



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

August 27, 2013

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Mr. Pat Fore, Jr.
Fore Construction, Inc.
P.O. Box 2324
Gulfport, MS 39505

**Re: W C Fore Trucking Inc, Texas Flat Road Pit
Agreed Order No. 6301 13**

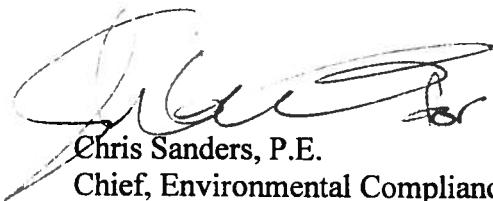
Dear Mr. Fore:

Enclosed you will find a copy of Agreed Order No. 6301 13, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Trudy Fisher, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Ethan Mayeu at (601) 961-5613.

Sincerely,



Chris Sanders, P.E.
Chief, Environmental Compliance and Enforcement Division

Enclosure
cc: Ethan Mayeu

Agency Interest No. 16942
ENF20130002

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

VS.

ORDER NO. 6301 13

FORE CONSTRUCTION, INC.
P.O. BOX 2324
GULFPORT, MISSISSIPPI 39505

RESPONDENT

AGREED ORDER

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

1.

Inspections by MDEQ personnel on March 17, 2009 and April 3, 2013 revealed that Respondent had been conducting mining activities on approximately seventy (70) acres at a site located off Wolf River Road in Harrison County, Mississippi (the "Site") without proper storm water permit coverage. Surface mining without storm water permit coverage is a violation of 40 CFR 122.26(b)(14)iii. Through letter dated April 1, 2009, MDEQ advised respondent of this violation.

2.

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

A. Respondent agrees to immediately cease all mining operations at the Site.

- B. Respondent agrees to install appropriate erosion and sediment controls to prevent sediment from leaving the Site. Such controls shall be installed within thirty (30) days after this Agreed Order has been executed by the MDEQ Executive Director, or her designee (the “effective date”).
- C. Prior to resumption of mining operations at this site, Respondent agrees to obtain any and all necessary storm water permits from the MDEQ Office of Pollution Control and any and all necessary surface mining permits from the MDEQ Office of Geology.
- D. Respondent agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$25,000. Respondent shall pay this penalty to MDEQ within forty-five (45) days after the effective date. The penalty payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Mona Varner
P.O. Box 2339
Jackson, MS 39225

3.

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

4.


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

5.

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

ORDERED, this the 22 day of August, 2013.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 
TRUDY D. FISHER
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 15 day of AUG, 2013.

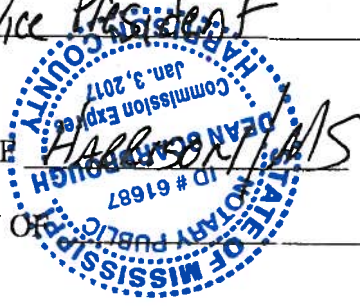
FORE CONSTRUCTION, INC.

BY: Pat Fore Jr.

TITLE: Vice President

STATE OF MISSISSIPPI

COUNTY OF HARRISON



PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named PAT FORE JR who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Vice President of Fore Construction Inc. and is authorized to sign and enter this Agreement.

SWORN AND SUBSCRIBED BEFORE ME, this the 15 day of AUG, 2013.



[Signature]
NOTARY PUBLIC

My Commission expires: _____