the mine is done,
9 the water is left there and the flooding is
10 there?

11 But also I was told that, okay,
12 Deborah, you all don't want the lake.
13 The reality is, permits may be granted and you
14 may get a lake. So you need to get above the
15 point of not wanting the lake and discuss what
16 do you want in the area if there is a lake.
17 Well, we come up with a list for that, too,
18 since you asked us, you know, we were asked to
19 come up with that.

20 But in attendance in our zoning
21 and planning meeting, I must say, we have been
22 misled by the city and by Mr. Fore because we
23 attend the council meetings, and the newspaper
24 article that I read, everything says a park
25 could go there eventually after the lake.

1 Well, in planning we learned the area is zoned
2 industrial and a park is not allowed there. So
3 what are we going to be left with, just a big
4 open lake and no amenities for us if we're
5 stuck with it.

6 But being obedient, I said, okay,
7 we will come up with some things if we are
8 stuck with it. And some of these things were
9 listed he had agreed to, that is a half mile
10 asphalt walking track with three to four
11 benches strategically placed around it. A 40
12 by 80 open pavilion with cover and with men and
13 women bathrooms and a water fountain. At least
14 two barbecue pits, because it's a park, you
15 want to have fun if you got to go there. A
16 stocked pond to have fishing. Concrete tables
17 and benches. Lighted park area, landscaping,
18 playground equipment, fence and swings, a slide
19 for the children. A water spigot close by the
20 barbecue pits for clearance. The park to be
21 manned by city employees for safety, and to
22 keep the grounds cleaned. Before Mr. Fore turn
23 the park over to the city to remove the barbed
24 wire from the top of the fence and clear the
25 woods around the lake area so it can be visible

1 from the park area to deter illegal activity.
2 Install concrete covers to remove water from
3 the area, and for the beauty of it add a
4 fountain in the middle of the pond and give us
5 something decent.

6 But that's what we were asked to
7 do is if we have a lake to put a park, but we
8 don't want a lake in this area. It is
9 detrimental to the community. We have our
10 children's safety at risk. You have trucks
11 that will be passing there constantly. How can
12 the children learn? This school right here,
13 28th Street School is on that -- below level
14 for the no child left behind. They're Level 2.
15 So and we're going to add that extra noise
16 there, they're still going to be left behind
17 some more. So we don't want it.

18 Also, MDOT have had various
19 meetings, many meetings with this community for
20 the north/south connector road coming through
21 here. Now, with the north/south connector road
22 MDOT has talked to my church, St. John Baptist
23 Church, and that surrounding area there they
24 are proposing to buy out. Well, Mr. Fore's
25 project is going to drastically affect that.

1 The community can benefit from an MDOT buyout,
2 because the church is older, the community is
3 older, and we don't want to stand in the way of
4 progress, we don't want that reputation.
5 That's why we say okay, the city needs to grow,
6 we will sell out for MDOT.

7 Mr. Fore wants his project for
8 the city to grow again, but who is going to
9 grow? Mr. Fore is going to grow. With MDOT,
10 MDOT, we will benefit from a buyout, from Mr.
11 Fore we will be hampered by a flood out. So
12 say no. We ask you to say no to Mr. Fore's
13 lake. Thank you.

14 MR. JERRY CAIN:

15 Thank you, Ms. McGee.
16 Councilwoman Ella Holmes-Hines.

17 ELLA HOLMES-HINES:

18 Thank you. I also would like to
19 thank Deborah for those comments. I was able
20 to have one of those community meetings where I
21 was in attendance and there was a resounding no
22 to the, I call it a lake, a pond, a hole, a
23 pit. I mean, it has various names that has
24 changed since its inception. When Mr. Fore
25 came before city hall in this discussion of a

1 park, this is was over a million dollars that
2 would be placed in this park, to my
3 understanding. When there was an interview
4 done by the Sun Herald, it indicated that the
5 city would have to do all of these amenities.
6 Well, being a second-term council person, I'm
7 well aware of the budget constraints with the
8 City of Gulfport. And I know very well that we
9 are struggling hard to keep the parks that we
10 do have. We are also struggling hard
11 financially. So I know for sure that the City
12 of Gulfport is not in a position at this time,
13 nor do we see based on the water rates that are
14 increasing and based on that we increased
15 property tax last year that we will be able to
16 only give consideration to this project.

17 From there, listening, and
18 reading, and understanding what this issue is,
19 which we will probably have an opportunity to
20 hear this in a full city council discussion in
21 our second meeting of October, we were told at
22 that time that we would have leisure services
23 to come out and to speak with the community.
24 Well, in two or three letters that I wrote, I
25 never received a response nor did the city

1 leisure services department meet with the
2 citizens that eagerly came to city hall trying
3 to get their voices heard. And in that meeting
4 they had a very hard time trying to allow them
5 an opportunity to say they did not want this
6 permitting process to take place.

7 With that happening, we decided
8 that we would start meeting in little concepts
9 of meeting, but there was no city discussion
10 from leisure services. I do not feel that the
11 city will be able to place a park there. And
12 that's the reason I offered a motion of
13 reconsideration to get the vote for
14 Holmes-Hines out of this picture, because I
15 know we can't afford this.

16 From that discussion has gone on
17 from planning, my understanding is that they
18 denied it at this time. Zoning, which approved
19 it, and it will then come before city council.
20 My understanding is before you, DEQ, get
21 involved in this, you have to have a vote of
22 confidence from the City of Gulfport; is that
23 correct?

24 MR. JERRY CAIN:

25 Well, what we have to have is any

1 permit issued of local approval.

2 ELLA HOLMES-HINES:

3 At this time you do not have
4 local approval based on our planning
5 commission. And I would hope that once that
6 this hearing is taking place, that we could
7 have an opportunity to give you more comments.
8 I was concerned very much when you said that
9 your written comment period will be at the end
10 of this week. Why is that such a short period?

11 MR. JERRY CAIN:

12 Actually there's been a notice of
13 30 days, a 30-day period is when traditionally
14 people submit written comments.

15 ELLA HOLMES-HINES:

16 Can you expand that time?

17 MR. JERRY CAIN:

18 Sure I can.

19 ELLA HOLMES-HINES:

20 It would be most helpful to do
21 that. Because today you gave a written text,
22 of course, that was not in the library for
23 public disclosure and so, therefore, those
24 comments that you gave we would like an
25 opportunity to review those and give comments

1 on that. That would be very helpful. But many
2 citizens are here today stating their
3 opposition. I have already gone on the record
4 and the City of Gulfport we speak through our
5 minutes. And Holmes-Hines in the
6 reconsideration vote decided that this is not
7 going to be something that is going to benefit
8 the area since I cannot get a leisure service
9 director or a leisure service person to even
10 come in and speak to the citizens that this is
11 impacting. And that's very irregular in the
12 business of the City of Gulfport. They should
13 be able to have access to that director or to
14 the mayer to give those comments, as well as
15 myself and the council which they have not been
16 able, outside of hostility, to give those
17 comments. So I would hope that you extend that
18 period at least 14 days would be helpful. And
19 we appreciate -- you are giving that acceptance
20 today?

21 MR. JERRY CAIN:

22 Yes, ma'am. I'm comfortable with
23 giving you two additional weeks, so that will
24 be 14 days from now, I don't have a calendar.

25 ELLA HOLMES-HINES:

1 I greatly appreciate that. On
2 your permitting board, how are they chosen?

3 MR. JERRY CAIN:

4 They are, and I can go through
5 and tell you who they are, they are heads of
6 agencies -- first of all, they're established
7 by statute. And they are heads of agencies
8 identified as having interest in environmental
9 concern.

10 ELLA HOLMES-HINES:

11 Can you give us those.

12 MR. JERRY CAIN:

13 I can tell you. By law the
14 permit board is composed of the Chief of the
15 Bureau of Environmental Health with the State
16 Department of Health, the Director of Wildlife,
17 Fisheries -- the Department of Wildlife,
18 Fisheries and Parks, the Director of the Office
19 of Land and Water Resources within the
20 Department of Environmental Quality, the
21 Supervisor of the State Oil and Gas Board, the
22 Director of the Department of Marine Resources,
23 the Director of the Office of Geology in the
24 Department of Environmental Quality, and the
25 Commissioner of Agriculture and Commerce.

1 ELLA HOLMES-HINES:

2 Thank you. The other comment I
3 wanted to make is Brickyard Bayou. I'm
4 concerned about the selection of the two
5 million gallons water per day. Brickyard Bayou
6 is in an area where I, as a representative,
7 have an area called Bayou View West. Bayou
8 View West had to be bought out in the tune of
9 18 million dollars because of the flooding in
10 that area. We started at 8th Avenue and then
11 we moved across Hewes Avenue. But one of the
12 things that was most tragic is that that
13 cleanup process of Brickyard Bayou did not
14 assist in those homes bought, buyout. We were
15 told that in order to look at leaving those
16 residents near Brickyard Bayou, we would need
17 at least 55 million dollars.

18 So I'm concerned now that we have
19 gone through uprooting over 200 families and
20 now we are saying we are still able to
21 discharge two million gallons per day.

22 Now, if I was the federal
23 government and FEMA, I would be looking for
24 some of the money back, because that tells me
25 that maybe we didn't do our homework well

1 enough because it should not be able to accept
2 anymore water based on an 18 million dollar
3 buyout, and now here today we are hearing that
4 two million gallons will be placed into this
5 facility. Have you issued any of the concerns
6 about the water being able to take on this type
7 of excess?

8 MR. JERRY CAIN:

9 I think what your question is
10 have we considered whether or not two million
11 gallons a day will contribute to flooding, is
12 that your question?

13 ELLA HOLMES-HINES:

14 That's correct.

15 MR. JERRY CAIN:

16 Two million gallons sounds like a
17 lot of water.

18 ELLA HOLMES-HINES:

19 The reason that we think it is is
20 because we just completed an 18 million dollar
21 buyout, that it cannot take anymore water.

22 MR. JERRY CAIN:

23 But when you look at -- and it is
24 a lot of water, particularly in your category.
25 But in terms of total volume that goes into a

1 stream like Brickyard Bayou, it represents a
2 small amount of flow that goes in that bayou.
3 What we will do is reopen this issue.

4 ELLA HOLMES-HINES:

5 Thank you. Well, you've made two
6 concessions and I'm very happy, and I will
7 yield but I will have more comments, thank you,
8 sir.

9 MR. JERRY CAIN:

10 I appreciate the decorum
11 everybody is showing, but we have a lot of
12 speakers so if we could limit our thoughts so
13 that we could go on and get out of here before
14 tomorrow. Mr. Rip Daniels.

15 RIP DANIELS:

16 I would like to yield right now
17 to the folks in the area. I will speak later.
18 I know they want to speak.

19 MR. JERRY CAIN:

20 Representative Frances
21 Fredericks.

22 REPRESENTATIVE FRANCES FREDERICKS:

23 Thank you, so very much. I live
24 in the area, I've been living in the area since
25 1966. I'm in walking distance of the proposed

1 park. I was present when we went before the
2 zoning board and the planning board. The
3 zoning board denied us and favored Mr. Fore.
4 The planning board denied Mr. Fore and favored
5 us, and I do have copies of that for you.

6 I also have copies to let you see
7 that this area is not zoned for a park. We
8 have been misled. We cannot have a park there,
9 it would have to be rezoned. I would like to
10 talk to you for just a minute about the
11 location of the proposed pit.

12 You are going to be mining an
13 area parallel to 34th Avenue. If there is 112
14 acres of land, you do not have to mine that in
15 our face. That will put that pit directly in
16 front of Greater Mount Rest Church and all of
17 the children who walk up and down that area to
18 school would have to pass that pit which would
19 be very enticing to the children going up and
20 down that area.

21 When you look at this area, you
22 are looking at six residential areas. All have
23 a number of children who attend this school and
24 who has to pass up and down this road. When we
25 look at this area, also, and you're talking

1 about digging out there for three years, 25
2 feet deep, 48 acres wide, that's going to be a
3 lot of dust and trash in our homes.

4 At the same time, we are talking
5 about a port road being built. MDOT is going
6 to come through this same area putting a
7 highway to take the 18 wheelers off of 49 and
8 place them through our area going to Canal Road
9 and up to I-10. That's still going to be a lot
10 of traffic, a lot of trucks, a lot of danger
11 for our children that we can't do nothing about
12 in the construction phase.

13 So I'm telling you, I'm speaking
14 against this project. I do not want it. I
15 don't think it's necessary, and I will
16 challenge any of you to show me an area in the
17 State of Mississippi where this type mining has
18 gone on in a residential area. You say to me
19 that this is surface mining and I will be the
20 first to tell you, I tell Rose every day, I
21 know nothing about the environment, but when
22 you go 25 feet deep, I think you are a little
23 bit below the surface, and I have a problem
24 with that.

25 When we look at two million

1 gallons of water, I challenge any of you to
2 walk out of here and go and follow that road
3 around, that ditch around the railroad to go to
4 Brickyard Bayou, there's not a single ditch,
5 and they are ditches, sir, there's not a single
6 ditch in this area can carry that much water
7 per month, and we're talking about doing it per
8 day, two million gallons of water per day. We
9 cannot handle it. Every home in the Rosalyn
10 yard will flood, my church will flood, all the
11 churches down this road will flood. We don't
12 have any place for that much water to go.

13 When you hear that Brickyard Bayou has been dug
14 out, I challenge you and anybody that says they
15 dug it out or knows where it was dug, when it
16 was dug or how it was dug, to go look today,
17 it's eroding. Go look at it. The reason I
18 know, I went, it's eroding. And if we are
19 going to put that much water in it, it's not
20 going to help things at all.

21 And I'm asking you to please look
22 very hard at this project. To look at this
23 project when you say we are going to give you
24 something, we are going to give you a park. I
25 challenge that because we don't need a park in

1 this area. We don't need a park. I also
2 challenge the fact and want to know the answer
3 to when we started out you told me one hole was
4 going to be out there, and now I hear there's
5 going to be three holes out there. So I would
6 like to know how many holes are going to be out
7 there, how are they going to be left, and when
8 they're going to be left, and if we're talking
9 about three years, that's a long time. MDOT
10 has not given us a time line. But MDOT is
11 going to give us something for their stay.
12 From Mr. Fore we get a hole, and I think we
13 need more than that if you are going to put
14 that type of problem on us.

15 So I'm asking you to look at the
16 hazards, to look at the danger to our children,
17 to look at the health hazard to the people
18 living in this area, and please deny this
19 permit.

20 MR. JERRY CAIN:

21 Thank you, Ms. Frederick.

22 Eloise Frederick. Let me
23 apologize for the temperature, apparently this
24 is set someplace else and we can't control it.
25 So if it gets hot, feel free to take off your

1 jacket.

2 ELOISE FREDERICK:

3 Good evening. We as the
4 community have spoke as a body and said we do
5 not want a pond nor a park in our community.
6 We hope that the minutes will reflect that we
7 are opposing the pond and the park. Please
8 deny it, we don't want it, we have spoke and
9 said we don't want it, and we are saying we
10 don't want it, and we will continue to say we
11 don't want it. Please deny.

12 MR. JERRY CAIN:

13 Mr. Walter Thomas; am I right?

14 WALTER THOMAS:

15 Let the residents speak first and
16 I will get back.

17 MR. JERRY CAIN:

18 Ms. Mary Wilson.

19 MARY WILSON:

20 Good evening. I would like to
21 say that we do not want this hole, we do not
22 want this death trap, you can call it a lake, a
23 pond, or whatever you want to call it, it's a
24 death trap for our kids. There is enough going
25 on with losing our kids without bringing

1 something extra in here for them. I live in
2 walking distance of this death trap. I do not
3 want it, I do not want the water backing up in
4 my home, I do not want the water backing up in
5 my church. All these people here, they're not
6 just here for decoration. These people are
7 here and to say we do not want it. Just that
8 plain and simple.

9 MR. JERRY CAIN:

10 James Harris.

11 JAMES HARRIS:

12 My name is James Harris. I want
13 to ask are there wetlands on this property and
14 how will they be protected? Please deny this
15 permit. 28th Elementary School is one of our
16 most beloved schools. We are concerned about
17 the four years that trucks will be interrupting
18 their studies and potential safety issues of
19 our children. Please deny this permit.
20 Appreciate that.

21 MR. JERRY CAIN:

22 To answer your question, there
23 are seven acres of wetland that are within the
24 mining permit, and those seven acres have been
25 shown to the Corps of Engineers. Since there

1 will be no filling, only excavation, do not
2 need a Corps of Engineers permit, to my
3 knowledge. Mr. Howard Page.

4 HOWARD PAGE:

5 Good evening. I will try to be
6 brief. I'm going to address three areas here.
7 My first area I'm concerned with is the water
8 quality of the discharge here. And I notice
9 that there's been a change of the plan from 55
10 acres to 49 acres, and that raises a concern
11 with me that I would like to give to any
12 engineers that might be among you. I'm not an
13 engineer, but I understand that at 50 acres a
14 pond is not allowed to be used what's called
15 the rational method for sizing the
16 sedimentation pond, and it seems to me -- which
17 is going to allow the pollutants, it's the size
18 of the pond that's going to allow the
19 pollutants to precipitate out and theoretically
20 clean water comes out of that pond. It seems
21 to me kind of convenient that we've gone down
22 to 49 acres which has taken us one acre below
23 the threshold, and so I do have some concerns
24 about that.

25 My concern being I don't -- I

1 question the size of that settling pond. Is it
2 going to clean the water? Is it of an adequate
3 size that allows the dirty water to stay in it
4 for a long enough time? And again, I just want
5 to repeat, it seems very convenient to me that
6 49 acres, I'm sure y'all are more familiar than
7 me about that. But I would like y'all, when
8 you present this to the permit board, to raise
9 that issue. To me they should be held to the
10 standard of a 50-acre pond because they are so
11 close and initially did ask for 55 acres. That
12 can logically only be the reason that they
13 dropped it down to that size is my inference.

14 So on that, I'm also wondering
15 are there going to be aquatic shelves in that
16 sedimentation pond which increase the
17 efficiency of that type of pond, if you have an
18 aquatic shelf. So that's on the ability of
19 that pond to clean the water as it goes into
20 the ditches that are going to carry all of this
21 two million gallons to Brickyard Bayou.

22 My next question is what I'm
23 actually much more concerned about, and that is
24 flooding. And with two million gallons a day,
25 as opposed to considering that much water going

1 into Brickyard Bayou and then flowing into
2 Bernard Bayou, I think that that water should
3 be considered on its impact to the ditches
4 which it will be flowing through every day, an
5 additional two million gallons constantly
6 flowing. If these ditches already have two
7 million gallons in them, then their ability to
8 protect this neighborhood from flooding, which
9 is basically what they're there for, is
10 obviously reduced. So I think that that two
11 million gallons should be looked at in the
12 ditches, not in the bayou, because I'm sure
13 it's fairly able to handle that volume. I
14 don't believe the ditches are.

15 On the flooding issue I know the
16 question I have is as you are introducing two
17 million gallons flowing down the ditches to
18 Brickyard Bayou and out to Bernard, on the
19 Coast here we have -- the worst storm event we
20 can have is when we have a large tropical storm
21 come in and high tide. This creates tidal
22 flooding. In other words, as opposed to the
23 water flowing to the gulf of -- to the Sound,
24 the water actually is forced the other way.
25 But once you start digging this pit and start

1 this engineering and process, these two million
2 gallons are going to be produced. And so I'm
3 very concerned that they're not going to be
4 able to get out, there is just no way during
5 those flooding events, during those storm
6 events, which is what causes flood. So, again,
7 I would like close scrutiny to be put on that
8 to the tidal flooding issue in those ditches.

9 And to keep it brief, the last
10 thing I would like to look at is the economics
11 of this, because I think that y'all do look at
12 the economic benefit versus the environmental
13 impact of this. And to me, economic benefit is
14 negligible for the community, and as a matter
15 of fact it's negative. You have folks who live
16 here in Gulfport, we have a nice community, we
17 have schools and homes, residential areas have
18 been established for a long time. And now you
19 are going to have large amounts of heavy truck
20 traffic, you are going to have some loud heavy
21 equipment, heavy pumps being worked. This is
22 going to makes this area less attractive to
23 live in for those four years, or maybe three,
24 but the four years is what I was told the
25 project will go on. So to me I see a very

1 negative economic benefit to everyone in the
2 community, and a sole economic benefit, of
3 course, going to the owner with the mining
4 operation.

5 And my final point is again on
6 economics. It's once this is completed by the
7 owner's admission, the property is basically
8 worthless. So once this activity occurs, then
9 whatever else could have been cited there,
10 whatever else value that land could be used for
11 will be gone. We'll get four years of activity
12 and then zero benefit forever into the future.
13 As well, of course, a great deal of cost to the
14 City of Gulfport to maintain this property. So
15 thank you.

16 MR. JERRY CAIN:

17 Ms. Arlene Murphy.

18 ARLENE MURPHY:

19 Good evening. I'm a member of
20 Greater Mount Rest which sits right across from
21 the proposed project you are going to try to
22 build and we are going to try to not get you to
23 build it. Praise God. But anyway, I am
24 opposed to it because of the safety concerns.
25 We do have a large youth department in our

1 church which sits directly across from this
2 project, and our children play out there. In
3 fact, we just had a picnic and we chose, as a
4 body, to have a picnic at a park that did not
5 have a pond, a water, or anything for the
6 safety of the children. Now do you think if
7 we've done that for the children, do you think
8 we want them to have a forever pond or ditch or
9 pit right across from the church? Just think
10 about that. Give it some serious thought.

11 So I'm opposed to this because of
12 safety concerns, the dangers to the children,
13 the proposed community, and everybody that's
14 here tonight.

15 MR. JERRY CAIN:

16 Before I call the next person,
17 let me maybe clarify something to make sure we
18 understand. Department of Environmental
19 Quality is neither a proponent or opponent. We
20 are not vying for the pit. We are not trying
21 to stop the pit. We are trying to apply the
22 rules and regulations of the state to the
23 requested activity. And part of that process
24 is to get public information and input into the
25 record so it can be considered. So please

1 understand we are neither a proponent or
2 opponent of this development.

3 Ms. Martha Magee. Thank you.
4 Okay. I think this says coach -- I'm not sure
5 what it says. 625 24th street, Gulfport.

6 MR. STEPNEY:

7 That's me. I'm going to yield to
8 some of the parent, but I want to make one
9 statement and I'm going to come back later.
10 But I want to yield to some of the parents here
11 that's going to affect them because they have
12 children in this area, but I will come back
13 later. But that's Stepney, S-T-E-P-N-E-Y.

14 MR. JERRY CAIN:

15 Thank you.

16 Ms. Paula Vassey; is that right?

17 PAULA VASSEY:

18 My name is Paula Vassey and I'm
19 not near as well prepared as everybody else is.
20 I have some things I would like the DEQ to
21 consider.

22 MR. JERRY CAIN:

23 Ms. Vassey, get a little closer
24 to the microphone, I'm sure the court reporter
25 is having a little difficulty hearing you.

1 PAULA VASSEY:

2 Is that better?

3 MR. JERRY CAIN:

4 Yes.

5 PAULA VASSEY:

6 I have just a few issues I would
7 like the DEQ to address. One of the facts is
8 the project doesn't have local permitting yet.
9 I attended two meetings, a zoning meeting and a
10 planning meeting, it was turned down. But not
11 only was it turned down, the application wasn't
12 even right. What was advertised was for a
13 park. We asked that that permit application be
14 taken off the board, off the table, and they
15 refused to do that. The permit ap -- they
16 heard testimony and information was presented
17 on the pit. We ask that that be taken off
18 since it hadn't been applied for. So we would
19 like first and foremost the DEQ to address the
20 issue that this really isn't even a project
21 because it's not a properly applied for
22 project. So any help y'all could give us in
23 getting that taken care of, to be readvertized,
24 a new hearing on both issues of zoning and
25 planning since it was improperly applied for

1 would be a benefit to us.

2 If through any means y'all could
3 keep the general public informed on every time
4 this project is changed, because every time I
5 go to a meeting or hear it, the project
6 changes. We have a hard time keeping up with
7 what's going on. Some of the problems that we
8 think need to be addressed on this would be
9 that the end result to reclaim the property as
10 a park is not allowed in the zoning
11 classification. So it would require a zoning
12 change before. And I think that zoning change
13 needs to be established up front.

14 The other permit would be what
15 we're here for tonight, a mining permit from
16 DEQ. We need copies of the truck routes
17 showing the routes that are traveled. The way
18 we figure the dirt coming out of that pit over
19 a three to four-year project, which they said
20 would only be a two-year project, so we need
21 some clarification on that. We're talking
22 about minimum of 300 trucks per day traveling
23 through this residential neighborhood and
24 endangering people's lives.

25 And another thing there was a

1 letter to the editor yesterday in The Sun
2 Herald, there's already a traffic problem in
3 this area. I think DEQ is allowed to address
4 quality of life issues here. And when there is
5 already a traffic problem, to implement or
6 allow a permit, another three to 400 trucks per
7 day into a neighborhood that already has a
8 problem should be given some serious
9 consideration.

10 The weight limits on the truck,
11 they indicated they would be using 20 cubic
12 yard trucks. They never said whether that was
13 wet or dry. We need to make sure that that's
14 monitored and kept within the weight limits
15 that are allowed. These are small residential
16 roads out here. I don't think any of them
17 should have big trucks on them.

18 Two million gallons of water per
19 day, it's not very considerate of DEQ to
20 continue to permit projects in areas that are
21 known for flooding. Ms. Fredericks' house has
22 flooded several times. They live in houses
23 with no carpet because they can't keep the
24 water. So to insinuate to this particular
25 group of people that two million gallons is not

1 much, when they know it doesn't take one inch
2 of rain to flood their house out, their sewage
3 overflows, their commodes would be non useable
4 is not really a pertinent or polite comment in
5 this particular neighborhood.

6 We think the issue of water
7 quality going into the streams with the testing
8 and monitoring, we think other things should be
9 tested and monitored for just besides PH. We
10 know there is no numerical classification on
11 turbidity of water. If you don't have one
12 established, it needs to be. We understand
13 that most of the waters in this particular area
14 are on the impaired water bodies list. DEQ is
15 working to try to establish some CMDLs. I
16 don't know if there is one on Brickyard Bayou.
17 I know on Bernard Bayou and some of the other
18 ones turbidity has been a problem.

19 Through the recent hearings on
20 DEQ they are trying to de-list the waters in
21 this area. They've been after that for years
22 due to the slow down in economic development.
23 But we have consent decree with EPA and DEQ, we
24 need these waters cleaned up before we permit
25 anymore storm water discharge to continue to

1 flood and put pollutants into our lakes and
2 streams. They are not safe for drinking, they
3 are not safe for swimming, they are not safe
4 for recreation, they're not safe for fishing.
5 This water goes to the Gulf of Mexico. We live
6 down here. We survive off of our tourism
7 industry. Our beaches have been closed I can't
8 tell you how many times. Whatever y'all permit
9 north comes south. We need to look at the
10 issue of polluted water, storm water runoff in
11 a very strict manner. Thank you.

12 MR. JERRY CAIN:

13 Mr. Calvin Jackson.

14 CALVIN JACKSON:

15 Good evening. I am really
16 concerned because I had some comments the other
17 night on this. When you are talking about
18 running that water to Turkey Creek, that's what
19 they said, and that's almost a mile from where
20 the dredging is going to be. And then you are
21 going to Brickyard Bayou. We won't have no
22 wild life within the water. The fish will be
23 gone in Turkey Creek. The fish will be gone in
24 Brickyard Bayou. And Turkey Creek now when it
25 rains just a little bit becomes muddy. And the

1 Corps of Engineers, they haven't done anything
2 yet but we're waiting. But I ask that you all
3 will turn it down like the planning commission
4 because we have no need for it. Thank you.

5 MR. JERRY CAIN:

6 Mr. Blakely.

7 ALBERT BLAKELY:

8 My name is Albert Blakely, and
9 I've lived in this area practically all of my
10 life. And I would just like to say if Mr. Fore
11 really wants to do something that he would seek
12 to get this area rezoned from commercial to a
13 residential area and invest in people to put
14 some homes out there would be the most thing
15 that I see the benefit of out there.

16 MR. JERRY CAIN:

17 Johnny Lee. Johnny Lee. 3114
18 Harrison Drive? Okay. Reverend Arthur Gibbs?

19 ARTHUR GIBBS:

20 Yes, I would like to yield to
21 those who are closer to the proposed area.

22 MR. JERRY CAIN:

23 Senator Deborah Dawkins.

24 SENATOR DEBORAH DAWKINS:

25 Thank you, Mr. Cain, and the

1 other members who are here. I'm Deborah
2 Dawkins. I'm a state senator for this area,
3 District 48. I'm vice-chair of the Senate
4 Environmental Committee, and I'm also on the
5 public health committee, and I would argue this
6 is an issue that concerns both of us. Some
7 people have a problem making that connection.
8 And there are health impacts I think that would
9 be associated with this project if it were
10 permitted. However, before I go into that, I
11 know it's not customary to ask questions at
12 these meetings, but this -- I only became aware
13 of this meeting anecdotally. I'm sure that the
14 department advertised it properly, I have no
15 doubt of that, but it must have been in the
16 legal section.

17 MR. JERRY CAIN:

18 Yes, ma'am. First off, you can
19 certainly ask questions and we will try to
20 answer them if we have an answer. We were in
21 direct contact with a lot of community leaders,
22 and I also understand that they made some
23 sorted efforts to get people to be aware of
24 this meeting. And, in fact, to this audience
25 we should mention that there was notice.

1 SENATOR DEBORAH DAWKINS:

2 I think that this audience is an
3 indication that the people in the community got
4 notice, but -- and that you tell me that there
5 was legal notice that was given in the legals,
6 but I would argue once again as I often have to
7 the department, that it would be very useful to
8 people outside the community to have some sort
9 of ad that's not in the legals.

10 MR. JERRY CAIN:

11 Yes, ma'am.

12 SENATOR DEBORAH DAWKINS:

13 And you said something about a
14 June hearing which I'm completely unaware of, a
15 June hearing where there was an amended
16 application?

17 MR. JERRY CAIN:

18 I think what we said was that the
19 geology permit went before the June permit
20 board; is that right? And which we know the
21 permit board confirms the issuance of that
22 permit. That was not a hearing.

23 SENATOR DEBORAH DAWKINS:

24 So just for future record, I
25 would like to be notified whenever there is

1 anything to do with this proposed application,
2 whether it be geology, water quality, or
3 anything else. And I'm sure Representative
4 Fredericks would as we both represent this area
5 at the state level. And I think maybe some of
6 your remarks, and I'm sure you didn't mean to
7 do this, Mr. Cain, but some of your remarks
8 about the permit board might have been
9 misleading. Yes, by statute the directors of
10 those agencies are appointed to the permit
11 board, but you all know here when was the last
12 time you saw those directors there? They never
13 come to those meetings.

14 MR. JERRY CAIN:

15 They send their designee.

16 SENATOR DEBORAH DAWKINS:

17 As they always do.

18 MR. JERRY CAIN:

19 That is --

20 SENATOR DEBORAH DAWKINS:

21 Well, I've never seen any of the
22 directors there and I've been going seven or
23 eight years. So if you could provide to the
24 people that you have been providing information
25 the names and addresses of all the members who

1 are the designees at the permit board I think
2 that would be very useful to the community so
3 they can communicate with them.

4 MR. JERRY CAIN:

5 Yes, ma'am, we can.

6 SENATOR DEBORAH DAWKINS:

7 With regards to the surface
8 mining, and I think the comments about that
9 were very pertinent. But I was interested when
10 I went to one of the meetings, which I also
11 found out about anecdotally, that on the agenda
12 this was listed as what I guess it is, a strip
13 mine. And although we statutorily call strip
14 mining in Mississippi surface mining, as
15 Representative Fredericks noted, I don't think
16 technically in my opinion something that's 25
17 feet deep qualifies as a surface mine, it's a
18 strip mine. But, okay, just for the sake of
19 argument let's call it a surface mine. I don't
20 know of any other community in Gulfport where a
21 strip mine would be allowed this close to a
22 residential community.

23 Now, the designees on the permit
24 board are going to read this document and they
25 don't know Gulfport like I know Gulfport and

1 like the people here know Gulfport. But there
2 is no other community in the city, maybe up and
3 down the Coast, where a strip mine would be
4 allowed as close to a school, to churches, and
5 let me just tell you something about this
6 school, this is a wonderful school. Until I
7 was elected to office I had never spent any
8 time here. But this is a wonderful school, and
9 it provides not only service to the students,
10 but a lot of services to the community. And to
11 impact it negatively in any way from a health
12 aspect, environmental aspects, or any other
13 ways, the permit board will not be doing a
14 service that it is supposed to do to the
15 community.

16 I appreciate your extension of
17 the comment period, that's not an uncommon
18 thing, and I think that's the least that could
19 be offered to the folks here tonight. One
20 thing that I would like to see addressed by
21 that permit applicant is what are the intended
22 hours of operation? I do not -- I haven't seen
23 the permit application, I probably won't have a
24 chance to read it. I probably won't have a
25 chance to deal with this again until it goes

1 before the permit board in Jackson, which I
2 promise you I will be there. But the hours of
3 operation should and must be addressed. This
4 is a residential community and we need to know,
5 you know, are they planning to operate around
6 the clock six to six, ten to five, what is
7 their intent.

8 Also, Mr. Cain, I think by
9 statute there are a lot of considerations,
10 archives and history should look at this
11 community. This is a very historic community.
12 It's one of the first African American
13 communities in the State of Mississippi, and
14 archives and history should evaluate it as part
15 of this permit application.

16 I'm also concerned about the
17 roads. If anyone thinks the State of
18 Mississippi can afford to keep up this road or
19 expand it or anything else they are sadly
20 mistaken in this year.

21 I don't know from the permit
22 application, as I haven't seen it, if wildlife
23 -- if the Department of Wildlife has fully
24 evaluated it. I've seen marine resources who
25 has evaluated what's going to be happening with

1 the impact to Brickyard Bayou. I assume when
2 you put two million of freshwater a day into
3 brackish water that it changes the salinity
4 somewhat, although I'm not a water quality
5 expert. I'm going to yield to some of the
6 folks who are here tonight who live in the
7 community, but I do represent the community and
8 I will follow this all the way through. Thank
9 you.

10 MR. JERRY CAIN:

11 Mr. Fore, would you like to speak
12 to the hours of operation?

13 W.C. FORE:

14 Approximately nine to ten hours a
15 day.

16 MR. JERRY CAIN:

17 Mr. Fore said approximately nine
18 to ten hours a day.

19 MEMBER OF THE AUDIENCE:

20 Too long.

21 MEMBER OF THE AUDIENCE:

22 He said something different or
23 his lawyer did at the last meeting.

24 MR. JERRY CAIN:

25 Ms. Rose Johnson.

1 ROSE JOHNSON:

2 Hi, thank you very much. I'm
3 Rose Johnson. I am state chair of Sierra Club.
4 Mr. Fore owns the property, and ordinarily it
5 would be okay for him to do what he wants on
6 his property, but unfortunately, in this case,
7 the impacts of the proposed dirt pit would
8 significantly impact other people's property.
9 Sierra club has great concerns about water
10 quality, and there are also concerns about the
11 proposed dirt pit would create a blight to the
12 community. We are also concerned about the
13 possibility of wetlands destructions, although
14 you say that it won't affect the wetlands, but
15 we want this to go on the record. Wetlands
16 have a significant value in filtering ground
17 water. This project would pump two million
18 gallons of water a day into Brickyard Bayou,
19 which is an impaired water body.

20 We have noticed in the storm
21 water permit that there are only limits set for
22 total suspended solids in the permit. We want
23 to know what's in the water that's going to be
24 discharged into the bayou? There could be
25 pollutants and contaminants that could harm the

1 birds, the fish, the shrimp, the crabs, and
2 other aquatic life, or even cause them to
3 leave. The seafood industry is very important
4 to our economy.

5 Because of this proposed dirt pit
6 location and the size, the African American
7 residents are concerned about the increasing
8 flooding from the on-site sediment pond after a
9 heavy rainfall. We have a community that
10 deserves protection. We have many needs in our
11 community such as flood control, water and
12 sewer upgrade, sidewalks, and roads
13 improvements. Under DEQ guidelines and
14 regulations, DEQ is allowed to consider
15 cumulative impacts to communities and
16 infrastructure such as quality of life issues.
17 That includes flooding, air quality, water
18 quality, increased traffic from large trucks
19 that would tear up our streets even worse.
20 Loud noise from heavy equipment operated, and
21 more importantly, this project is too risky. A
22 child could get hurt in the dirt pit or even
23 drown. This pit is located near several
24 churches, an elementary school where children
25 walk to school. The safety of our children

1 must be paramount.

2 The residents also fear when the
3 digging process starts it will disrupt the
4 resting place of large rats, snakes, and other
5 reptiles that would invade their yards, homes,
6 and streets and further disrupt the quality of
7 life. We do not want, we do not need a dirt
8 pit or so-called lake regardless of promises
9 made.

10 Mr. Fore has already violated the
11 public trust and a public slap in the face to
12 DEQ by beginning this project without proper
13 permit. How can we trust Mr. Fore or the city
14 to do as they are supposed to do in maintaining
15 this project? There are alternatives where Mr.
16 Fore can get his dirt. He just has to pay a
17 little bit more to haul it a little bit
18 farther, but that's just the cost of doing
19 business. Why should thousands of people
20 suffer for Mr. Fore to make a large profit from
21 his dirt pit?

22 MR. JERRY CAIN:

23 Thank you, Ms. Johnson. Let me
24 clarify something. I did not say there would
25 be no wetlands destroyed. What I did say was

1 there are seven acres of wetlands that will be
2 within the pit. If that's excavated, those
3 wetlands will be destroyed, certainly. What I
4 told you was the Corps of Engineers says it
5 doesn't require a permit because under the
6 regulations there is no fill. I just wanted to
7 clarify that.

8 ROSE JOHNSON:

9 Thank you very much, we will be
10 watching.

11 MR. JERRY CAIN:

12 Mr. Booker Natson; is that right?

13 BOOKER NATSON:

14 Yes, sir. My name is Booker
15 Natson, and I have a couple of requests that I
16 would like to make if I could. One is that if
17 it were possible for us to get the names of the
18 people that are on the planning board --

19 MR. JERRY CAIN:

20 Permit board?

21 BOOKER NATSON:

22 Yes, sir, the permit board, I'm
23 sorry.

24 MR. JERRY CAIN:

25 Yes, sir.

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BOOKER NATSON:

I would imagine that someone here is going to report back to the planning board as to what to what took place at this meeting; am I correct?

MR. JERRY CAIN:

Yes, sir.

BOOKER NATSON:

Well, I'm sure you are going to state to the planning board that people of this community does not want this pit in their community. And I will appeal to Mr. Fore that if he would reconsider, I understand it's his land, his property, he can do with it like he please, but I would appeal to Mr. Fore that if he could find another way to use this property and this land that's more constructive and more creative to this community, that he would do that, and that everyone in this room have the names where they can contact these planning -- I continue to say planning board, but I mean the permit board so they can make their -- their concerns known to the permit board.
Thank you, sir.

MR. JERRY CAIN:

1 I think it might be worthwhile to
2 reiterate what I said earlier about the
3 process. And this process, as I said, is for
4 the purpose of gathering information and
5 getting communities, the public's concerns
6 about this. We are creating a verbatim record
7 by the court reporter. Everything that's said
8 here, everything that's presented, everything
9 that's presented between now and 14 days will
10 be presented to each and every permit board
11 member, verbatim. Verbatim. So I just want to
12 make sure that everybody understands that.
13 Because that's really the whole purpose of this
14 meeting is to make sure that this information
15 gets to the permit board so that they can have
16 it all to consider as they make a decision.

17 Now, in regards to who the permit
18 board members are. I believe if you go to our
19 web page it's listed under, when you go to the
20 MDEQ web page, main page, it says permit board,
21 and I believe the members are listed there.
22 But in addition, we will send copies of the
23 members' names and addresses to Ms. Fredericks,
24 is that all right, and Ms. Magee, and then let
25 you disseminate however you care to. Thank

1 you.

2 MEMBER OF THE AUDIENCE:

3 And Ms. Dawkins wanted a copy.

4 MR. JERRY CAIN:

5 Yes, Senator Dawkins, we will
6 make sure you get a copy, also.

7 Another one of these names that's
8 hard for me to read the writing. I am going to
9 say that this is Marcel Lawty?

10 MARCEL FAIRLEY:

11 Marcel Fairley.

12 MR. JERRY CAIN:

13 Fairley, I'm sorry.

14 MARCEL FAIRLEY:

15 Good evening. I own a house in
16 the area, and my daughter lives in that house,
17 and she have a three year old. I do not want
18 that pit. I would like for my granddaughter to
19 be able to go to 28th Street School when she
20 becomes kindergarten, but I do not want that
21 pit for her safety.

22 MR. JERRY CAIN:

23 Is it Edie or Eddie Potts?
24 Russell Boulevard. Elizabeth Potts?

25 ELIZABETH POTTS:

1 I just want to say good evening
2 everybody. And I was listening to what you
3 were saying, it's like what you are saying and
4 what we're saying, it doesn't matter because
5 you are planning to do what you want to do
6 anyway. Now, if it was in your backyard, you
7 wouldn't want it there either. So now I'm just
8 going to say what I feel because I want to
9 think it's just because y'all come in here and
10 want to take over, do what you want to do, I
11 don't think it's right.

12 Now, I'm going to say it, and
13 like you say, we will get papers back from
14 different things and all of that, but you talk
15 like you are planning to carry on while we're
16 waiting for the papers. So we don't need that.
17 So I didn't say it, I'm just going to say it,
18 because it's not right. Let somebody come in
19 your yard and root up where you live and put a
20 big lake there for the kids and things to fall
21 in and get hurt and all of this stuff.
22 Because, see, I don't live down here, but I'm
23 still a part of this. I live a little bit
24 further up the street, but the same thing
25 happens to them happens to me whenever there's

1 a big rain.

2 MR. JERRY CAIN:

3 Eugene Hawthorne. Ms. Vertie
4 Marie Bradley? Ms. Dorothy Wilson? Ms. Carla
5 Wilson? I said Carla, but it may be Carela
6 Wilson.

7 CARELA WILSON:

8 My name is Carela Wilson, and
9 I've been here in Gulfport ever since 1958 and
10 we have had floods. In our floods we lose
11 things and when storms come we lose things.
12 And now if this pond be built we sure enough
13 going to lose things. We're going to lose our
14 children, and maybe some of us. See, it's
15 danger. Main thing need building is some
16 churches to get people's souls saved to go to
17 heaven. Do that. We will be pleased and God
18 at our side, not something here to take
19 people's lives. And if someone be took, won't
20 even be have time to look up to God ask God
21 forgiveness. The children won't live to ask
22 God for forgiveness to go to heaven. That's
23 what needs to be, is churches. Go around
24 getting souls saved. He will be pleased in
25 God's eyesight. And the thing that going on

1 now, the devil be trying to take over.
2 Because he say coming through to destroy and to
3 kill. So that's -- somebody got to wake up,
4 shake up, read the Bible and pray and let God
5 lead them what to do, not take on to us,
6 because we are nothing without Christ. We are
7 nothing. Things we do, it's not pleasing
8 Christ. Let him lead, let him guide you. And
9 you will be live right.

10 MR. JERRY CAIN:

11 I hope I have this right,
12 Reverend Laborde; is that right?

13 REVEREND LaBORDE:

14 I'm Reverend Oriel LaBorde. The
15 first thing I would like to say, we don't want
16 this in the community. Number 2, it's not
17 environmentally right. You said that
18 Department of Environmental Protection are
19 sitting on the board to decide this permit.
20 You said that the zoning commission sat on the
21 board. Wildlife and Fisheries, nothing is
22 mentioned of those doing anything about the
23 fishery and the wildlife in the lake when it's
24 finished. The environmental, forget it, they
25 are totally out of sync. Now when you are

1 building this thing, which is going to take
2 three years or four years, you are going to be
3 having large amount of trucks. There is going
4 to be loud noises that is going to go above the
5 decibel, the allowable decibels for noise
6 pollution definitely. Churches won't be able
7 to hold services, in your home you won't be
8 able to have conversations, then you end up
9 with dust pollution. There is no way you are
10 going to be able to -- in a dirt without on 400
11 acres without the whole community is going to
12 be filled with dust. Everything is going to be
13 covered with dust. Our cars are going to be
14 covered with dust. Our houses are going to be
15 covered with dust. Our church is going to be
16 covered with dust, we are going to be covered
17 with dust.

18 What about the people who has
19 different respiratory problems. There are lot
20 of people with respiratory problems has to be
21 considered. Then the next thing is you are
22 going to put -- you have water. A large body
23 of water settling, settling, it breed on --
24 Number one, it's no good. That water becomes
25 stagnated, it becomes stinks, and it forms

1 algae, all these different things form into the
2 water. It creates a -- it changes the
3 environmental imbalance in the area, not only
4 water area, but around the area. All of that
5 changes. Now during our salvation, during the
6 working period, water is going to be drained
7 off to where that's going to the different
8 areas. Now when this water drains, yes, there
9 is one main tributary that's running, but there
10 are side streams. These side streams, they are
11 settling holes, breeding holes for mosquitos,
12 not only mosquitos, but snakes, all these
13 different things have to be taken into
14 consideration in granting a permit to do such a
15 work. You have allowed -- this is a
16 residential area close to one of our main
17 highway, our main thoroughfare, which is 49. 49
18 on the highway map is listed as a main highway.
19 It's not a small highway. It goes right
20 through town. And you have a large body of
21 water sitting with no protection whatsoever.
22 You are just creating danger. You have school
23 areas, we have the children around, and you
24 have not given us anything concrete, concrete
25 as to when you are through doing your work with

1 this large body of water sitting here. Now,
2 you supposed to have fenced this water as when
3 they build lakes, you know, they build the
4 dams, they put the big large fences around
5 these dams, they have security protection, we
6 wouldn't have any of that. It would be a large
7 -- a big hole sitting there. The bank of this
8 you say you are going to build it and you are
9 going to slope the bank, you may put some
10 landscaping. After a while erosion takes
11 place. If you go to walk on that walkway that
12 they put around the edges of that lake, not
13 only the children slipping, but maybe I may
14 slip into there. I may tend to walk on there
15 or walk there and I may slip into that lake.
16 That's one too many.

17 The other problem that I have,
18 the other concern I have is the flooding. This
19 area floods. Two years ago we were going to
20 have the Baptist Seminary Conference here at
21 St. Johns. We couldn't have it that same year.
22 It was no major rain, it was just a little
23 storm. We couldn't have it, the place was
24 flooded. We have to go somewhere else. Now
25 you are putting a lake, 49 acres, with all this

1 water when the rain comes or something, even
2 though you build an embankment, that water
3 rises, erodes all the side of the embankment.
4 The next thing you know our house won't be
5 flooded, they will be washed away. I'm
6 speaking as a civil engineer who knows what I'm
7 talking about, and environmental concerns. And
8 we got to -- he has left, he has raised a
9 concern of sediments in the water. When you
10 build the lake after you have built this thing
11 and you have it, all the water settles on the
12 bottom. There are sediments settled inside,
13 all the dirt and thing that comes and settles
14 on the bottom of that. There is a lot of dirty
15 water that settles there, but you have to give
16 that water enough time to settle itself so that
17 the clearer water can drain off.

18 Now, is there any allowance made
19 for these things? There are no allowance made
20 for these things. So I would say emphatically,
21 it does not meet the environmental quality,
22 wildlife and fisheries haven't explained
23 themselves as to what they're going to do.
24 Are they going to put some fish in there? Are
25 they going to do different things to keep the

1 water -- to keep the PH of the water quality
2 okay? That even if we want to fish there we
3 can? It's not addressed. So all we are left
4 with at the end of -- beside the horror during
5 construction, because during construction is
6 going to be a nightmare, then we have small
7 shops. The small shops in the area usually
8 during construction, they lose customers and
9 have to be closed. These are our -- these are
10 us trying to make a living. We lost a living.
11 So these are some of the concerns we have. We
12 do not want that horrendous thing in our
13 community.

14 MR. JERRY CAIN:

15 Dale McShawn?

16 DALE MCGEE:

17 McGhee.

18 MR. JERRY CAIN:

19 I'm sorry. Yes, sir, Mr. McGhee.

20 DALE MCGHEE:

21 You made the statement earlier
22 that you were not an opponent or proponent of
23 this project, but you do have a responsibility.
24 And that responsibility lies in your mission
25 statement. I went on your website, and your

1 mission statement reads like this. The mission
2 of the Mississippi Department of Environmental
3 Quality is to safeguard the health, safety, and
4 welfare of present and future generations of
5 Mississippians by conserving and improving our
6 environment and in fostering wise, wise
7 economic growth through focused research and
8 responsible regulation. That is your
9 statement.

10 I grew up in Meadowpark just
11 southeast of here as a child. There is not a
12 person or an engineer in this room that knows
13 these ditches better than I do. I caught
14 crawfish, minnows, and tadpoles out of these
15 ditches. But one thing that I can remember as
16 a child, that any time that it rained, it would
17 always flood, even today.

18 Now, my environmental question to
19 you is this, on the southeast portion of Mr.
20 Fore's property, looking south towards 30th
21 Avenue, can you tell me the elevation from his
22 property to the average elevation of Meadowpark
23 elevation?

24 MR. JERRY CAIN:

25 I can't.

1 DALE MCGHEE:

2 The reason I ask that question is
3 if there is a torrential rain, the worst case
4 scenario, what is going to happen to that
5 water? It is going to run downhill, downhill
6 to where, Meadowpark. That is a question I
7 would like you to address. Thank you.

8 MR. JERRY CAIN:

9 Ms. Betty Magee. Reverend Billy
10 Barnes?

11 REVEREND BILLY BARNES:

12 Good evening. I stand and I
13 believe nothing has been said about the
14 environment. There is no question that it is
15 an environmental hazard. I heard different
16 names, a pit, a ditch, and a lake. First
17 question I want to ask you is why do you want
18 to put a lake on the Gulf Coast? That lets me
19 know that this is not about a park, this is
20 about greed. This is not about the environment
21 because it has been proven that it's an
22 environmental hazard. It's only about greed
23 and someone making a involved decision. If
24 this board make a decision other than what this
25 community has spoken, you all are sticking an

1 unwanted act against people who have spoke
2 against this hazard that you all are about to
3 make a decision. It's very important, the ones
4 we speaking to here, even though the board is
5 not here. It's very important you take this
6 information back to them in the same way that
7 it have been given to you, because if they make
8 any other decision besides deny this permit,
9 they are immoral, they are wrong, and there is
10 no justice and no cause.

11 MR. JERRY CAIN:

12 Mr. Joshua Anderson. Joshua
13 Anderson. Mr. Mark Lee.

14 MARK LEE:

15 Good evening. My name is Mark
16 Lee and I'm a resident here in the City of
17 Gulfport, and I'm also a member of the Anointed
18 Temple Church of God located right down the
19 street here on -- behind the trucking company.
20 We are very concerned about this particular
21 project that is being taking place in our city.
22 And our residents have already been spoken and
23 they've been said many, many times here
24 tonight, the reason we don't want this project
25 in our community. My question to the board is,

1 why from time to time you continuously come
2 into the black folks' community and bring
3 problems?

4 MR. JERRY CAIN:

5 Mr. William Young. Mr. Young.

6 WILLIAM YOUNG:

7 I yield. I yield my time, that's
8 my pastor over there to speak.

9 MR. JERRY CAIN:

10 Mrs. Sammie Gray.

11 SAMMIE GRAY:

12 Good evening. My name is Sammie
13 Gray, and my question is strictly to DEQ and I
14 would like to know what has the DEQ said about
15 the state tolls crossing this property, and how
16 far above the water level is this. And to Mr.
17 Fore I would also like to say, Mr. Fore, we
18 live in this neighborhood and it's ridiculous,
19 not just you, but anybody who wants to do
20 anything comes to north Gulfport or any black
21 section of our community and just throw
22 something at us. Now, had this been my company
23 and I went behind Bayou View, I don't think I
24 would have even gotten an application. So I
25 don't think it's right for you all to just do

1 whatever that you want to do when it comes to
2 our neighborhood. And you won't develop it,
3 you won't clean it up, we can't get -- we're
4 overcharged taxes, we're flooding now, we can't
5 afford flood insurance, I mean, I live right
6 around the corner here. My grand babies stand
7 out here mornings right here to walk to school.
8 Now you talk about a truck passing by. My
9 daughter got to get up at five to get kids
10 ready, but now you got a truck going to run
11 down the street, so I don't think we even
12 should be considering this because this does
13 not happen in your neighborhood, you won't let
14 it happen at Swan Lake, you won't let it happen
15 at wherever, but you want to do it in our
16 neighborhood. If you wanted this property,
17 come out here with some real money, talk to
18 these people, and fix it up so we can leave our
19 house where we pay \$65,000 taxes on \$30,000
20 homes, which we can only sell for 20,000.

21 Now you want to come in here and
22 put a big pit. This is not right. This is not
23 right. And there is no concern given to this
24 community at all, whether you be black, white,
25 Asian, or whatsoever, we're not even being

1 considered as human beings the way these people
2 are treating us. That's for the city all the
3 way back to Jackson. I thank you, sir.

4 MR. JERRY CAIN:

5 Ms. Gray, if I may, at the
6 beginning, and I did know understand what you
7 said, you asked what about the state tolls,
8 T-O-L-L-S?

9 SAMMIE GRAY:

10 Tolls crossing this property.
11 The other one was how far above
12 the water table is this project?

13 MR. JERRY CAIN:

14 The water table, as I understand
15 it, is three to five feet below the surface.
16 Three to five feet below the surface.

17 MEMBER OF THE AUDIENCE:

18 What is the elevation right now?

19 MR. JERRY CAIN:

20 I don't know what the ground
21 elevation is. We have that in a file. I don't
22 personally know it. I do know that the
23 groundwater is three to five feet below the
24 surface I understand. Dr. Travis Anderson?

25 TRAVIS ANDERSON:

1 I'm a pastor in this area, and
2 did pastor over here, but I'm a pastor in
3 Gulfport, and what I would like to know is, who
4 is going to pay for all this water? The city
5 is half broke now, if they've got money to pay
6 for this, I would like for them to give me some
7 of my money back.

8 MR. JERRY CAIN:

9 Is your question who is going to
10 pay --

11 TRAVIS ANDERSON:

12 This two million gallons of water
13 a day going to cost money?

14 MR. JERRY CAIN:

15 This is not water that comes from
16 the tap or from a pipe, this is water that is
17 produced from the groundwater. As I said,
18 that's three to five feet below the surface, so
19 when you are digging a maximum of 25 feet,
20 which this project is for, so you are going to
21 hit groundwater three to five feet below. So
22 it's going to produce water. And to be able to
23 mine that water will have to be discharged.

24 TRAVIS ANDERSON:

25 Next question I have, why are

1 these projects, as someone else has stated,
2 always coming to the black community? Is there
3 another area other than our area that some
4 holes could be dug, and if there are, why
5 aren't they being pursued? Thirdly, it's good
6 for all of us to be here, but it would be
7 better for us to call 60 Minutes or PrimeTime,
8 Dateline, CNN. This is worse than the worst
9 nightmare. This is a joke that should never
10 have been told. I'm opposed. I'm happy that
11 all of these folks showed up. I hope that they
12 go home, call their different representatives,
13 call 60 Minutes, get on the computer and send
14 some e-mails, maybe we can get some real crowds
15 down here. I think what has happened here is I
16 think you all have stirred up some folks that
17 probably you shouldn't have stirred up. I
18 don't think it's going to get no better. I
19 think it's going to get a lot worse. And my
20 suggestion would be to the rest of our friends
21 and neighbors is we all bus folks into the next
22 meeting and we all make sure that we get some
23 cameras that's going to stay throughout the
24 meeting and make sure there's some from out of
25 town. I think folks out of the State of

1 Mississippi need to know some of the things
2 we're trying to do to some of our
3 neighborhoods. It's ridiculous.

4 But we're still in the year 2003,
5 what we're still trying to do and pull off in
6 our communities. Snakes and everything else is
7 going to be coming out of there. Who is going
8 to pay for the first child that drowns in that
9 water? If Mr. Fore would want to make some
10 money, why don't he insure that if anything
11 happen, any disaster, any homes flood, any
12 homes washed away, I know this man, anybody, we
13 ought to ask him who is going to pay for this?
14 Is he going to pay for it, or you all, the
15 board that's going to pass this, are they going
16 to have some insurance in case, listen, we're
17 going to do it anyway, but what we're going to
18 do, we're going to be responsible if any child
19 gets drowned in that water, we're going to make
20 sure that family never works again, never have
21 to live in this community. This is a
22 ridiculous act. And I don't know about the
23 other, I think everybody -- I voice the
24 sentiment of everybody, we're outraged.

25 MR. JERRY CAIN:

1 I want to go back to the people
2 that deferred when their names were called
3 first. Mr. Walter Thomas, would you like to
4 speak now?

5 WALTER THOMAS:

6 My name is Walter Thomas. And
7 it's hard for me to believe that we're having
8 this discussion tonight. There were some
9 people asking a question earlier about were
10 there any other dirt pits located within
11 residential areas, and I'm quite sure you know
12 where they are, here in Gulfport.

13 Now, in Orange Grove about three
14 blocks from my house is a dirt pit. And I want
15 to tell you that these dirt pits were put there
16 back when the county, when Orange Grove was in
17 the county. However, they -- back there, and
18 there's a lot of holes back there. And I think
19 if anybody here would go up there and look at
20 these dirt holes, you wouldn't have to stand
21 around and think long about what the city need
22 to be made about putting a hole in this
23 community. Now what's interesting about these
24 holes, they back up to one of these -- Wildwood
25 Subdivision, and it's one straight large drop

1 off, and then just nothing but ground. The
2 kids go over there and play and they've had a
3 lot of incidents. As a matter of fact they had
4 a kid get killed over there on a four wheeler.
5 They had a kid get drowned over there in the
6 lake. And they always having problems, and the
7 residents where these trucks go in and bring
8 out dirt, which happens to be one of Mr. Fore's
9 dirt pits, okay, neighbors down that road are
10 complaining constantly. But what they say is
11 they can't get DEQ to look at their complaints.

12 So one of the things there is a
13 real serious problem in Gulfport, it's kind of
14 corrupt, you know. Our elected officials down
15 here only don't care about the citizens, only
16 about the dollars. So when they failed last
17 week, or week before last to get approval from
18 planning, there was an appeal. Now, I can tell
19 you right now how that appeal is going to
20 happen. I've been watching for eight years.
21 The vote is going to be four to three or five
22 to two. That's how it's going to come out. It
23 happens like that all the time. Okay.

24 Now, generally what happens down
25 there, the mayor and our city council members

1 only care about people with dollars. So we
2 know -- well, except one, okay. We know
3 exactly how it's coming. Your board is the
4 only one going to get a chance to make a just
5 decision because I know you are going to have
6 to make it. Mr. Fore is going to get his
7 approval from planning once he have an override
8 from the city council. The only thing going to
9 happen is he is going to get tied up in court.
10 So that's what going to happen before the fight
11 even gets started. He can get the planning,
12 but it's going on to court before it comes to
13 you for your approval. We do not have a city
14 of leadership here that is doing very much for
15 the citizens.

16 As a matter of fact, just a few
17 months ago the mayor of this city called this
18 community we are standing in here tonight dumb
19 bastards. That gives you some kind of
20 indication of how things work. There is no
21 trust here for the government, I can tell you
22 that right now. But to go back and talk about
23 the dirt pits that are located over in Orange
24 Grove, consider what you are going to do right
25 here in this community which is a much larger

1 area. Orange Grove where the pits are all kind
2 of back in the back, but they all still have to
3 come through the residential area. Here you
4 are putting it right smack dab of all these
5 people, kids, schools, and churches. Doesn't
6 make sense.

7 MR. JERRY CAIN:

8 I want to make sure I know where
9 this pit is you are talking about. In the
10 Orange Grove community is near Wildwood
11 Subdivision.

12 WALTER THOMAS:

13 Ask Mr. Fore to give you the
14 address, sir. It's on Ladner Road where it is,
15 but Mr. Fore can tell you exactly where it.

16 MR. JERRY CAIN:

17 You said it was --

18 W.C. FORE:

19 Jerry, I don't own the pit over
20 there against Wildwood.

21 MR. JERRY CAIN:

22 What you said was, what you
23 described, shear cliff, it's what's called a
24 high wall.

25 WALTER THOMAS:

1 It's an unsightly thing next to a
2 house. And the way that you go up in there and
3 go around in that thing is really not very
4 worthy of -- the people that own the property
5 back there would have a hard time selling the
6 house, no doubt about it.

7 MR. JERRY CAIN:

8 Reverend Davis, would you like to
9 speak?

10 REVEREND DAVIS:

11 Thank you. First before I say
12 anything, I would like to ask, because I'm a
13 pastor of the Faith Missionary Baptist Church,
14 but also represent the alliance. I would like
15 for the alliance and every minister in the
16 house who would stand, to stand right now, and
17 some who are standing to raise your hand.
18 Thank you, brothers.

19 Now, these brothers are here, as
20 well as myself, because some live in the
21 community, we pastor people in the community,
22 and we are here because we're black. All this
23 conversation has been taking place I, like
24 others, have sat here and wondered, is this
25 really meaning anything, or is it just a bunch

1 of hot air? Let me ask you, this panel here,
2 you all live here or somewhere else?

3 MR. JERRY CAIN:

4 Everyone here lives in the
5 Jackson area.

6 REVEREND DAVIS:

7 So we already have two strikes
8 against us besides what Brother Thomas said,
9 money. We have people who don't live here.
10 Secondly, we have people here to catch the heat
11 who don't make the decision. I would like for
12 the record to show that when you present this
13 to this board, ask them this question, how many
14 of them would want this in their neighborhood?
15 We would like to question the addressed, also,
16 what's going to happen to the property value of
17 these houses in this neighborhood if Mr. Fore
18 is allowed to do what he wants to do?

19 We understand also that we're at
20 this level right now tonight because the people
21 who are supposed to represent our people
22 continue to do what they always do. I want to
23 say tonight since there are so many of us here,
24 we need to make sure that the folks downtown
25 representing us need to start representing us.

1 Mr. Thomas had said it's all
2 about money and we know that to be true. In
3 fact, we need to start making sure that folk
4 who are black going to represent start
5 representing us. There is a question in my
6 mind, if I understand correctly, this property
7 was not first zoned for what Mr. Fore wants lis
8 that correct?

9 MR. JERRY CAIN:

10 That's my understanding, yes,
11 sir.

12 REVEREND DAVIS:

13 All right. If that be true,
14 unless I am missing something, there are
15 supposed to be some letters that go out to the
16 citizens of that neighborhood so that if you
17 have an objection to it it can be addressed.
18 What happened to the letter?

19 MR. JERRY CAIN:

20 The department does not make
21 those decisions. Zoning is a local issue
22 that's decided by city government. So we're
23 not part of that process. That's a parallel
24 process that goes on locally, and part of the
25 zoning issue and planning is to determine --

1 local people to determine the appropriateness
2 of an activity in an area. And as you very
3 correctly pointed out, it should be determined
4 by local people, not by people in Jackson. So
5 that's a process that the councilwoman
6 described as going forward, and it will be
7 appealed eventually to the city council. We
8 don't deal with that in Jackson.

9 So I'm not familiar with their
10 process if they send letters out or how they
11 give their notice. I can't address that.

12 REVEREND DAVIS:

13 With all due respect to you, sir,
14 I understand you don't know the answer to that,
15 but perhaps Ms. Hines.

16 ELLA HOLMES-HINES:

17 The process should have afforded
18 those residents an opportunity to receive
19 letters that this was a discussion for special
20 exception use for an I-1. It has been upon the
21 discussion of Mrs. Fredericks, Senator Dawkins,
22 and myself to try and run ahead, the reason I
23 say Senator Dawkins is that she has been so
24 helpful with keeping a discussion with the
25 agencies of communication for things that is

1 very helpful as well as Mrs. Fredericks has
2 been untirely running this information to get
3 to get to all of the constituency. That was
4 not her charge, but she did that, Mrs.
5 Fredericks, and paid her money to do that. The
6 notification should have come from the City of
7 Gulfport, and some notification other than
8 legal notice should have come from DEQ. But
9 Mrs. Fredericks and others took upon themselves
10 to notify people that are here today, and
11 that's really very sad. What if we had not
12 gotten involved as what the pastor is telling
13 you, is that you would have had a record that
14 would have been documented by minimally those
15 who are in the area.

16 If you don't do the planning as
17 the minimum was done, legal notice for DEQ, the
18 minimum was done for the City of Gulfport, you
19 are not going to get a great population of
20 people who are going to tell you what they need
21 and what they do not want. So it is important.
22 The city did not follow it, I'm very sure of
23 that, and we have a tendency to do that quite
24 often of not notifying adjacent areas, but we
25 also have in our ordinance a discussion that

1 makes it very limited to those who are
2 accessing the particular discussion of zoning
3 and planning, which is not correct. But we
4 didn't do our work in the City of Gulfport,
5 neither did DEQ in notifying about this
6 meeting, sir.

7 REVEREND DAVIS:

8 Best I can tell, if I understand
9 correctly, zoning did not send out any letters?

10 ELLA HOLMES-HINES:

11 No.

12 REVEREND DAVIS:

13 But if we want to put a church in
14 an area that was not zoned for it, the Gospel,
15 we would need the permission for the citizens
16 to put a church there to save souls but a man
17 can put a ditch there to take a soul? My final
18 comment is really a question, Mr. Fore, would
19 you want this in your neighborhood?

20 W.C. FORE:

21 What I propose to put in would be
22 very, very nice and it would upgrade the
23 neighborhood.

24 REVEREND DAVIS:

25 If you don't want it in your

1 neighborhood, it's not qualified to be in our
2 neighborhood.

3 MR. JERRY CAIN:

4 I appreciate your comments, but
5 please direct the questions and comments to the
6 podium. We do not want to have interchange
7 back and forth. We want to try to do this in
8 order and make sure we keep a record of all the
9 comments that are made. Mr. Paul Gates.

10 PAUL GATES:

11 I've only been here for a few
12 minutes, you know, and listening at the
13 reverend and all the other people speak on
14 this, you know, it's been my estimation of
15 every time someone, you know, want to put
16 anything bad as opposed to something good,
17 whatever, they come to the black neighborhoods
18 and things. They come to the black
19 neighborhoods when we got property, homes or
20 whatever, they go down to the tax office, they
21 come there, they want to get our home, get our
22 properties and stuff like that. It leaves a
23 bad taste in your mouth. As opposed to like
24 the ditch being in Bayou View or some place
25 where a majority of white people live, so far

1 as middle class and things like that, then you
2 go down to the black people, what they got,
3 what they try to build on and everything and
4 you put things in their neighborhood. You
5 don't ask their permission to do anything, you
6 just do things. You don't ask no one
7 permission, how they feel about this, how they
8 feel about that, you just do things. But then
9 when we need and grieve, you give that hand
10 there, but are you feeling us? Are you really
11 feeling what we feel inside? We got eyes, we
12 got dreams, we got kids and grand kids, we have
13 all that. We would like to get along to the
14 point wherever you put your hand in mine and I
15 put my hand in yours, it's about something,
16 it's about each other, it's about real, it's
17 about our dreams and your dreams together, not
18 taking, not dumping things over on us that we
19 don't want. Putting things on us that we don't
20 want. There is a trust level there that's
21 really bad.

22 When you look at someone, someone
23 is looking at you, also. And you need to step
24 up to the plate for what's real and don't give
25 us this garbage, because that's what it is,

1 that's all.

2 MR. JERRY CAIN:

3 Reverend Gibbs. Mr. William
4 Young? Johnny Lee -- I'm sorry, Mr. Young?

5 WILLIAM YOUNG:

6 No, no, Reverend Davis spoke for
7 all the pastors. I was part of that group.

8 MR. JERRY CAIN:

9 Johnny Lee? Mr. Rip Daniels?

10 RIP DANIELS:

11 Good evening. And I've always
12 said that there are simple answers to complex
13 questions. I've got some simple questions that
14 I think merit some answering. It's more than
15 obvious that what the people here are saying,
16 that the quality of life that they're
17 experiencing here environmentally is already
18 bad. My question is, is whether there has been
19 an environmental study on this area before the
20 hole?

21 MR. JERRY CAIN:

22 No.

23 RIP DANIELS:

24 Well, then my next question is,
25 the environmental impact study that you're

1 doing is going to determine whether the hole
2 will adversely impact a community that hasn't
3 been studied; is that not true?

4 MR. JERRY CAIN:

5 There is no requirement for an
6 environmental impact study. What we are
7 reviewing is whether or not the application
8 submitted to DEQ for the activity is complying
9 with the law. The law does not require an
10 environmental impact study.

11 RIP DANIELS:

12 Is it proper for the citizens of
13 this area to request that a study be done on
14 this area prior to any approval of a permit for
15 this project?

16 MR. JERRY CAIN:

17 It's certainly proper to ask the
18 question and we would consider that.

19 RIP DANIELS:

20 I asked the question, I know, but
21 that's not what I said. Is it proper for the
22 North Gulfport Civic Club to request a study on
23 this area, environmentally, before any
24 consideration is given to the approval of a
25 permit?

1 MR. JERRY CAIN:

2 And my answer was, yes, it
3 certainly can be asked.

4 RIP DANIELS:

5 Ask the question is what I
6 thought I heard you say, but not to require a
7 -- in other words --

8 MR. JERRY CAIN:

9 I don't make that decision. I
10 don't make that decision. That decision is
11 part of the record, and it is now part of the
12 record, and will be considered.

13 RIP DANIELS:

14 So let me ask you this, is it
15 proper for the North Gulfport Civic Club to
16 submit a permit or request a permit, would that
17 be the process whereby they can actually
18 achieve a study on the quality of the
19 environment that they have here now?

20 MR. JERRY CAIN:

21 I guess I don't understand the
22 question.

23 RIP DANIELS:

24 Let me tell you the direction I'm
25 going and I hate to put you on the spot, but

1 what I'm hearing is, and I don't certainly
2 blame you guys, it's obviously as a result of
3 deterioration and how things have been kept
4 here, and basically the typography of the area.
5 What I'm hearing here is that you are
6 evaluating whether or not a project will impact
7 an area that hasn't, to this day, been
8 evaluated?

9 MR. JERRY CAIN:

10 I understand the question, and
11 let me -- first off, the purpose of this
12 hearing is to evaluate the permit. Everyone
13 will be considered. We have limitations to
14 what we can evaluate or not. There are things
15 that fall within the purview of the Department
16 of Environmental Quality, and we look at those
17 things. The record, obviously, has gone way
18 afar of what's within our responsibility.
19 Particularly it goes to the area of local
20 planning and zoning and local land use.

21 I would venture to say, though,
22 that these kind of concerns will be heard by
23 those people who make these kind of decisions,
24 and it is a part of a public record that can be
25 asked for by anyone, and be provided to

1 whomever.

2 RIP DANIELS:

3 Let me be a little bit more
4 specific. In your evaluation of this project,
5 do you evaluate the thoroughfare that the
6 trucks will be traveling?

7 MR. JERRY CAIN:

8 No, sir.

9 RIP DANIELS:

10 Do you evaluate the ditches that
11 the water will be traveling?

12 MR. JERRY CAIN:

13 Yes, sir.

14 MEMBER OF THE AUDIENCE:

15 Do you evaluate the quality of
16 that water that is traveling down the ditches?

17 MR. JERRY CAIN:

18 Okay. And it's a two-part
19 answer. We will evaluate that condition for
20 discharge from the mining operation and those
21 conditions will be structured to protect the
22 downstream waters. We as an agency have to do
23 monitoring upstream, and that is part of an
24 ongoing process, and we do have that
25 responsibility. Now, as to whether or not this

1 particular group of streams have monitoring
2 when, I don't know.

3 RID DANIELS:

4 Do you evaluate the amount of
5 water that travels down the ditches, the
6 volume?

7 MR. JERRY CAIN:

8 And we are -- our agency is
9 primarily charged with the quality of water.
10 Quality of water, not volume of water. Now, we
11 consider those things, but again, our primary
12 charge is quality of water. And what we do do
13 when we get concerns like this regarding the
14 quantity of water, is to make those concerns
15 known to those -- or to those people who do
16 consider those things and are aware of those
17 concerns, provide that information to them.

18 RIP DANIELS:

19 So within your mission statement
20 that the gentleman read whereby it indicated
21 you were committed to maintaining a certain
22 quality and safety, could you explain the
23 considerations that the DEQ gives to safety, is
24 that to safety of the water, the safety of the
25 people in the area?

1 MR. JERRY CAIN:

2 It's another one of those
3 two-part answers. There are those things that
4 we have clear authority to require, and in the
5 sense of our authority, is the water quality
6 such that it will harm fish and wildlife, is
7 the water of a quality such that it will harm
8 the use of it for recreation. If it were to be
9 a drinking water source, would it be safe to
10 drink, those are the kind of safety issues that
11 we look at. Second part of this question is,
12 when there are other concerns, even though we
13 may not have direct regulatory authority, we
14 try to influence the people that are doing the
15 activity to consider those things and to try to
16 address them. Do we have regulatory authority
17 on some of these bigger issues regarding safety
18 after the mining is done, no, we don't.

19 RIP DANIELS:

20 Well, I'm asking about regulatory
21 authority, now. I'm asking as to your -- what
22 you are -- the information you gather and the
23 extent to which you use it, because it's not so
24 much regulatory.

25 MR. JERRY CAIN:

1 I understand, but there are very
2 fine lines we have to operate by.

3 RIP DANIELS:

4 So you don't evaluate the air?

5 MR. JERRY CAIN:

6 We do evaluate the air.

7 RIP DANIELS:

8 Oh, okay. So you do evaluate the
9 air.

10 MR. JERRY CAIN:

11 I'm sorry, but you asked me about
12 water. We evaluate air, water, and land. So
13 yes.

14 RIP DANIELS:

15 So you evaluate the air, water,
16 and land as per the safety then of the
17 citizens?

18 MR. JERRY CAIN:

19 Yes, sir, in the context of does
20 it meet standards, can it meet the designated
21 uses.

22 RIP DANIELS:

23 So given those perimeters, and I
24 promise you, I'm about at the end of this.
25 Given those parameters, you are evaluating this

1 project's impact on the safety and the quality
2 of life?

3 MR. JERRY CAIN:

4 Yes.

5 RIP DANIELS:

6 As per the environment for these
7 people?

8 MR. JERRY CAIN:

9 Yes, sir.

10 RIP DANIELS:

11 Without evaluating the quality of
12 life now? In other words, at what point do you
13 come up with a normal. Are you saying did --
14 here is my question, are you saying with your
15 evaluation, what you are giving the board to
16 permit, are you suggesting that it would not
17 adversely impact an area that is already
18 impacted?

19 MR. JERRY CAIN:

20 If it has an adverse impact it
21 would adversely impact an area whether it was
22 impacted before or not. If it has an adverse
23 impact, it would impact burdened areas as
24 opposed to previously impacted areas.

25 RIP DANIELS:

1 In other words, if, in fact, it
2 makes worse an area that is determined
3 stressed, then you would obviously consider
4 that?

5 MR. JERRY CAIN:

6 Absolutely.

7 RID DANIELS:

8 So with that said then it would
9 stand to reason you would have already
10 evaluated the area.

11 MR. JERRY CAIN:

12 I understand now. In terms of
13 water quality, air quality, and land, I'm being
14 honest.

15 RIP DANIELS:

16 I can understand, but you didn't
17 say volume.

18 MR. JERRY CAIN:

19 Volume is outside of our
20 authority.

21 RIP DANIELS:

22 Did I not hear you, you evaluate
23 the amount of water in the ditches?

24 MR. JERRY CAIN:

25 Quality of the water in the

1 ditches.

2 RIP DANIELS:

3 So the volume is not something,
4 the amount of water, the two million --

5 MR. JERRY CAIN:

6 We do not have the regulatory
7 authority, but it is something -- there are
8 agencies who consider that. Local city
9 government has, and I don't know who in
10 Gulfport, but many times local and county
11 governments have requirements that speak
12 directly to volumes of water.

13 RIP DANIELS:

14 Lastly, I would simply request
15 this, I would hope that the DEQ would give some
16 consideration, particularly in this project, to
17 the fact that had it been submitted as a
18 development of an upscale pond to improve the
19 area, it may have been a different story, but
20 what we're talking about here is a strip mine.
21 Now, granted, obviously that's not within your
22 parameter, but I think what is within your
23 parameter is this, please gauge this project
24 now based not upon the environmental quality of
25 the project going forward, but evaluate it

1 based upon the environmental impact of an
2 already stressed area. It is not whether it is
3 an environmentally friendly development, it is
4 whether it is an environmentally unfriendly
5 project based upon an environment that is not
6 conducive. Thank you.

7 MR. JERRY CAIN:

8 Mr. Daniels, what you are
9 describing is called cumulative effects, and
10 that's something that we will.

11 We have gone through, I believe,
12 everyone that had indicated that they would
13 like to speak. I would now like to open the
14 floor up to anyone that has not yet spoken
15 here.

16 MR. PHIL BASS:

17 Let me say something real quick,
18 because we have some folks who are getting up
19 to leave. We've been here for about two and a
20 half hours, why don't we take about two minutes
21 to stand up and stretch and then we will start
22 this again.

23 (SHORT BREAK)

24 MR. JERRY CAIN:

25 I want to open the floor now to

1 people that have not spoken, and I believe--
2 would you please state your name.

3 MARJORIE HOLSLEY:

4 My name is Marjorie Holsley, and
5 I would like to address this project from a
6 health perspective. First of all, I am a
7 school nurse here at 28th Street Elementary,
8 and I've heard a loft of talk about the quality
9 of air. This school has a 23 percent asthma
10 rate already. As opposed to other schools in
11 the district that have a seven percent, nine
12 percent, twelve percent asthma rate, this
13 school already has an asthma rate of 23
14 percent.

15 I'm concerned about the stagnant
16 water because the kids are going to play in it,
17 that's naturally attractive to them. We have
18 not eradicated the West Nile Virus yet and all
19 along with other water born diseases that
20 follow that.

21 I heard Mr. Fore said that --
22 make a statement that we don't understand,
23 about some of our statements are not true, we
24 don't understand. Mr. Fore, I do understand
25 that the particular area you are talking about

1 already has asthma kids and other breathing
2 related problems at the highest in the school
3 district.

4 Also, as well, someone else said,
5 if this community has to be stuck with this
6 project, my question to Mr. Fore is this, are
7 you going to put some money where your mouth is
8 and where your project is and fund us to
9 educate the parents, the community, and the
10 children on preventative measures for the
11 illnesses that may arise because I assure you
12 they will. These children are in recess out
13 here in the yard, so when this digging and the
14 dust is going on, these children are out here
15 playing. So I've watched Mr. Fore throughout
16 this night smile, and laugh, asthma is a life
17 threatening emergency.

18 Mr. Fore has every right to do
19 what he wants to do with his property, but he
20 has no right to endanger the lives of our
21 children.

22 MR. JERRY CAIN:

23 I believe this gentleman.

24 LAWRENCE COLLIN:

25 Lawrence Collins, I live at 3503

1 Meadowlark Drive across from Mrs. Fredericks,
2 and I've been there since 1966. I came here
3 with the Air Force, and Gulfport is not the
4 only place I've lived but it is my home now and
5 where we reared our children.

6 Now, I have sat and listened and
7 this is not the first meeting I have been in.
8 We are at a great disadvantage. We're required
9 to come, and plead, and cry, and beg, and
10 explain to you that you might tell the board
11 how we feel. And Mr. Fore can sit over there
12 and not have to say a word because his money
13 pays for you and your salary and we pay as
14 taxpayers, but he get the benefit and we've got
15 to sweat.

16 And nothing against you all
17 because I don't know you and you don't know me,
18 but this statement I want to make, you can't
19 give that board, you can't tell them how I feel
20 right now. They're not looking at me, they
21 didn't hear that senior mother or grandmother
22 over there. They didn't hear Reverend Davis,
23 president of our ministers alliance, you see.
24 And so we're being already slighted. The next
25 thing is, we -- maybe somebody else thinks like

1 the mayor did, that we're all dumb bastards.

2 Now we don't need Reverend Jesse
3 Jackson and the other nationally known artistic
4 people, we live here. This is our home. And
5 so there ought to come a time when we ought to
6 be able to get together and be able to do
7 things decent and in order. Together we
8 achieve the extraordinary. Amen. We can do
9 that. And I would like to at this time just
10 quote a saying from Albert Einstein, since I'm
11 not so bright. Albert Einstein said, "Peace
12 cannot be kept by force, it can only be
13 achieved by understanding." Amen. That's all
14 we're asking, that somebody would understand
15 our predicament. That's all we're asking.
16 That's all we're asking. That's all we're
17 asking tonight, is that somebody would
18 understand. And I hope when you go back to
19 make your report, tell them, those people are
20 serious. This is not a game to us. And if
21 not, tell us what the next step is after you
22 approve the permit. Tell us what the next step
23 is. Amen.

24 MR. JERRY CAIN:

25 Reverend Collins, again, I will

1 talk to you about the process, where we go from
2 here. Before I do that, though, let me see if
3 some of these other people want to go ahead and
4 make their comments.

5 WILLIAM MARTIN:

6 Good evening, my name is William
7 Martin. I'm the supervisor of District 4 which
8 represents this area. Now, let me ask a
9 question first of all, is everybody up here
10 from the DEQ?

11 MR. JERRY CAIN:

12 Except for the court reporter,
13 yes.

14 WILLIAM MARTIN:

15 Are there any black people at
16 DEQ?

17 MR. JERRY CAIN:

18 Yes, there are.

19 WILLIAM MARTIN:

20 I would like the next time you
21 come to a minority neighborhood where the
22 issues are what's going to affect the minority
23 community that maybe you would bring some
24 minorities with you.

25 MR. JERRY CAIN:

1 I understand. Let me speak to
2 that. That's a good opportunity. I sit here,
3 and the first thing I did when I looked at this
4 pane, it was obviously a difference, but let me
5 tell you, I think what we bring is people that
6 are working on the particular project we are
7 discussing. Now, I could bring people here
8 that weren't working on this project, but that
9 would be disingenuous of us. We have engineers
10 and geologists that are black and are women
11 that work on my staff, and they get the same
12 opportunities to come to these meetings and to
13 discuss this. But we don't make -- I mean,
14 that's kind of like lying and deceitful to you
15 if we bring people here that aren't working on
16 this project. Then you ask them a question and
17 they don't know what you are talking about. So
18 what does that do for us?

19 WILLIAM MARTIN:

20 I understand that.

21 MR. PHIL BASS:

22 Let me add to that, Mr. Martin.
23 We have a young lady, she is my age and she
24 looks a lot better than I do, Gloria Tatum,
25 who is our environmental justice coordinator,

1 and Gloria would be here tonight except she is
2 giving birth to a grand baby. So she had
3 another priority. But Gloria wanted to be
4 here. You are going to see Gloria down here
5 working with your community. DEQ recognizes
6 that we need to be working in the environmental
7 justice arena and Gloria is doing a very good
8 job in helping us do that. So you will have
9 the opportunity to work with Gloria and other
10 members of our staff.

11 WILLIAM MARTIN:

12 Thank you. Secondly, in the last
13 several months, I've had unfortunately too much
14 contact with DEQ. And it has involved the
15 Turkey Creek area, so I understand that you
16 have a permitting part and you have an
17 enforcement part. Now, the enforcement part is
18 supposed to make sure that the permitting --
19 whoever receives the permit does what they're
20 supposed to do. But we've learned dealing with
21 the Turkey Creek that an area that's been
22 dumping into the Turkey Creek with a permit
23 hasn't been permitted for a year and a half.
24 In addition to that, they had several problems,
25 and even today I don't think that they

1 completed that permit, reapplication for that
2 permit.

3 So are we going to be assured
4 that we are going to have, if in fact this
5 project is allowed, that the enforcement part
6 of DEQ is going to enforce?

7 MR. JERRY CAIN:

8 Yes, sir.

9 WILLIAM MARTIN:

10 That's my question, because it's
11 been my experience right now that it hasn't
12 been done right now in the Turkey Creek area.

13 MR. JERRY CAIN:

14 Yes, sir. And I'm familiar with
15 the specific project you are talking about.
16 All I can say is that we have a limited number
17 of resources, we're trying to issue permits as
18 quickly as we can for those facilities that
19 already have permits and have insured that
20 they're within compliance, and I'm going to be
21 completely honest with you, with the limited
22 resources we have we literally cannot be on
23 every day, on every project. So we have to
24 rely on the public to tell us when they see
25 things, and then we, I can assure you, that we

1 investigate every complaint we receive. Every
2 single one. And sometimes there's merit,
3 sometimes there's not, but one of the tools we
4 use -- because Mississippi is like every other
5 state, we can't just fund everything we would
6 like to have. We would like to have twice the
7 staff we have, but there are other priorities
8 in the state.

9 WILLIAM MARTIN:

10 I understand. I understand that,
11 but all I'm saying is, if we're already
12 experiencing a situation with other water
13 quality issues that aren't being enforced, you
14 know, and now we're going to add to that
15 potential, if this is approved, then we're
16 going to have to increase the number of people
17 that are enforcing, or something is going to
18 have to be done. I mean, I called DEQ -- first
19 I called, and then I said it on a state
20 television program, then I wrote two letters.
21 Then I had to finally have a meeting before I
22 got a response, and I'm an elected official.
23 But I will say, they finally did respond, but
24 it took all of that for something to happen.

25 Finally, let me say this, we know

1 that you're on the permitting end of this, we
2 understand that the final decision is going to
3 be made by the city, but I think we need to
4 bring as citizens, we are going to have to
5 bring the power to bear on the city officials.
6 That's where we are going to have to stop this.
7 I see that. And we have to let our officials
8 know that if they're not going to support us,
9 they're not going to represent us in our best
10 interest, then when it's time to vote, we've
11 got to go and vote. Find somebody that will.
12 Thank you.

13 MR. JERRY CAIN:

14 Just a couple things real quick.
15 I've heard over and over again this is a
16 decision that's been made. That is not true.
17 You know, we could certainly all, and you might
18 imagine, find other things to do on a Tuesday
19 evening than stand up here and have to feel
20 compassion that we have. But we have to do
21 that so that we can gather all the information,
22 and that information is being made available so
23 that everything can be considered before the
24 decision is made. I can't tell you whether it
25 will or will not be made. And I can tell you

1 that everything that has been said here and is
2 submitted will be presented to the permitting
3 board. Yes, sir.

4 JAMES BLACK:

5 I'm James Black, I'm with Faith
6 Chapel (INAUDIBLE) environmental justice. This
7 is, as much as anything, an EJ issue,
8 environmental justice issue. You mentioned
9 Gloria Tatum, I wish she was here tonight, too.

10 Historically in Afro-American
11 communities manufacturing and other capacities
12 always end up in our communities. I believe
13 Mr. Fore owns some 100 acres over there in
14 Edgewater Estates, if I'm correct, building a
15 subdivision there. I live in Edgewater
16 Estates. There is no way in the world those
17 white folks would let him cover over there and
18 dig some holes in that ground. In District 4,
19 according to CDC has it's Number 2 in the state
20 in lead poisoning of children. Right over here
21 in Turkey Creek, the Navy base, and DEQ did the
22 testing, dioxin spilled from the Navy base that
23 flowed through Turkey Creek. Whenever Turkey
24 Creek overflows they have dioxin sediments
25 float into the community. Most people don't

1 know that over here. Now we're adding another
2 problem to this area, and someone said stressed
3 area.

4 I would like to see DEQ, and I'm
5 going to call Ms. Tatum, Gloria, when I get
6 back to the office, because this is as much as
7 anything an environmental justice issue, and it
8 is an injustice to the community.

9 Now, EPA need to be involved, and
10 I believe people in this community are prepared
11 to sue Fore and DEQ and anybody else if
12 necessary because it has to stop. This project
13 will not go through, Mr. Fore. Now we are
14 praying people -- we are praying people, we've
15 got folks in here to speak the word of God, and
16 when you speak it and believe it it shall
17 happen. This project will not go forward. I
18 say that in the name of our Lord Jesus Christ,
19 and I say (INAUDIBLE) our work today, we're not
20 just sitting down and pray people, we're going
21 to act, too. This thing, again, I will repeat
22 myself, this is an environmental justice issue,
23 we already have a lead problem here, we have
24 dioxin problems over here with Turkey Creek
25 overflowing, and now they want to put a big

1 trash hole right in this community. Believe me
2 I say tonight it will not happen.

3 And we want DEQ, we want the EJ
4 department which has really not done anything,
5 I hate to say it, but it is one of the sorriest
6 environmental justice departments in the
7 country, in our DEQ, it really is. So we will
8 be contacting Ms. (INAUDIBLE) for the EPA, I
9 will be calling her tomorrow. I want them to
10 get involved in this project because what is
11 happening here is wrong, and again I say
12 emphatically, it will not happen.

13 MR. JERRY CAIN:

14 Yes.

15 JUANITA MAYS:

16 Hi, my name is Juanita Mays and I
17 live in the area. I bought a home here three
18 years --

19 MR. JERRY CAIN:

20 Juanita Mays?

21 JUANITA MAYS:

22 Yes. I bought a home here three
23 years ago, and it's a nice area for me and my
24 children, but I also suffer from a breathing
25 problem, as do a son of mine, and a grandchild.



1 And I would ask Mr. Fore, please do not put
2 your pit in our neighborhood.

3 MR. JERRY CAIN:

4 I want to see if there is anybody
5 else who has not spoken yet? Yes, ma'am, and
6 then you will be next, ma'am.

7 PATRICIA SPHINX:

8 My name is Patricia Sphinx. I
9 just want to agree with the gentleman who said
10 that we need to put a face to these words and
11 this transcript. I would like to be entered
12 into the official record. The tape that Walter
13 Thomas is now making of the proceeding, so that
14 the permitting board can see the people who are
15 speaking these words.

16 MR. JERRY CAIN:

17 Yes, ma'am, that's fine. If
18 that's provided to us.

19 MEMBER OF THE AUDIENCE:

20 We will do that.

21 MR. JERRY CAIN:

22 Ma'am.

23 MEMBER OF THE AUDIENCE:

24 I just want to say I was born and
25 raised here in Gulfport. I walked these

1 streets when I was a child. The area he is
2 trying to put it in is called the old Rosalyn
3 yard, I lived there, (INAUDIBLE) there's
4 several different places here that we lived
5 played when we were a kid. And we feel
6 invaded. We feel like what we're saying is --
7 nobody's listening. And my children was raised
8 up here, went to this same school, and it's
9 just, to me, I feel like it's worse than 9/11.
10 When 9/11 come, you all were scared to death,
11 but that's the way we feel right about now, but
12 we're scared in a different way, because we
13 know like Reverend Davis said, the money. We
14 may not have the money, but we have God in our
15 life, and we have faith. We have faith that
16 you can't even measure. And, you know, this
17 town, this area is our home. We have memories
18 here, my kids have memories here, I have
19 memories here. And what Mr. Fore is trying to
20 do is wrong. And he need to go home and pray
21 and ask God is this what you will have me to
22 do, because there's too many people here crying
23 out don't do this. Somebody needs to hear.
24 And if he turn a deaf ear to this, that's blood
25 on his hands, because the first kid that get

1 drown or get hurt or ran over by a truck, I
2 want to know how he is going to sleep at night.
3 I wish God could just come down and say
4 Deborah, Mr. Fore is resting, you know. I wish
5 he could. So, Mr. Fore, I ask you, don't do
6 this. You don't have any grandchildren out
7 here, you don't even have any children up out
8 here, I'm sure you don't. I don't even think
9 you know a black person's name out here in this
10 neighborhood personally you could call your
11 friend. So I ask you in God's name. This is
12 worse than 9/11.

13 MR. JERRY CAIN:

14 Anyone who has not spoken.

15 MR. JERRY CAIN:

16 Yes, ma'am.

17 ROSIE GARNER:

18 Good evening, my name is Rosie
19 Garner, and I'm the pastor of the House of
20 Prayer For All People Outreach, and I rose to
21 say first of all I thank God for blessing all
22 of us to be here tonight. And I heard so many
23 opposes tonight, and I rose to say that I am in
24 agreement with all the opposers that have taken
25 place this night. And I also wanted to say

1 that we do know that the eyes of the Lord is in
2 every place beholding the evil and the good,
3 and he is in control of all things. And I also
4 thank God for Pastor Black for saying that
5 faith without work is dead. And we're here
6 tonight and it's clearly understood that we do
7 oppose. Whether anyone said anything or
8 whether the rest of them have a chance to say
9 anything, it is obvious that we oppose. I have
10 lived in this neighborhood for over 30 years.
11 Have raised my children and now grandchildren.
12 And also speaking on flooding, I have watched
13 the area flood. Looking out of the window to
14 see the water after a couple of hours almost
15 reach into my home. And the drainage system
16 have been very poor. And to dig a pit, a lake,
17 a hole, or whatever you call it would be a
18 disaster. And I pray that God will not allow
19 this to take place in this area. Thank you,
20 sir.

21 MR. JERRY CAIN:

22 Anyone that has not yet spoken
23 that would like to address? Yes, sir.

24 REVEREND KIMBALL OTIS:

25 I'm Reverend Kimball Otis. I

1 grew up in this neighborhood, and seems like
2 you should know and the committee should know
3 that everyone is against this from all parts of
4 Gulfport. And I would ask that Mr. Fore, he
5 seem like a man that know how to make money,
6 would he take it somewhere else, because we
7 have kids and grandchildren here, and I grew up
8 here. And it's dumping right into this area.
9 We have a church here, a church over there. I
10 ask him to please find it in his heart where
11 these people are crying out that we don't want
12 this. And I ask you to please, Mr. Fore, you
13 can go somewhere else and make your dollar.
14 Don't make it here.

15 MR. JERRY CAIN:

16 Anyone else who has not yet
17 spoken?

18 DORIS JULIAN:

19 Good evening, my name is Doris
20 Julian and I'm also a resident in this area for
21 over 30 years and I'm just trying to find out
22 with all that's been going on, we got MDOT, we
23 got the pipes that just been put through, and
24 with Turkey Creek, are we getting an invitation
25 to move?

1 GEORGE TATE:

2 I would just like to ask a
3 question. I know someone has already
4 mentioned --

5 MR. JERRY CAIN:

6 Please state your name.

7 GEORGE TATE:

8 George Tate. And my dad has the
9 church right here, right across the street from
10 where he's trying to put the pit. I would like
11 to ask the question, if you all decide to go
12 ahead on and do this regardless of how the
13 community feel, would the ditch or the hole,
14 can it be filled in where it wouldn't cause
15 anyone to -- I mean, is he going to fill it in
16 or is he just going to leave it a hole there?
17 If you fill it in, maybe it won't be -- you
18 know. And are these trucks going to run seven
19 days a week? Somebody going to replace the
20 road that the trucks cause? From my
21 understanding, they've already got a pit there
22 on Menge Avenue that they're pulling sand out
23 of. Have they run out of sand there, because
24 he's already pulling out of Menge Avenue over
25 there somewhere. So.

1 MR. JERRY CAIN:

2 Regarding whether the hole can be
3 filled up or not, we can't require that it be
4 filled up. That's out of our authority. The
5 question regarding whether the roads will be
6 repaired, I assume that they're city streets, I
7 guess the City of Gulfport would have to
8 address that issue. Anyone, yes, sir?

9 LUTHER FAIRLEY:

10 I want to say good evening. I'm
11 Luther Fairley, pastor of St. John Baptist
12 Church. I know we have spent a whole lot of
13 time here tonight, and I'm convinced that it
14 was well worth it. The scripture says in Roman
15 8 and 28, in this we know all things, work
16 together for the good of them. That love the
17 Lord and a (INAUDIBLE) call him to his purpose.
18 We all are gathered here and a whole has been
19 said, and I know we are not supposed to call
20 names, but I do want to say first of all when
21 you all go back to your review board and the
22 board, the one who grants permission, I would
23 like for you to say to them that Pastor Fairley
24 of the St. John Baptist Church at Gulfport,
25 Mississippi, said that don't discuss about a

1 pit, don't discuss about a pond, don't discuss
2 about the quality of the water, the volume,
3 just let them know point blank, those people do
4 not want a hole to be digged in their
5 neighborhood. Because if you go and do it
6 anyway, and someone has already said the blood
7 will be on your hand, you already know how this
8 group feels already. It took two and a half
9 hours to discover how they feel. Now, I think
10 quality and assurance ought to be about people
11 and how they feel and how they live in their
12 community. I do want to say this to Mr. Fore,
13 and we've already spoke before, but I want to
14 say this to him and I want to say it in the
15 presence of this body, I'm not a politician,
16 I'm just an area concerned pastor who concerned
17 about their members. I want to say to him if
18 you want to be remembered throughout the City
19 of Gulfport for something good, you can sell
20 St. John about five acres of that land and I
21 guarantee when we build our church you will
22 never be forgotten in the City of Gulfport
23 throughout the district of Mississippi. Thank
24 you.

25 MR. JERRY CAIN:

1 Anyone else who has not yet
2 spoken? Sir, I believe --

3 BILL MAGEE:

4 Bill Magee, again, can you tell
5 me, has there been a study done on the quality
6 of the water in the Meadowpark area?

7 MR. JERRY CAIN:

8 I can't tell you if there has, I
9 can't tell you if there haven't.

10 MEMBER OF THE AUDIENCE:

11 But that would take place prior
12 to you issuing the permit?

13 MR. JERRY CAIN:

14 No, sir.

15 BILL MAGEE:

16 I thought that's what you told
17 Brother Daniels, that your mission statement is
18 kind of wide, but your scope is very narrow,
19 and the only thing you look at is the quality
20 of the water, so that would seem to be one of
21 the questions that you could look at.

22 MR. JERRY CAIN:

23 It's absolutely a question we can
24 look at. But whether or not we need to go in
25 that area, I can't promise you.

1 BILL MAGEE:

2 How would we know like Reverend
3 Black said that we don't know that there's
4 dioxins in the water currently?

5 MR. JERRY CAIN:

6 The only answer I have to that is
7 that I don't know.

8 BILL MAGEE:

9 When will we know?

10 MR. PHIL BASS:

11 Let me try to answer the dioxin
12 issue. First off, we know the source of the
13 dioxin and we have followed the source. We
14 think we have a good handle on where the dioxin
15 has moved and where it hasn't. So that's, you
16 know, we worked with the CB Base, we worked
17 with the community for a number of years, done
18 an awful lot of analysis, so we think we
19 understand where it is and where it isn't.

20 BILL MAGEE:

21 Okay, but have there ever been a
22 study done in Meadowpark.

23 MR. PHIL BASS:

24 I'm sorry, but I can't sit here
25 and tell you yes it has, and no it hasn't, but

1 doing it analytically, you've got to remember,
2 it's awful expensive. I don't have a price of
3 dioxin now, it's been a number of years, up to
4 \$2,000 a test. So you follow the trail, you
5 don't go out, you know, if the trail leads to
6 the left, you don't go off to the right. Once
7 you establish by a systematic study that this
8 is where the trail is leading, you follow the
9 trail and that's what we've done with the
10 dioxin issue because it's very specific with
11 this particular kind of dioxin.

12 BILL MAGEE:

13 Let me tell you where I'm leading
14 with my question. You say you are not
15 concerned about the amount of water, correct?

16 MR. JERRY CAIN:

17 I didn't say that we were not
18 concerned. What I told you is we don't have
19 regulatory authority.

20 BILL MAGEE:

21 Because the way the Meadowpark
22 water discharge, it's going to meet right there
23 at the southeast corner of Mississippi Power
24 and right where Mr. Fore's water is going.
25 When it backs up, you know what happens to

1 sewage when it floods? I've been in a house
2 that has flooded three times, you know what
3 happens to the sewage?

4 MR. JERRY CAIN:

5 Yes, sir.

6 Anyone else? Yes, ma'am, Ms.

7 Vassey.

8 PAULA VASSEY:

9 There are a few more issues of
10 concern. First, I'm going to address Mr. Bass.
11 You mentioned the cost of a test for dioxin,
12 are you saying that the people in this
13 community are not worth the \$2,000 that it
14 costs to do the dioxin test?

15 MR. PHIL BASS:

16 Absolutely not. What I'm saying
17 to you is, that we have to be good stewards of
18 the state's money. We have to make decisions
19 as to where we get the most value and where the
20 contamination is because we want to deal with
21 where the real issues are, where the health
22 impacts are. If we're out going somewhere
23 where we know or believe very strongly that the
24 evidence says there is not an issue, then we
25 may be avoiding the places where there are real

1 issues, so that's what I'm saying.

2 PAULA VASSEY:

3 We are telling you there are
4 human health issues in the Turkey Creek north
5 Gulfport area. They need to be monitored.
6 They need to be tested. We're back to consent
7 decree between Sierra Club, DEQ, TMDL Program,
8 implementations, monitor and testing. We are
9 tire of hearing inadequate funding, inadequate
10 testing, and inadequate personnel. This is an
11 issue that's of dire importance. You yourself
12 know how many phone calls, letters, comments,
13 newspaper articles, on the TV, the radio,
14 newspaper, that mention the north Gulfport
15 Turkey Creek area. We would like more
16 resources pumped into this area.

17 MR. PHIL BASS:

18 And I can tell you that as it
19 rotates back into the Turkey Creek area, we
20 will be doing that. I'm very proud of the
21 increased monitoring we've got going on in the
22 State of Mississippi and we are working very
23 hard to rotate those places and gather as much
24 data as we can. And these young men and women
25 who are out there doing that today are working

1 extremely long hours, and we're doing much
2 better than we ever have, and we intend to keep
3 that up?

4 PAULA VASSEY:

5 The other thing is, as part of
6 the permitting process, things to be looked at.
7 Has MEMA or can we involve MEMA or FEMA to
8 discuss the benefits of adding more water into
9 this area versus buying out more houses? I
10 would think that would be a step in the right
11 direction. Some more issues of concern would
12 be the stated hours and days of operation. A
13 responsible party should be part of the permit
14 process to keep the roads clean so these
15 residents do not have to have a health hazard
16 riding up and down their roads every day. They
17 should also appoint a citizens watch dog
18 community of some of the local residents here.
19 As you've seen, they can be very good at
20 networking in their neighborhood. They need a
21 voice in this project. A responsible person to
22 repair the roads before, during, and after this
23 project. A responsible person for improved
24 drainage during and after this project.
25 We know that y'all require a cash bond. We

1 would like an explanation of what that cash
2 bond would cover. Another one would be a
3 responsible person to provide security on site
4 to protect the neighborhood children. An
5 endowment to the City of Gulfport if y'all are
6 going to permit this project and try to give
7 them a park they don't want, then an endowment
8 that would help to pay the cost of maintaining
9 and overseeing this site would be a benefit.
10 There is a couple more. They need a person in
11 their neighborhood that can wash cars and
12 houses on a regular basis. Four years of
13 eating dust from Fore's dump trucks, sucks.
14 Thank you.

15 MR. JERRY CAIN:

16 Anyone else that would like to
17 speak?

18 HOWARD PAGE:

19 Howard Page, I would like to say
20 thank you. I would like to quickly add one
21 more point that I think has been brought up and
22 I had mentioned it. There is a coast wide EIS
23 being done right now, as I'm sure y'all are
24 aware. I believe we expect the results in
25 October or so. And I think that because of the

1 cumulative impacts of the large project at
2 Turkey Creek wetland fill and a project of this
3 magnitude that I would like you to pass onto
4 the permit board that I would like for them to
5 wait for the results of that EIS and to
6 consider all of that information at once. I
7 think a lot of the information that the
8 citizens were asking for here tonight will be
9 in that EIS, so I just wanted to mention that.

10 MEMBER OF THE AUDIENCE:

11 I'm going to be very brief. I
12 just wanted to thank God --

13 MR. JERRY CAIN:

14 Please state your name.

15 ROSIE GARNER:

16 Rosie Garner. I just wanted to
17 say that I thank God for the key people that
18 are working on our behalf, State Representative
19 Ms. Frances, I wouldn't have known about so
20 much if she had not kept me informed. And I
21 thank God for also our city council, Ms.
22 Holmes, and also Ms. Magee, and all the key
23 people that have really kept us abreast of
24 what's going on.

25 MR. JERRY CAIN:

1 Yes, ma'am.

2 ELLA HOLMES-HINES:

3 Ella Holmes-Hines, City of
4 Gulfport. One of the things I wanted to ask,
5 do you know how soon that the second public
6 hearing can be held?

7 MR. JERRY CAIN:

8 I think what you're asking is do
9 we know -- there is not a second public hearing
10 that happens before there is a decision made by
11 the permit board. Can I talk to you a little
12 bit about the process?

13 ELLA HOLMES-HINES:

14 But before you move from there,
15 when does the permit board meet? We would like
16 to have a caravan coming into that meeting.

17 MR. JERRY CAIN:

18 First off, the permit board meets
19 on the second Tuesday of every month. That's
20 their regular scheduled meeting. I don't know
21 when this issue will go before them, but I will
22 insure you that --

23 ELLA HOLMES-HINES:

24 We will be notified?

25 MR. JERRY CAIN:

1 Yes.

2 ELLA HOLMES-HINES:

3 We would like to be present in
4 that meeting to listen to the process so they
5 can put faces with the people who are talking.

6 MR. JERRY CAIN:

7 Yes, ma'am.

8 ELLA HOLMES-HINES:

9 This board, this panel that has
10 endured three hours of discussion, will you
11 make a recommendation to the permit board?

12 MR. JERRY CAIN:

13 I will make a recommendation to
14 the permit board.

15 ELLA HOLMES-HINES AUDIENCE:

16 In that, what have you gathered
17 from this meeting that you can say you will
18 communicate to that board.

19 MR. JERRY CAIN:

20 Well, I can certainly say that it
21 is not something that is wanted by the
22 community. There are very strong compassions
23 to this.

24 MEMBER OF THE AUDIENCE:

25 What (INAUDIBLE) we have here

1 tonight that you can take back and say these
2 are valid reasons that we really need to look a
3 this project?

4 MR. JERRY CAIN:

5 Trust me, I mean, this verbatim
6 record is going to be given to the permit
7 board. We will review this record and we will
8 go through and summarize it and identify the
9 points and the issues and bring all of those
10 concerns to the permit board. There's a lot
11 that's been said here. But surely, let me
12 assure you that we will review it and it will
13 be shared with the permit board.

14 ELLA HOLMES-HINES:

15 Do you have any doubt at this
16 time whether this community wants a park? I
17 feel sometimes that that's going to be the
18 softest tone that people can adhere to. Have
19 you heard loudly and clear that the park is not
20 what the citizens want?

21 MR. JERRY CAIN:

22 Yes, ma'am. I think the best way
23 to reply to that is, I may not be smart, but I
24 am not stupid.

25 ELLA HOLMES-HINES:

1 Thank you. The transcript, we
2 are struggling with transcript costs. How much
3 would this transcript cost, or can it be given
4 to one of the representatives of the state,
5 send it to -- I mean, representative Frances
6 Fredericks or Senator Dawkins, one of the --

7 MR. JERRY CAIN:

8 We will provide a copy of the
9 transcript.

10 ELLA HOLMES-HINES:

11 That will be most helpful because
12 we don't have the money to do that.

13 MR. JERRY CAIN:

14 Let me say this, we will provide
15 a copy of the transcript. That will not be for
16 the purpose of receiving additional comments.
17 When that comment period is closed. That is
18 the transcript, and that is the documentation
19 that will be used.

20 ELLA HOLMES-HINES:

21 In that permitting board process?

22 MR. JERRY CAIN:

23 It won't be open --

24 ELLA HOLMES-HINES:

25 No, sir, that's not what I'm

1 looking for.

2 PAULA VASSEY:

3 On that issue, you said the
4 comment period is closed, but you can still
5 address letters to the commissioner
6 individually.

7 MR. JERRY CAIN:

8 You can write a letter if you
9 want to.

10 ELLA HOLMES HINES:

11 We will do that also. Also with
12 the citizen watchdog area that was a very good
13 comment that came from this side of the room.
14 But let me assure you if we talk about the
15 park. The City of Gulfport is broke. I will
16 say that again, the City of Gulfport is broke.
17 It cannot fix roads that are torn up from this
18 project. It's not going to be able to monitor
19 the pond. It will not be able to look at
20 safety measures. That is just not something
21 now that the City of Gulfport can afford. So
22 please educate your board that this is not
23 about a park that the city can maintain. It
24 will speak very closely to that. And our
25 budget which we just approved, which will be

1 effective tomorrow, that there is not money to
2 take on such a vast discussion that the
3 citizens are expecting that when this is turned
4 over that we can do this. Thank you, sir.

5 MR. JERRY CAIN:

6 If I may these local issues are
7 decided by the local bodies who hear this
8 information.

9 ELLA HOLMES-HINES:

10 And that will be heard October
11 21st at 2:30 is when it will be heard on both
12 appeals. You at this time do not have a
13 clearance from the city on this project. It
14 will be held October 21st at 2:30.

15 MR. JERRY CAIN:

16 I understand.

17 ELLA HOLMES-HINES:

18 Thank you, sir.

19 MR. JERRY CAIN:

20 Is there anybody else that would
21 like to speak?

22 WALTER THOMAS:

23 I have one more thing I want to
24 say. Walter Thomas. I just want to respond to
25 a comment you made a moment ago about your

1 board and getting a transcript and the speech.
2 We have a city council down here that don't
3 even read their minutes, they know how they're
4 going to vote when they walk into the room. So
5 we hope that your board down there is going to
6 do a lot better job than ours. This is how
7 elected officials in Gulfport do, because they
8 never read it what they get.

9 MR. JERRY CAIN:

10 Our permit board takes this
11 seriously, these issues. And really and truly,
12 as you might imagine, this is going to be quite
13 a voluminous transcript. And as I have to
14 present things to the permit board and answer
15 questions from them, it's obvious if you read
16 this stuff. I can't say that every permit
17 board member reads every word, but I can say
18 that I feel when I stand before them they have
19 considered the issue.

20 MEMBER OF THE AUDIENCE:

21 I might just have one word, my
22 president left before I got a chance to speak.

23 MR. JERRY CAIN:

24 Can you state your name?

25 EDDIE HARTWELL:

1 My name is Eddie Hartwell, I'm a
2 pastor of the St. James Baptist Church, and I
3 have members of our church that live in this
4 community.

5 I know it's probably an ugly
6 thing to even have to say in this day and time,
7 but on sometimes on issues like this, this
8 group of people are not fairly represented.
9 There are times when things come into our
10 community and it's shoved right straight down
11 our throat, I know y'all heard it a while ago.
12 There is a thing, I don't know exactly how to
13 define it, as environmental racism. It looks
14 like the dirty projects wind up in our
15 communities. This development, Mr. Fore owns
16 property all over Harrison County, I know, I
17 serve on the Harrison County Zoning Commission.
18 We pass good projects, you know, for him, and
19 sometimes with opposition, sometimes without
20 opposition, but we always way it and do it
21 fairly. But each one of those times we've
22 never had the kind of outcry against a project
23 from the community like we have with this one.

24 Your organization that you all
25 are representing here tonight is possibly our

1 last resort. Possibly our last resort. And we
2 would wish you all would remember the golden
3 rule, the one that sits on the higher board
4 than any of us will ever sit on says, love your
5 neighbor like you love yourself. Do unto
6 others as you would have them do unto you.
7 None of you would want your children exposed to
8 the things, the dangers and the hazards and the
9 detriment to your community overloading the
10 infrastructure that's already vastly
11 undermaintained, the funds, the councilwoman
12 has just said we don't have the funds to
13 maintain it in the shape that it's in.

14 So how in good conscience, how in
15 good conscience could we issue a permit to
16 bring about further detriment, further
17 deprivation than is already here. I pray that
18 you all will indeed hear the hearts of these
19 people. We're not against development. There
20 is nobody in this town that knows that we need
21 money and jobs anymore than those of us that
22 have been in this room tonight. But we just
23 don't need it to further tear down the little
24 bit that's already here. Thank you.

25 MR. JERRY CAIN:

1 I want to talk about next steps,
2 but before I do that I want to know if there is
3 anybody that would like to add anything else
4 before we go on?

5 The next steps. Well, obviously
6 the next steps are that this record will be
7 developed by the court reporter, we will
8 continue to receive written comments. I didn't
9 look at the calendar, but whatever 14 days is
10 from now. October 14th, that's an easy one.

11 And so if you want additional
12 written comments to be received they need to be
13 received in our office by close of business on
14 October 14th.

15 Once that record is completed,
16 the staff will begin the work of reviewing all
17 the comments that you've made. And we will be
18 for sure identifying those issues that are
19 clearly environmental, and those issues that
20 are technical, and those issues that go to
21 quality of life and community concerns.

22 As we identify those, we will
23 flush out wherever it goes in terms of
24 providing an adequate response to the permit
25 board to consider. We will give -- once

1 completed, this matter will be scheduled before
2 the permit board. I do not know at this date
3 which permit board meeting it will be. I do
4 not know how long it is going to take to go
5 through this process.

6 I will tell you that we will
7 insure that the community representatives that
8 have been identified through this hearing will
9 be notified in advance, typically two weeks is
10 what we try to do, ten working days, so that
11 you will have an opportunity to be present if
12 you care to at that meeting. Again, but I need
13 to be genuine with you, the next meeting of the
14 permit board is not a hearing. It is a meeting
15 where we will tell the permit board the results
16 of this hearing and, of course, they will have
17 the record and then they will decide whether
18 they want to make a decision on the issue or
19 (INAUDIBLE) whatever it is.

20 What the permit board typically
21 allows for is for a representative of both
22 sides of the issue to make a brief
23 presentation, generally five to ten minutes,
24 before the permit board. And I think in large
25 part it's done just for the very reason that

1 you said, so that some of the compassion, the
2 feeling, emotion can be shared with the permit
3 board. But again, it is not a hearing. And
4 this is something that the permit board
5 traditionally does.

6 Once the permit board makes a
7 decision, and whatever the decision is, it's
8 going to potentially aggrieve someone on one
9 side. If the aggrieved party requests an
10 evidentiary hearing, then there will be an
11 evidentiary hearing. What an evidentiary
12 hearing is, is something very much akin to a
13 trial. There will be the applicant, there will
14 be the department, and then whoever requests
15 the hearing. And then they will be in a formal
16 quasi-courtroom setting, sworn witnesses and
17 evidence presented regarding the issue.

18 The process is that once that
19 hearing has been requested, then we notify the
20 party that they are involved with that they are
21 to submit pretrial testimony, and there is a
22 process where we try to get most of the
23 testimony (INAUDIBLE) in advance. Those issues
24 can then be review by the permit board and then
25 the hearing is actually where there is rebuttal

1 of whatever testimony of those witnesses who
2 submitted the pretrial testimony.

3 Then the permit board based on
4 all of that makes a decision. The decision can
5 be to affirm whatever their original decision
6 was, it could be to change their original
7 decision, or it could be to modify it. That
8 decision then is appealable to the Chancery
9 Court, and you have to request for the appeal,
10 and then based on the record that is generated
11 during the formal evidentiary hearing before
12 the permit board, it then goes to Chancery
13 Court. And then there is a decision there and
14 ultimately it can go to the State Supreme Court
15 that if aggrieved parties continue to appeal
16 it. That's the process.

17 Next step is to formalize a
18 transcript, then to -- the staff to prepare the
19 information for the permit board and bring it
20 to the permit board, the permit board to make a
21 decision. I do not know today what day that
22 will be. Yes, ma'am.

23 REPRESENTATIVE FRANCES FREDERICKS:

24 Do I need to send another letter
25 to you to ask, because I've already requested

1 an evidentiary hearing because I was afraid of
2 what was going to happen, do I need to --

3 MR. JERRY CAIN:

4 Yes, ma'am. I'm sorry, I should
5 have remembered. That's correct. You have
6 already appealed the mining permit, and what
7 the staff expects, there may be appeals of the
8 wastewater, the water permits, and so if there
9 are appeals we will handle all of those
10 together. So you will not necessarily have to
11 re-request an appeal of the mining permit. If
12 the decision on the wastewater permit is
13 adverse to your position, then you would need
14 to request an appeal, if you care to, of that
15 permit, the wastewater permit.

16 REPRESENTATIVE FRANCES FREDERICKS:

17 Would those two hearings be at
18 the same time?

19 MR. JERRY CAIN:

20 Yes, ma'am.

21 REPRESENTATIVE FRANCES FREDERICKS:

22 Okay. Do I have to go through
23 that in order to get to Chancery Court, is that
24 what you are saying?

25 MR. JERRY CAIN:

1 Yes, ma'am.

2 REPRESENTATIVE FRANCES FREDERICKS:

3 Have to do the evidentiary
4 hearing in order to get into Chancery Court?

5 MR. JERRY CAIN:

6 Yes, ma'am. Again, that all
7 depends on whatever the decisions are and who
8 is aggrieved and so forth. So it's a process.
9 And it's 30 days from the date of the permit
10 board action to request a hearing; is that
11 right? So the date the permit board makes a
12 decision on the modification of the mining
13 permit and to the wastewater permit, there is
14 30 days from that point to request the hearing.

15 REPRESENTATIVE FRANCES FREDERICKS:

16 So I need to do another request?

17 MR. JERRY CAIN:

18 If you feel aggrieved and are so
19 moved to do so.

20 REPRESENTATIVE FRANCES FREDERICKS:

21 I feel I'm going to be aggrieved,
22 that's why I'm trying to stay ahead. I'm
23 trying to keep it moving.

24 MR. JERRY CAIN:

25 I am not trying to discourage you

1 from doing that. I just want to be careful
2 that this record isn't showing that Mr. Jerry
3 Cain is recommending that all this stuff be
4 appealed. That's the process. I'm giving a
5 last opportunity for anybody that would like to
6 make a comment?

7 MEMBER OF THE AUDIENCE:

8 I would like to say, I just
9 recently started walking a while back here, as
10 you can see I need to, and it's rather nice
11 right there on 34th. We've got the sidewalks
12 there and it's nice and now you want to take
13 the application to let the guy put the pit
14 there or whatever. I'm asking, please don't do
15 it because our people in our neighborhood are
16 getting out more and exercising more, and
17 that's better than putting a pit there and
18 people getting sicker than what they already
19 are. Please do not do it.

20 MR. JERRY CAIN:

21 Yes, ma'am. Anybody else before
22 I close this hearing?

23 MEMBER OF THE AUDIENCE:

24 I would like to say something. I
25 really appreciate you all coming down here and

1 listening to us, and I'm praying and I'm asking
2 you all, I'm asking the people in this room
3 that know how to pray, let's pray. We do not,
4 if you don't get anything else out of this
5 tonight, we do not, do not. We're not talking
6 about no park, I don't even want a park to come
7 up when you all are talking about this, we just
8 plain simple do not want this. Just that plain
9 and simple. No park to come up. We just don't
10 want that pit. Thank you.

11 MR. JERRY CAIN:

12 Yes, ma'am.

13 BOOKER NATSON:

14 Sir, before you close out. My
15 name is Booker Natson, again. And here in
16 America we are supposed to be a nation, one
17 nation under God where the will of the people
18 is the mandated, but we saw in the last
19 presidential election where the man that got
20 the popular vote didn't become the president.
21 That hurt me because I thought that this was --
22 America was striving to be that ideal that we
23 preach to all the world about.

24 If this board ignore the will of
25 the people, then what we're saying to the world

1 that we are hypocrites. We don't respect the
2 will of the majority, but the minority with the
3 money. We are at war right now in Iraq. We're
4 trying to prevail and to tell the world that
5 democracy and peace is what we're all about.
6 But when we still have areas like here in
7 Mississippi where if the people's will do not
8 go forward, then all we're saying is nothing.
9 It's absolutely nothing.

10 And I would pray that the time
11 would come when this country will live up to
12 the ideas that all the founding fathers wanted
13 it to be, and I believe that here in this room
14 tonight and the world today, I believe America
15 is still in the developing process, and we
16 tonight can still allow the will of the people
17 and the ideas that our founding fathers founded
18 this land on to go forward by not allowing the
19 minority with the money to override the will of
20 the majority on this project. And that's all I
21 have to say. Thank you, sir.

22 MR. JERRY CAIN:

23 Yes, ma'am.

24 PAULA VASSEY:

25 I just have two more things for

1 the environmental justice division of yours.
2 We do consider this an environmental racist or
3 injustice issue. We know that in no rich white
4 community in this area would this be even on
5 the table, okay. And then there is another
6 thing which is when dealing with issues that
7 affect quality of life, we would like for the
8 DEQ to always consider their mission statement,
9 and I would hope that every letter that comes
10 into your office on this issue would quote your
11 mission statement back to you. It's a good
12 statement, it just needs to be -- it just needs
13 to be included in every issue. You know and I
14 know on cumulative impacts, past, present, and
15 future, in this particular neighborhood and
16 area, it needs to be emphasized. Cumulative
17 impacts are killing this community. This is
18 one of the oldest communities in this area.
19 They deserve the chance to survive. They've
20 been herded into an area where they can't get
21 out because they can't afford it. They can't
22 sell where they're at, they're taxed to death
23 on it, it needs to be considered. They deserve
24 the right to have a community to raise their
25 family, and you heard comments, most of the

1 people in this area have owned their houses in
2 the 30 to 60 year range. They can't afford to
3 go anywhere else. They look to our state and
4 federal agencies to represent them and take
5 care of them and keep their communities safe
6 environmentally request that you please
7 consider cumulative impact. They had the Butch
8 Ward project, they have the airport project,
9 they have a parking garage that gets more
10 consideration than they do. It's a 13 acre
11 wetland fill. They have an imminent domain
12 project going in where the airport is taking
13 people's property. They have just issue after
14 issue. They never get time to rest and enjoy
15 living because they're always fighting in their
16 community to keep their community as a whole.
17 Thank you.

18 MR. JERRY CAIN:

19 Okay, anyone else that would like
20 to make a comment? Seeing no one, I close this
21 hearing. Thank you.

22
23 (WHEREUPON THE HEARING WAS CONCLUDED)
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REPORTER'S CERTIFICATE

I, HUEY L. BANG, Certified Shorthand Reporter and Notary Public in and for the State of Mississippi do hereby certify that the proceedings were reported by me in shorthand and transcribed under my personal supervision, and is a true and correct transcript to the best of my ability and understanding;

That I am not of Counsel, nor related to Counsel or the parties hereto, and in no way interested in the outcome of this event.



HUEY L. BANG

CERTIFIED SHORTHAND REPORTER #1147

REGISTERED MERIT REPORTER

CERTIFIED REALTIME REPORTER

NOTARY PUBLIC

My Commission Expires September 17, 2005.



| CHART OF PERMITTED USES—Cont'd. | | | | | | | | | | | | | | | | | | | | | | |
|--|-----|-----|------|--------|--------|--------|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|----|----|
| * Need not be conducted entirely within a completely enclosed structure. | | | | | | | | | | | | | | | | | | | | | | |
| R = Allowed by Right P = Planning Commission approval X = Special exception -- = Not allowed | | | | | | | | | | | | | | | | | | | | | | |
| Names of Uses and Conditions | A-1 | R-E | B-UE | R-1-15 | R-1-10 | R-1.75 | R-1.5 | R-2 | R-3 | R-4 | R-O | R-B | B-1 | B-2 | B-3 | B-4 | I-1 | I-2 | I-3 | SD | WF | AE |
| Gaming establishment. Any gaming establishment located wholly on property owned by the State of Mississippi Port Authority shall not receive approval by the City of Gulfport of the proposed use but the gaming establishment shall meet all other supplemental gaming regulations. Any gaming establishment shall be located adjacent to or within a reasonable distance from a major arterial or thoroughfare. (Only applies to properties eligible for gaming establishment based on applicable State Laws and located south of U.S. Highway 90. | | | | | | | | | | | | | | X | | | | X | | | | |
| Golf course: Not including commercial miniature course or commercial driving ranges* | | | P | | | P | | P | | | | | | | R | | | | | | | |
| Gymnasium | | | | | | | | P | | | R | R | R | R | R | | | | | | | |
| Library or reading room | | | | | | | | | | | | | | | | | | | | | | |
| Modular structures | | | | | | | | | | | | R | R | R | R | R | | | | | | |
| Park or playground (public)* | | | P | | | P | | P | | | | R | R | R | R | R | | | | | | |
| Recreation centers (public) | | | P | | | P | | P | | | | R | R | R | R | R | | | | | | |
| Shooting range | | | | | | | | | | | | R | R | R | R | R | | | | | | |
| Theater, indoor | | | | | | | | | | | | | | | P | | | P | | | | |
| Theater, outdoor* | | | | | | | | | | | | | | | | | | | | | | |
| Water related: | | | | | | | | | | | | | | | R | | | | | | | R |
| Recreational uses | | | | | | | | | | | | | | | R | | | | | | | R |
| Harbors and their customary necessary uses | | | | | | | | | | | | | | | R | | | | | | | R |
| Piers | | | | | | | | | | | | | | | R | | | | | | | R |
| Boat launches | | | | | | | | | | | | | | | R | | | | | | | R |
| Land based fueling docks | | | | | | | | | | | | | | | R | | | | | | | R |
| Land based bulk stores | | | | | | | | | | | | | | | R | | | | | | | R |
| Land based concessions | | | | | | | | | | | | | | | R | | | | | | | R |
| Land based restaurants | | | | | | | | | | | | P | R | R | R | R | | | | | | R |
| YMCA, YWCA, or similar institution | | | | | | | | | | | | | | | | | | | | | | |
| RESOURCES PRODUCTION OR EXTRACTION | | | | | | | | | | | | | | | | | | | | | | |
| Agricultural uses | R | | | | | | | | | | | | | | | | | | | | | |
| Aviary* | | | | | | | | | | | | | | | | | | | | | | |
| Hatchery: Poultry | | | | | | | | | | | | | | | | | | X | X | X | | |
| Natural production uses; including extraction of oil, gas or other natural mineral deposit, such as sand, clay, gravel X X | | | | | | | | | | | | | | | | | | | | | | |
| Modular structures | | | | | | | | | | | | | | | | | | | | | | |

**TO: ALL COMMUNITY FRIENDS
AND BUSINESS
OWNERS**

**PURPOSE: A PROPOSED 40 ACRES
25 FEET DEEP POND ON CORNER
OF 33rd Street and 34th Avenue WHICH
WILL DUMP 2 MILLION GALLONS
OF WATER PER DAY ALONG THE
R/R TRACKS INTO BRICKYARD
BAYOU.**

**PLEASE PLAN TO ATTEND TWO
VERY SPECIAL PUBLIC HEARING
ON TUESDAY SEPTEMBER 9, 2003:**

**TIME: 3:00 P.M. HELD BY CITY OF GULFPORT ZONING
COMMISSION AND CITY OF GULFPORT PLANNING
COMMISSION AT 5:30 P.M.**

**LOCATION: CITY OF GULFPORT FIRE
STATION, 1515 23RD AVENUE**



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CITY of GULFPORT

KEN COMBS
Mayor

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three

Kim B. Savant
Councilman, Ward Four

Ricky Dombrowski
Councilman, Ward Five

Charles E. "Chuck" Teston
Councilman, Ward Six

Billy Hewes
Councilman, Ward Seven

DEPARTMENT OF URBAN DEVELOPMENT

SANDY BAYLOR
Director

Community/Economic
Development Division
228-864-5657
Fax: 228-214-4487

Planning Division
228/868-5710
Fax: 228-868-5708

Building Code Services
228-868-5715
Fax: 228-868-5716

1410 24th Ave.
Gulfport, MS 39501
P.O. Box 59
Gulfport, MS 39502

September 10, 2003

W. C. Fore, LLC
P.O. Box 3058
Gulfport, MS 39505

RE: Case File Number: 0308PC115 - Mickey J. Bellande for W. C. Fore, LLC, property owner, requests Special Exception Use Permit to allow the extraction of sand (strip-mine) in a I-1 district located on tax parcel number 0810L-01-004.000, THAT PART OF N 1039 FT OF NE1/4 OF NW1/4 LYING W OF RAIL-ROAD; ALSO THAT PART OF W1/2 OF NW1/4 LYING E OF 34TH AVE SEC 33-7-1 and tax parcel number 0810M-03-002, BEG AT N W COR OF S W 1/4 RUN E 25 FT TO BEG TH RUN E 1829 FT S 378 FTW 1829 FT N 370 FT TO BEG PARCEL SEC 33-07-11. (Located south of Washington Street, north of and adjacent to 33rd Street, east of and adjacent to 34th Avenue and west of Highway 49

To Whom It May Concern:

At their Special public hearing on Tuesday, September 9, 2003, the Gulfport City Planning Commission considered the above referenced case.

This letter will officially notify you that the Planning Commission denied the request.

The applicant or any person may appeal this decision to the Gulfport City Council within fifteen (15) days of the public hearing. The filing fee for an appeal is based on the actual cost of the required official transcript and any related miscellaneous charges. Any appeal shall be in writing and submitted to the Department of Urban Development-Planning Division stating what decision is being appealed and why.

If you have any questions or comments, please contact this office at 868-5710.

Sincerely,

URBAN DEVELOPMENT PLANNING DIVISION

Paula D. Doyle
Planner II

✓ cc: Adjacent Property Owners



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KEN COMBS

Mayor

Jimmie Jenkins

Councilman, Ward One

Richard Rose

Councilman, Ward Two

Ella Holmes-Hines

Councilwoman, Ward Three

Kim B. Savant

Councilman, Ward Four

Ricky Dombrowski

Councilman, Ward Five

Charles E. "Chuck" Teston

Councilman, Ward Six

Billy Hewes

Councilman, Ward Seven

DEPARTMENT OF
URBAN DEVELOPMENT

SANDY BAYLOR

Director

Community/Economic
Development Division
228-864-5657

Fax: 228-214-4487

Planning Division
228/868-5710

Fax: 228-868-5708

Building Code Services

228-868-5715

Fax: 228-868-5716

1410 24th Ave.

Gulfport, MS 39501

P.O. Box 59

Gulfport, MS 39502

CITY of GULFPORT

September 10, 2003

~~Mr. W. C. Fore
W. C. Fore, LLC
P.O. Box 3058
Gulfport, MS 39505~~

RE: Case File No. 0308ZB114 - - Mickey J. Bellande for W. C. Fore, LLC, property owner, requests Special Exception Use Permit to allow the extraction of sand (strip-mine) in a I-1 district located on tax parcel number 0810L-01-004.000, THAT PART OF N 1039 FT OF NE1/4 OF NW1/4 LYING W OF RAIL-ROAD; ALSO THAT PART OF W1/2 OF NW1/4 LYING E OF 34TH AVE SEC 33-7-1 and tax parcel number 0810M-03-002, BEG AT N W COR OF S W 1/4 RUN E 25 FT TO BEG TH RUN E 1829 FT S 378 FTW 1829 FT N 370 FT TO BEG PARCEL SEC 33-07-11. (Located south of Washington Street, north of and adjacent to 33rd Street, east of and adjacent to 34th Avenue and west of Highway 49

To Whom It May Concern:

At their Special public hearing on Tuesday, September 9, 2003, the Gulfport Zoning Board of Adjustment and Appeals considered the above referenced case.

This letter will officially notify you that the Zoning Board approved the request per staff recommendation to issue a conditional Special Exception Use permit regarding the strip mine project. The conditions are listed in letter dated August 27, 2003 from Ray Eaton, Planning Administrator, City Engineer's technical letter dated August 5, 2003 and Building Department letter dated August 27, 2003 to W. C. Fore and Traffic and Safety recommendation form dated August 18, 2003. This procedure will enable the State Department of Environmental Quality to begin their review process as set forth in their July 30, 2003 letter to Mr. Fore. In addition, as set forth in the letter dated August 27, 2003 from Ray Eaton, Planning Administrator that the general consensus of all City departments involved being satisfied before any final permits are issued.

Any person may appeal this decision to the Gulfport City Council within fifteen (15) days of the public hearing. The filing fee for an appeal is based on the actual cost of the required official transcript and any related miscellaneous charges. Any appeal shall be in writing and submitted to the Department of Urban Development-Planning Division stating what decision is being appealed and why.



where your ship comes in"

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**DEPARTMENT OF
URBAN DEVELOPMENT**

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1410 24th Ave.
Gulfport, MS 39501

P.O. Box 59
Gulfport, MS 39502

CITY of GULFPORT

If you have any questions or comments, please contact this office at 868-5710.

Sincerely,

URBAN DEVELOPMENT PLANNING DIVISION

Paula D. Doyle
Planner II

✓ CC: Adjacent Property Owners

**MISSISSIPPI 401 WATER QUALITY CERTIFICATION
REGIONAL CONDITIONS FOR NATIONWIDE PERMITS
ENCLOSURE I**

The Office of Pollution Control certifies that the applicant's above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the following conditions:

The following NWP's are authorized by this certification for a period of five years from their effective date, provided the projects comply with the following conditions:

1. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation or other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 1, Aids to Navigation

NWP No. 2, Structures in Artificial Canals

NWP No. 3, Maintenance

NWP No. 4, Fish and Wildlife, Harvesting, Enhancement and Attraction Devices and Activities

NWP No. 5, Scientific Measurement Devices

NWP No. 6, Survey Activities

2. OPC shall be notified of projects that are five acres or greater in size and projects that have associated discharge of cuttings, drilling mud, hydrostatic testing water, or any other waste material.
3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation or other land disturbance activity disturbing five or more acres. Construction activity that disturbs one or more acres will require the approval of the Office of Pollution Control after March 10, 2003.
4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 14, *Linear Transportation Crossings*, is authorized by this certification for a period of five years from its effective date, provided projects comply with the following conditions:

1. Extreme care shall be taken to prevent the permanent restriction or impedance of water flow. Pre-construction hydrology shall be maintained.
2. This NWP shall not apply to natural tidal waters for personal transportation.
3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation or other land disturbance activity disturbing five or more acres. Construction activity that disturbs one or more acres will require the approval of the Office of Pollution Control after March 10, 2003.
4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

— NWP No. 18, *Minor Discharges*, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

1. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the activity must comply with the following:

2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10,2003.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 28, *Modifications of Existing Marinas*, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions.

1. This NWP shall only apply to marinas that have an existing operating wastewater pumpout facility with appropriate signage showing its location as well as other appropriate waste disposal information.
2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 29, *Single-Family Housing*, is authorized by this certification for a period of five years from its effective date provided the project complies with the following conditions:

1. The applicant shall provide documentation that the residence can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.


5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 36, *Boat Ramps*, is authorized by this certification for a period of five years from its effective date provided the project complies with the following conditions:


1. Boat ramp parking areas with impervious surfaces (concrete, asphalt) that have a surface area equal to or greater than one acre shall provide for storm water management. The first 0.5 inch of storm water runoff from impervious parking and road surfaces shall be treated using OPC approved best management practices before release. The storm water plan should be submitted upon application for a NWP and shall be forwarded to the OPC.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation
3. and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
4. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.
5. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
6. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 39, *Residential, Commercial and Institutional Developments*, is authorized by this permit for a period of five years from its effective date, provided projects comply with the following conditions:

1. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.
2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a

 NWP No. 41, *Reshaping Existing Drainage Ditches*, is authorized by this certification for a period of five years from their effective date, provided projects comply with the following conditions

1. The side slopes of banks and spoil disposal areas shall be 3:1 (horizontal:vertical).
2. This NWP shall apply to created ditches only. No impacts to naturalized streams shall be allowed.
3. This NWP shall not authorize the modification of greater than 500 linear feet of existing serviceable drainage ditches constructed in non-tidal waters.
4. Buffer zones shall be 25 feet minimum from top of drainage ditch.
5. Spoil disposal areas shall be discontinuous and immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.
6. Work shall be conducted from one side of the waterbody only, where possible.
7. Large trees on the work side shall be avoided where possible.
8. Banks shall be immediately seeded and stabilized upon completion of construction.
9. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
10. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
11. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

 NWP No. 42, *Recreational Activities*, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

1. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

3. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.
4. This certification shall not authorize in-stream treatment of stormwater.
5. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
6. The turbidity outside the limits of a 750-mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 44, *Mining Activities*. The request for Water Quality Certification for this permit is hereby denied.

The Office of Pollution Control also certifies that there are no limitations under Section 302 nor standards under Sections 306 and 307 of the Federal Water Pollution Control Act, which are applicable to the applicant's above-described activity.

Gulfport contractor wants to build park

By MIKE CUMMINGS
THE SUN HERALD

GULFPORT — Gulfport contractor W.C. Fore plans to build a lakeside park and donate it to the city.

He would build the lake, too.

Fore owns 115 acres north of 33rd Street and east of 34th Avenue. He will excavate enough dirt from the property to fill a 60-acre expansion project at the State Port at Gulfport that his company is contracted to perform.

He plans to turn the resulting hole into a lake surrounded by a 40-acre park.

Fore said he would install a fence around the property, provide landscaping and build a pavilion.

The city would have to pay for other amenities, such as tennis courts or ballfields, he said.

Asked what the park project would cost him, he replied, "To tell you the truth, it's a wash."

He said he would have little use for the \$1 million property once the dirt is excavated and he believes the surrounding communities would benefit from a park.

"A hole in the ground doesn't have any value," he said. "A park has value."

The 28th Street Park is the only city park in the area.

The City Council gave the plan preliminary approval earlier this month. The property is located in Councilman Jimmie Jenkins' ward.

"I'd like to see it used as place where people could go to relax and have a picnic or barbecue," Jenkins said, adding that the city could build a walking track around the lake's perimeter.

Fore said the park won't be completed for three to five years.

Mike Cummings can be reached at 896-2393 or at mcummings@sunherald.com

August 8, 2003

Fore's Proposed Construction

Meeting called to order by Rep. Frances Fredericks. Invocation by Rev. Lawrence Collins. Chris Laganre, from Gene Taylor's office, told both sides to get together to work out differences. Correction by Deborah McGhee stating the purpose of this meeting is to hear Mr. Fore's plans for the construction and this group will conduct a larger community meeting to present today's proposes to.

Mr. Fore yielded the floor to Bobby Gavin to present his proposed construction. He stated Mr. Fore has made application for a permit to mine \pm 48 acres. The project will be divided in three phases. Phase I will cut the pit. The water leaving its natural state mining a ditch. Currently 100% of the water in the site drains into Turkey Creek. Phase II and Phase III the water will stay in its natural state. In these phases the water will go through a limestone velocity break and will cross 33rd with discharge particles to natural ditch that runs parallel to the railroad track. The water will then go to Brickyard Bayou. They will clear right of way to the pit and install a 6' high safety fence with one access. Access to the mining area will be on 33rd with 2 -12' fences with lockable gates. North existing wetlands will stay a minimum of 300 ft away from the wetlands. There will be a 100' buffer between 33rd and a 150' buffer between the burn centiment pond. He will clear only enough land around the perimeter to install a 6' ft. There will be environmental controls to prevent runoff. When this area is completed, he will then start Phases 2 and 3. The surface water will be taken in stillen basins that has a baffel in it, then the water will cross 33rd and follow Fore's property line and dump into the existing ditch. The distance to residential area is 900'. This project will pump 2 million gallons of water a day.

Mr. Fore's plans for the park

open air pavilion
fence will remain
surface walking track
landscaping

He will provide a Performance Bond to the city to guarantee this work will be performed.

He also stated he saved the city \$18 million. He was the only local company that bided on this project. The other company's bids were \$28 million and \$39 million.

Questions from the floor:

Frank Hubiak, U. S. Army COE, asked the depth of the pit? Response: The depth of the pit will be 20', you will be able to walk all around before you get in deep water. It will be topsoil and grass to walk out to the pond.

Howard Page asked the depth of the natural water table. Response: 2-4'. All environment issues addressed to the Core of Engineers. It will take 3 to 4 years to complete the project, and at that time the property will be deeded to the City of Gulfport. The city has plans to use the area as a recreational park.

It was asked what will he (Mr. Fore) do with the remaining acreas? Response: The remaining 35 acres south of 33rd, and he emphasized that this is just a thought, but he's seen on the news that there's a great need for affordable housing in this area.

What material will go to the port? Response: All upland material will go to the port. Wetland material can't go to the port.

Rev. Collins asked the name of the project? Response: The "Harreld Pit"

Rep Fredericks asked how will the water get to Brickyard Bayou? Response: There's currently an elevation pipe by the railroad that's 25' with a difference of 9'. And with the difference he will connect at that point and redirect the water.

Chris Laganre asked has all permits been secured? Response: Currently has a permit from the COE and the permit from the DEQ is in limbo.

Permits

Ron Krizman stated the COE issued a permit to the city for expansion dirt to come from the uplands. They now will have to retract that letter and Fore has to explain that he can avoid using wetlands in this project. It was stated that the elevated dike 3' around the pit, then you are filling wetlands and need a permit. Mining permit was issued with conditions: local approval, other environmental approval and if the mining site is changed then the permit has to be modified. Mr. Fore needs to complete the water permit application. Permit with DEQ is conditioned upon completed application, public hearings and all appeals has to be addressed.

It was asked who oversees the project once all permits are acquired? Response: DEQ oversees everything in their permit, waste water and mining oversees their areas and the city will have to enforce safety.

Rep Fredericks asked who determines the value of the Performance Bond? Response: The bonding company determines the value of the bond depending on the work stated to be performed.

Meeting adjourned with prayer by Rev. Collins

August 18, 2003

Community Meeting

Rep Fredericks opened up by stating we will have an invocation and two people will talk about the environment, Rose Johnson and Howard Paige. Invocation Dec. Donald Garrett.

Rose Johnson stated she's chairman of Sierra Club and she's here to lend support and will take up legal action. Howard will discuss environmental issues. Sierra Club wants to work with community on this project. If the community is in support of the project they will support that decision, and if they want to stop it, they will support that to.

Howard Paige: His fear is the city doesn't have money to maintain the park. We want a "Surety Bond" because you don't have to take it to court. Whereas, a Guarantee Bond you have to sue him to get the work performed. Six foot fence is inadequate, this will be unmonitored. Keep an eye on this project, this will have a major affect on the community.

Dale McGhee: How much of this land is wetlands.

Howard Paige: Not a lot, but enough for him to get COE permit.

Rep. Fredericks: Pumping 2 million gallons of water everyday through the pipe. How will that affect the community?

Howard Paige: The settling pond will take mud from the water and pass clean water through the pipe. We want this answer from DEQ.

Question: Do most people here want to oppose the lake?

Majority of people present said they want to oppose the lake.

Rep. Fredericks: Mr. Fore goes before the Planning Commission on th 21st and told everyone to speak freely.

Reading of Minutes from August 8, 2003 meeting. In addition to the August 8th minutes, I, Deborah McGhee, was contacted on August 13th by Mr. Fore to discuss what he's willing to put in the park, so I read that list. Mr. Fore stated he wrote a letter to Jim Simpson and told him he's willing to put:

48 acre lake stocked 1/2 mile asphalt walking track landscaping
concrete picnic tables 40X80 open pavilion w/ cover Electricial areate system (
blows air into the water to create a ripple effect so mosquitoes eggs won't hatch)

He said this is an opportunity to give something back. Also, he's willing to give a gift over a one year period of \$20,000 to sick children or sick adults.

After the reading of the minutes, a vote was called to oppose the lake. It was unanimously voted to oppose the lake.

Mrs. Fredericks: We can't just say, we don't want the lake, we have to state reasons why.

Reasons to oppose the lake:

● **Safety of the children.** The park will be surrounded by 6 residential areas, an elementary school, and churches. The facility will not be upkept or manned by the city. The City of Gulfport by its own admission can't support the parks it currently has.

● **The future of the community.** The area will become a haven for crime because the park is wooded and isolated. (Ex. The "Clower Thornton Park" has become a crime haven and the residents are trying to get it closed.)

● **Will cause flooding in the Meadow Park Addition to the City of Gulfport.**

● **Health hazards** from the dust in the area, ie, allergies, asthma

● **There's currently no infrastructure in the area.**

● **Concerned about the water quality after the destruction of the wetlands.**

● **The water will be redirected to Brickyard Bayou and the city is currently having a \$14 million buyout for some of the areas surrounded by Brickyard Bayou because of flooding.**

● **Six feet fence not adequate to secure the lake from children.**

Meeting adjourned.

To: W. C. Fore

From: Deborah McGhee

Date: August 20, 2003

Re: Community Concerns

On August 18, 2003, the surrounding community that will be affected by the "Harreld Pit" met to discuss the previous meeting held on August 8th when you presented your proposed project and to discuss their concerns about the project. The community unanimously voted to oppose the project because of the following concerns:

- **Safety of the children.** The park will be surrounded by 6 residential areas, an elementary school, and churches. The facility will not be upkept or manned by the city. The City of Gulfport by its own admission can't support the parks it currently has.

- **The future of the community.** The area will become a haven for crime because the park is wooded and isolated. (Ex. The "Clower Thornton Park" has become a crime haven and the residents are trying to get it closed.)

- **Will cause flooding in the Meadow Park Addition to the City of Gulfport.**

- **Health hazards** from the dust in the area, ie, allergies, asthma

- **There's currently no infrastructure in the area.**

- **Concerned about the water quality after the destruction of the wetlands.**

- **The water will be redirected to Brickyard Bayou and the city is currently having a \$14 million buyout for some of the areas surrounded by Brickyard Bayou because of flooding.**

- **Six feet fence not adequate to secure the lake from children.**

September 3, 2003

Community Meeting with Mr. Fore

Meeting called to order by Mrs. Fredericks and invocation offered by Dec. Shelton Buckley.

Floor yielded to Mr. Fore. Mr. Fore presented a map that shows the proposed lake area. He said the buffer zone, the green belt won't be seen. The pink slope, is the sand slope and you can walk around the lake. The purple is the water settlement pond. First water comes in and have settlement of mud and particles then clean water will discharge to the second pond. He states that the outfall outside the large ditch starts on his property and falls on the west side of the railroad. No houses in danger of flooding. The city engaged in a \$1.5 million cleaning of the Brickyard Bayou canal. He did the work, the cleaning of the canal, and Brickyard won't flood anymore. His project will take water away from Turkey Creek because Turkey Creek water runs east and he will divert water west to dump into Brickyard Bayou.

Question: Mrs. Fredericks: You said there will be so many trees you won't see the lake from the road. We want the trees removed, and the 6' hurricane fence make it 8'. Will the fence be permanent?

Ans: Mr. Fore: Eventually, when the property is deeded to the city it will include the fence.

Mrs. Fredericks: How far north from the lake to residences?

Mr. Fore: 1080' from the apartments

Mrs. Fredericks: How far from 34th Street

Mr. Fore: 100'. Buffer zone east line of 34th street is 100'.

Mr. Fore continues. The first pond have 4' or 5' of water at all times because you want the settlement to settle to the bottom of the pond. Also, will have a baffel, that is, if he wants the water to run out, he will pull the board, and to let water in, he will put the board in. Fear of park being isolated according to previous minutes, the reason for leaving the green belt is to contain the dust, and when the city gets the land they can destroy the green belt. He says this will be an adult park, you can swim, fish, walk on the track. He doesn't feel like you can drop your kids off and go shopping.

Question: Will the park be supervised?

Mr. Fore: As long as he has it, it will be.

Mrs. Fredericks: What will Mr. Fore turn over to the city?

Mr. Fore: All buffer zones represent 65-70 acres, pavilion, paved walking track, landscaping (ex: Bradford pears), park benches.

Mrs. McGhee: We want bathrooms and water fountains.

Councilman Jimmie Jenkins: This can be a win win situation. We have to consider what the people want as opposed to what the developer want. We're looking at 2 full time people to man the park, opening and closing time. What's best for the majority of the people and what the city can maintain. Along with what the city and county can do. Mr. Fore plan to build affordable housing on 48 acres. The park referenced (the Clower Thornton Park from Aug 18, 2003

community minutes) in Councilman Teston area is not well lighted.

Dorothy Jackson: How deep of a hole and land to dig up?

Mr. Fore: 48 acres, from side to pink area. Asking in permit for 25' deep lake, but it will probably be closer to 20'.

Charlene King: Will you put something in the park for children?

Mr. Fore: Don't know what the city will do with it. But he's putting what he mentioned earlier.

Dorothy Jackson: You will be digging 5 years?

Mr. Fore: Slope has to be made and DEQ require standing grass.

Dorothy Jackson: What's to stop you from digging dirt and doing nothing else?

Mr. Fore: I'm willing to put up a bond in favor of the City of Gulfport. The city will call the bonding company and say what work not done.

Deborah McGhee: We want a Surety Bond.

Rep. Fredericks: My concern is you're talking about what you will do. But, we as citizens don't have assurance. We need something in writing. (She addresses Councilman Jenkins and say) the city not telling they will light this area.

Mr. Fore: Willing to let his attorney (Rep. Atty. Jim Simpson) put this in writing.

Rep. Atty Jim Simpson: We're not to that point yet. That's why we're talking to see what the people want. If we would have come here tonight with something in writing it wouldn't had a lake stocked with fish, bathrooms, and water fountain because we didn't know that.

Rep. Fredericks: (addressing Jerry Cain from DEQ) 2 million gallons of water pumped daily, how long will this area stay wetlands?

Jerry Cain: There's few areas in purple. This doesn't require a 404 permit for the wetlands in this area. The port can't receive material from wetlands.

Rep. Fredericks: If he dig this pit, how much erosion from area after it's dug?

Jerry Cain: DEQ role in this is neither a proponent or against. Role is to enforce laws to see if the project meets it. DEQ has three roles:

1) Office of Geology mining permit. Purpose mine minerals how the mine will be left afterwards. Insure they mine as they say, and they have to put bonds up. Before the bond is released the site have to have vegetation. Plan describe angle around slop, vegetation. When the site is left, its left in a stable situation, not an eyesore and safe.

2) Wetland 404 Permit. COE send documents to DEQ, in this case 404 not required.

3) Regulate discharges to surface water to protect state surface water. This case will have discharge process water generated from mining. Will define quality water and storm water, if anything disturbs the ground, you have to regulate storm water. The process is: Application made, mining permit issued. There has been a footprint change in this case and the permit has to be modified. Will have a public hearing on the 30th, with a court reporter, we will listen to anything and will answer questions that we know the answer to. Will provide to the permit board questions and responses.

Dorothy Jackson: What assurance will the city give to the community that what we can't get Mr. Fore to do, the city and county will do. For instance, lighting.

Councilman Jenkins: City hasn't discussed with Mr. Fore what he will do.

Question: What keep water moving to avoid moisquitoes?

Jerry Cain: Wind action, different peaking circulation, and make sure the banks stay clear.

Mary Wilson: Concerning putting park and fence, that's another haven for drunks and drug

addicts.

Rep. Atty Jim Simpson: We can't point in time when we can convince you. First satisfy you he has to put up his bonds.

Councilman Jenkins: Will call public meeting with principle and people to hear their voices. He hasn't heard anyone say they don't support this. except, for Hines (she's not here). City has to put up safeguards for people not getting drowned. Things the city can do to make it safe,

Question: Who patrol? City police

Rev. Luther Fairley: Have you considered another site for this project? Seems like minority communities is the first sought for major projects?

Mr. Fore: This is private property. I didn't target minority area. This particular material is sand and meets ASTM classification. I will leave a bond, leave to someone a million dollars. I can give it to St. John or any group. There's not a law against building a lake in the city. My vision is to leave something beautiful for the city.

Meeting adjourned.

Harreld Pit/ Park Community List

In the event, this project is approved, and the lake is constructed in the community, these are somethings we will like to be included in the park:

- ½ mile asphalt walking track with 3-4 benches strategically placed around it
- 40x80 open pavilion with cover with men & women bathrooms & water fountain
- at least 2 bar-b-que pits
- stocked pond
- concrete tables & benches
- lighted park area
- landscaping
- playground equipment (i.e. swings, slides, etc)
- water faucet close by bar-b-que pits
- park to be manned by city employees for safety & to keep the grounds clean (i.e. bathrooms)
- Before he turn the park over to the city remove barbed wire from the top of the fence and clear the woods around the lake area , so it can be visible from the park area & to deter illegal activity
- concrete culverts to remove water from the area
- fountain within the pond



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

To: File

From: Michelle Vinson

Re: W. C. Fore Trucking
Mining Notice of Intent – General Permit

Date: March 1, 2004

Department of Environmental Quality staff determined in June 2003 that due to the nature of the proposed discharge an individual NPDES Discharge Permit would be more protective of human health and the environment. The proposed project information submitted by the applicant in association with the Mining Notice of Intent has been transferred to the individual file, MS0058912.

The Mining Notice of Intent was withdrawn by applicant request.



THATTON W
MSR 321166
FILE COPY

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

June 26, 2003

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

Dear Mr. Fore:

Re: Mining Notice of Intent Application
W. C. Fore Trucking, Inc.
Harreld Pit, Harrison County, MS

The Mississippi Department of Environmental Quality (MDEQ) has received your Notice of Intent (NOI) for coverage under the National Pollutant Discharge Elimination System (NPDES) Mining General Permit for the discharge of storm water from a mining site located in Section 33, Township 7 South, Range 11 West, Harrison County, Mississippi. MDEQ staff has coordinated internally with MDEQ's Office of Geology (Geology) and externally with federal agencies in a review of this NOI. This review has revealed a number of apparent inconsistencies in the description of the project as you have proposed it to these various entities. Because of these inconsistencies, we are unable to ascertain the details of the project that is being proposed and what permits or approvals may be required. It is absolutely imperative that the project be clearly defined and that every reviewing agency is reviewing the same set of facts. We strongly suggest that after reviewing this correspondence and consulting with your engineer, you meet with MDEQ staff to be sure that we have effectively communicated on these issues.

Review of the information regarding this proposed project indicates that an individual NPDES permit will be required instead of a general permit. As with all individual NPDES permits, public notice of the permit prior to a decision by the Mississippi Environmental Quality Permit Board (Permit Board) is required and, depending on the level of public interest, a public hearing may be required.

Specifically, our review of the various submittals has generated the following concerns:

1. The Storm Water Pollution Prevention Plan (SWPPP) submitted indicates that a sedimentation basin is to be located in the northwest corner of the property outside of the mining area. The Surface Mining Permit Application (Mining Application) submitted to Geology indicates that a sedimentation basin is to be located in the northeast corner of the property within the mining area. Please address this inconsistency.

2. According to the Gulfport North USGS topographic map, a perennial stream bisects the planned mining area. Chapter 3, Section IV.3.a.2 of the Wastewater Regulations requires a minimum of a 150 foot buffer distance between the mining area and the upper banks of perennial streams. Please provide documentation that W.C. Fore Trucking, Inc., will comply with this regulatory requirement.
3. According to the NOI and the Mining Application, dredging will not be part of the mining operation of this site. However, these documents also indicate that groundwater is at a depth of five (5) feet below natural grade and that the final depth of the mining operation will terminate at approximately 25 feet below natural grade. These facts appear to indicate that dredging and accompanying discharges will be required to mine the site. Please provide MDEQ with an operations plan that specifically details the method(s) to be employed to mine this site.
4. Section C of the Mining Application indicates that the site will be reclaimed through the establishment of grass cover. Information presented through media outlets and obtained by Geology indicates that the mined area will be converted to a large lake/pond. Additionally, the site plans provided to Geology do not account for the presence of the perennial stream located on site. Therefore, please provide a specific reclamation plan for this mining site. Please be aware that the reclamation plan must be amended through Geology, which is a separate submittal from your response to this letter.
5. MDEQ is aware that the U.S. Army Corps of Engineers (Corps) has made a determination that no wetlands dredge and fill permit is required for your planned activities at this site. The project described by the Corps in its determination letter, however, does not appear to be consistent with the project for which you have made application to MDEQ. Please provide MDEQ with a copy of all information submitted to the Corps regarding the wetlands permit. Please be aware that although the Corps did not require a permit for the mining of the wetland area, all surface waters, including wetlands, within the State of Mississippi are waters of the state and are regulated as such. Therefore, you may be informed of other regulatory requirements with which you must comply regarding the mining of the wetland area upon MDEQ review of the requested documentation. Also, the Corps' own analysis may change once MDEQ and the Corps are supplied with consistent and complete information on the project.
6. Pursuant to Chapter 1, Section I.C.2.a of the Wastewater Regulations, all wastewater treatment facilities must be at least 150 feet from the property boundary. Any sedimentation basins located on site must comply with this regulatory siting criteria. Furthermore, Chapter 1, Section I.C.1.d of the Wastewater Regulations requires that all wastewater treatment facilities otherwise accessible to the general public must be made inaccessible and identified by signs posted in a reasonable manner. Please provide MDEQ with a plan for compliance with these criteria.
7. Based on information provided by MDEQ's Water Quality Assessment Branch, the proposed receiving stream, Turkey Creek, is currently listed as an impaired water body on the state's Clean Water Act § 303(d) list. As such, discharge of any type of wastewater may not be permitted to the Turkey Creek without a site-specific assessment of the stream.

8. The discharge of mixed storm water and groundwater is not allowed through a storm water general permit. Therefore it appears an individual NPDES Discharge Permit application will be required for the discharge of mixed stormwater and groundwater. Please find enclosed EPA Form 1, EPA Form 2D and EPA Form 2C for your consideration (you will need to complete and submit Form 2C six months after permit issuance). This individual permit is required in addition to storm water discharge coverage as storm water may leave the site without going into the sedimentation basin first.
9. The submitted SWPPP appears to be generic in nature and does not specifically address the environmental issues at this site. Please prepare and submit a site-specific SWPPP that addresses the protection of wetlands, site security, perennial stream protection, specific storm water flow control for each area of the site, including all access roads to and from the mining area, storm water/process wastewater receiving stream identification, and the discharge route from the sedimentation basin to the receiving stream.
10. Please provide MDEQ with a scaled site map that indicates the location of all anticipated sedimentation basins, anticipated points of discharge from the sedimentation basins, location of the rain gauge, planned location of all storm water controls to be implemented at the site, property lines, specific mining areas (including acreage amount) within the total property acreage, planned storage and stockpile areas, buffer distances for all surface waters and storm water control measures, and all anticipated access roads into the total property. Additionally, please include the storm water flow direction for each area of the site to further indicate the points of discharge from the site.

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 or process water without written notification of coverage or issuance of an individual NPDES Storm Water Permit is a violation of state law. MDEQ suggests that a meeting may be beneficial in order to discuss and, if possible, to streamline these issues prior to permitting.

Additionally, please find enclosed a copy of a request for an evidentiary hearing before the Permit Board regarding your surface mining permit filed by Representative Frances Fredericks and a copy of MDEQ's response to that request, noting that any evidentiary hearings concerning the project will be consolidated after all pertinent permitting actions are taken by the Permit Board.

If you have any questions regarding the application or the permitting process, please contact me at 601-961-5171.

Sincerely,

ORIGINAL SIGNED BY
JERRY W. CAIN

Jerry W. Cain, Chief
Environmental Permits Division

Enclosure

cc: Michael Bograd, Office of Geology
Chuck D. Barlow, General Counsel, MDEQ

HOUSE OF REPRESENTATIVES



COMMITTEE ASSIGNMENTS:

Public Health and Welfare,
Vice Chairman
Judiciary B
Local and Private Legislation
Penitentiary
Ways and Means

FRANCES FREDERICKS

District 119
Harrison County
P.O. Box 10186
Gulfport, Mississippi 39505

Res (228) 864-9319
In Session (601) 359-2429
fredericks@mail.house.state.ms.us

STATE OF MISSISSIPPI

June 18, 2003

Charles Chisolm, Director
Department of Environmental Quality
Post Office Box 10305
Jackson, Mississippi 39289

Dear Sir:

I am requesting a hearing on the W.C. Fore Gulfport State Park Expansion Project which consist of moving fifty-five (55) acres of land twenty-five (25)feet deep.

Our concerns are many.

Respectfully,

A handwritten signature in cursive script that reads "Frances Fredericks".

Frances Fredericks
State Representative

FF/lf



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

June 24, 2003

Representative Frances Fredericks
P.O. Box 10186
Gulfport, MS 39505

Dear Representative Fredericks:

This agency is in receipt of your June 18, 2003 letter to Charles Chisolm requesting an evidentiary hearing regarding the surface mining permit issued to W. C. Fore to mine an area within your district and within the City of Gulfport. As we discussed on the telephone last week, this project requires additional permits from this agency's Office of Pollution Control (stormwater and, possibly, water discharge permits). MDEQ also is in contact with the U. S. Army Corps of Engineers concerning wetlands issues on the site.

Because this project ultimately will require multiple permits from the Mississippi Environmental Quality Permit Board, and because mining at the project cannot begin until all permits are issued, we will hold your request for an evidentiary hearing during the Permit Board's consideration of these additional permits. We will keep you informed of any public comment period or public hearings scheduled on those permits. If the applicant obtains the other permits it needs for this project, we will then consolidate any additional requests for evidentiary hearing with your request. In this way, the Permit Board can hold one evidentiary hearing regarding the project instead of several.

Please feel free to contact me if you need further information on this matter. With best regards, I remain

Sincerely,



Chuck D. Barlow
General Counsel

CDB/sas

cc: Charles H. Chisolm
Phil Bass
Jerry Cain
Mike Bograd

AI #18002
GMP20030001



RECEIVED
MAY 23 2003
Dept. of Environmental Quality
Office of Pollution Control

STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**MINING NOTICE OF INTENT (MNOI)
FOR COVERAGE UNDER MINING STORM WATER
GENERAL NPDES PERMIT MSR32 1 16 6
(Number to be assigned by State)**

File at least 30 days prior to the commencement of mining; 15 days if a Storm Water Pollution Prevention Plan (SWPPP) is already on file. Lateral expansion of an existing mine that has storm water permit coverage does not require submittal of a new MNOI; however, modification of the existing SWPPP to include the expansion is required. Also, according to 40 CFR 122.26 (b) (14) (iii), mining operations that do not discharge storm water contaminated by contact with any overburden, raw material, intermediate products, finished products, byproducts or waste products shall not be required to file a MNOI.

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

OPERATOR CONTACT PERSON: 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 (INCLUDE AREA CODE): 228 / 863-1314

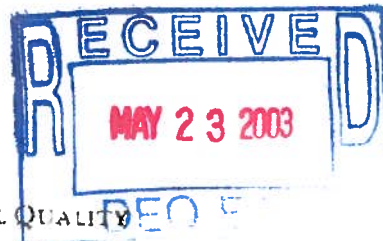
(List owner if different than operator)

OWNER CONTACT PERSON: W.C. FORE
OWNER COMPANY: WC FORE
OWNER STREET (P. O. BOX): P.O. Box 3058
OWNER CITY: GULFPORT STATE: MS ZIP: 39505
OWNER TELEPHONE NUMBER (INCLUDE AREA CODE): 228 / 863-1314

(Mine information)

NAME OF MINE: HARBELD PIT
STREET ADDRESS OR NEAREST NAMED ROAD: 34th STREET & 33rd AVE.
MINE LOCATION: CITY: GULFPORT COUNTY: HARRISON

AI # 18002
GMP 20030001



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**MINING NOTICE OF INTENT (MNOI)
FOR COVERAGE UNDER MINING STORM WATER
GENERAL NPDES PERMIT MSR32 1166
(Number to be assigned by State)**

File at least 30 days prior to the commencement of mining; 15 days if a Storm Water Pollution Prevention Plan (SWPPP) is already on file. Lateral expansion of an existing mine that has storm water permit coverage does not require submittal of a new MNOI; however, modification of the existing SWPPP to include the expansion is required. Also, according to 40 CFR 122.26 (b) (14) (iii), mining operations that do not discharge storm water contaminated by contact with any overburden, raw material, intermediate products, finished products, byproducts or waste products shall not be required to file a MNOI.

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

OPERATOR CONTACT PERSON: 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: 39502

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

(List owner if different than operator)

OWNER CONTACT PERSON: W.C. FORE

OWNER COMPANY: WC FORE

OWNER STREET (P. O. BOX): P.O. Box 3058

OWNER CITY: GULFPORT STATE: MS ZIP: 39502

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

(Mine information)

NAME OF MINE: HARRIELD PIT

STREET ADDRESS OR NEAREST NAMED ROAD: 34th Street & 33rd Ave

MINE LOCATION: CITY: GULFPORT COUNTY: HARRISON

(Mine information continued)

AW /4 OF NW /4 OF SECTION 33, TOWNSHIP 75, RANGE 11W

ATTACH A USGS QUAD MAP OUTLINING MINE LOCATION
(Maps can be obtained from the Mississippi Office of Geology. For information call (01-961-5523).

RECEIVING STREAM: EXISTING DITCH

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: _____

MATERIAL TO BE MINED: SAND / SILT / CLAY

TOTAL ACREAGE (If modification, give original acreage, expanded acreage and total acreage):
55.5

DOES THIS MINE NEED A CORPS OF ENGINEERS WETLANDS (Sec. 404) PERMIT? _____

WILL HYDRAULIC DREDGING BE USED? (Y/N) No WASHING OF SAND/GRAVEL? (Y/N) No

LIST ANY: NPDES PERMIT NO. _____ STATE OPERATING PERMIT NO. _____

GEOLOGY PERMIT APPLICATION NO. _____ GEOLOGY PERMIT NO. _____

HAS A "NOTICE OF EXEMPT OPERATIONS" BEEN FILED WITH GEOLOGY? (Y/N) _____

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: 5-26-03 END DATE: 8-06

ATTACH A STORM WATER POLLUTION PREVENTION PLAN (SEE PERMIT FOR REQUIREMENTS)

IDENTIFY THE ASSOCIATION OR GENERIC SWPPP PREVIOUSLY SUBMITTED:

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.

W.C. Fore
Signature

5-16-03
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

W. C. FORE TRUCKING, INC.

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

May 19, 2003

RECEIVED
MAY 23 2003
Dept. of Environmental Quality
Office of Pollution Control

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

Attention: Mr. Ross Williams

Reference: **Surface Mining Permit Application**
Harreld Pit, 55.5 Acres,
Harrison County, Mississippi

Dear Mr. Williams,

Attached, per our telephone conversation this morning, is the original Mining Notice of Intent for the above captioned mining application.

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

Sincerely,



R. F. Gavin

encl. As Noted

W C Fore Trucking Inc, Harreld Pit

Master AI ID: 18002

Start Date: 5/23/2003

Agency Interest Type: Mining and Solid Waste Management Branch

End Date:

SIC 1:

County: Harrison

AI Basin:

File Copy

Alternate/Historic AI Identifiers

| Alt/Hist ID | Alternate/Historic Name | User Group | Start | End |
|-------------|--------------------------------------|--------------------|-----------|-----|
| 18002 | W C Fore Trucking, Inc., Harreld Pit | Official Site Name | 5/23/2003 | |

Regulatory Programs

| Program | Sub-Program |
|---------|-------------|
| | |

AI Location and Mailing Information

Physical Address (Primary)

34th Street and 33rd Avenue
Gulfport, MS 39505

Mailing Address

PO Box 3058
Gulfport, MS 39505

Location Information

Section - Township - Range: - -

Telecommunications

Type

Work phone number

Address or Phone

(228) 863-1314

Staff to AI Assignments

Person Name

Warden, Billy

Assignment

Permitting, Branch Manager

Williams, Ross

Permitting, Coverage Writer

Related People

| Person | Relationship | Start | End |
|---------------|-------------------------------|--------------|------------|
| Fore, W. | Is General Permit Contact For | 5/23/2003 | |
| Fore, W. | Is Application Signatory for | 5/23/2003 | |

Related Organizations

| Organization | Relationship | Start | End |
|---------------------|---------------------|--------------|------------|
|---------------------|---------------------|--------------|------------|

enSearch

MDEQ OPC



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

May 14, 2003

Mr. W.C. Fore
W.C. Fore Trucking, Inc.
PO Box 3058
Gulfport, MS 38505

FILE COPY

Dear Mr. Fore:

Re: Stormwater Coverage for Mining
Operation
Harrel Pit, Harrison County
Section 33, T7S, R11W

The Office of Geology has informed us that you have filed a permit application for the referenced surface mine. Federal Storm Water Regulations, 40 CFR 122.26(b)(14)(iii), require mines with storm water discharges to have NPDES storm water permit coverage. Therefore, operating a mine without the needed coverage violates State Law, sections 49-17-1 through 49-17-43, which includes significant penalties.

Enclosed is a Mining Notice of Intent (MNOI) form that can be used to apply for coverage under our Mining Storm Water General NPDES Permit, copy enclosed. This MNOI form must be filed at least 30 days prior to the commencement of mining or 15 days if a Storm Water Pollution Prevention Plan (SWPPP) is already on file. If you are operating without coverage, you may be operating in violation of the storm water regulations and subject to potential enforcement action. Therefore, you should submit the enclosed MNOI and a SWPPP, as described in the permit, within 15 days of receipt of this correspondence.

The minimum requirements for a SWPPP are discussed in Part III and Part IV of the Stormwater Mining General Permit (copy enclosed). If your mining operation can be maintained in such a manner that impacted stormwater from this operation does not leave your site nor enter a defined drainage pathway please provide a demonstration and certification of this in lieu of obtaining stormwater coverage.

Please do not hesitate to call me at 961-5526 if you have any questions.

Sincerely,

Ross D. Williams, RPG
Environmental Permits Division

Enclosures

MEMORANDUM

FILE COPY

Date: May 14, 2003

From: Ross D. Williams, OPC-EPD, Solid Waste and Mining Branch

To: Ken McCarley, Chief, Mining and Reclamation Division

Project: Applicant: WC Fore Trucking, Inc.
Harreld Pit @ Section 33, T7S, R11West, Harrison County

We have reviewed the above referenced project. Based on our review, it appears that the applicant will need to apply for stormwater coverage for the area as proposed in the Mining Application. We are sending the applicant the necessary forms. If you have any questions, please contact me at (601) 961-5526.

Thanks,

Ross

W. C. FORE TRUCKING, INC

P. O. Box 3058 • Gulfport MS 39505 • (228) 863-1314 • fax (228) 864-3013

Via Facsimile

May 14, 2003

Mississippi Department of Environmental Quality
Office of Geology
Environmental Permits Division
Post Office Box 20307
Jackson, Mississippi 39289-1307

Attention: Mr. Ross Williams

Fax 601-961-5521

Reference: **Surface Mining Permit Application
Harrel Pit, 55.5 Acres,
Harrison County, Mississippi**

Dear Mr. Williams,

It is our understanding that you are reviewing our above-mentioned application for a surface mining permit.

Attached, for your use is a copy of our Storm Water Pollution Prevention Plan for the above application project.

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

Sincerely,



R. F. Gavin

encl. As Noted



