



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

August 1, 2016

Certified Mail No. 7010 1870 003 4946 8930

Mr. Dwayne Boyd
APAC – Mississippi, Inc.
Post Office Box 24508
Jackson, Mississippi 39225

Dear Mr. Boyd:

Re: APAC Mississippi Inc.,
Benton Mine
Yazoo County
COE No. MVK-2016-178
WQC No. WQC2016021

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Office of Pollution Control (OPC) issues this Certification, after public notice and opportunity for public hearing, for APAC – Mississippi Inc. Benton Mine, an applicant for a Federal License or permit to conduct the following activity:

APAC Mississippi Inc, Benton Mine: The purpose of this project is to develop a mining production plant site by APAC - Mississippi, Inc. to service the Jackson Metropolitan area with commercial sales and service of concrete and asphalt materials. The plant site will be constructed to accept sand and gravel aggregates where it will be processed for future use. The proposed plant site will include the construction of one wastewater settlement pond and one freshwater pond designed to be within the southern portion of the project site. Two stream crossings are proposed to access different mining areas. Approximately 4,000 cubic yards of clean fill will be used to construct the mining plant site and 24 cubic yards of rip-rap would be used to stabilize the covered stream crossing. To construct the project facility, 0.47 acres of forested wetlands and 295 feet of perennial stream will be filled. There will be two (2) 100 linear feet culvert crossings, impacting perennials streams. The Benton Mining Plant Site will be constructed within an approximate 31.75-acre parcel located along the west boundary of Mollett Road, Yazoo County, Mississippi. [MVK-2016-178, WQC2016021].

The Office of Pollution Control certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 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:

1. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal:vertical) and shall be immediately seeded, stabilized and maintained.
2. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent avoided wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately.
3. Controls shall be implemented as necessary to prevent erosion and adverse impacts to off-site areas and receiving waters. When work is completed or discontinued in a disturbed area, appropriate vegetative and structural practices shall be initiated within seven calendar days. All measures shall be inspected at least every seven calendar days and appropriate records of inspection kept. All erosion controls must be maintained. As a minimum, all accumulated sediment shall be removed from controls when it reaches 1/3 to 1/2 the height of the control and properly disposed. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within 24 hours of discovery or as soon as field conditions allow
4. Mitigation for the impact of 0.47 acres of wetlands and 495 linear feet of perennial stream shall be provided by the purchase of mitigation credits from an approved mitigation bank. **Written verification of the final purchase must be provided to the Office of Pollution Control prior to the commencement of any work in the wetland areas.**
5. Prior to or concurrent with project construction, the un-impacted wetlands shall be placed in a restrictive covenant. The covenants shall be properly recorded in the Miscellaneous Document Book, with the Registrar of Deeds, or with another appropriate official charged with the responsibility of maintaining records of title to and interest in real property within six months of the effective date of the authorization. **A certified copy of the covenants must be furnished to the Office of**

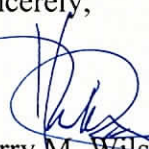
Pollution Control within 30 days of the recording. The covenant shall contain:

- a. There should be no removal, destruction, cutting, mowing, application of biocides, or disturbance or other change in the vegetation in the conservation zone other than practices outlined in the management plans.
 - b. There shall be no agricultural, commercial, or industrial activities allowed in the conservation zone.
 - c. There shall be no construction or placement of buildings, or other structures in the mitigation area other than structures for wildlife enhancement, viewing, or scientific study.
 - d. There shall be no construction of roads in the conservation zone. This does not include foot trails for recreational use. No motorized vehicles (to include off-road and four-wheel drive vehicles) shall be allowed on said site.
6. Other approvals from the Department may be necessary for the construction and operation of the proposed facilities. The applicant shall obtain all necessary permits and authorizations as required by the Department. This certification does not alleviate the applicant of other permit requirements and/or responsibilities.
 7. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

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.

This certification is valid for the project as proposed. Any deviations without proper modifications and/or approvals may result in a violation of the 401 Water Quality Certification. If we can be of further assistance, please contact us.

Sincerely,



Harry M. Wilson, P.E., DEE
Chief, Environmental Permits Division

HMW: LD

cc: Ms. Kristi Hall, U.S. Army Corps of Engineers, Vicksburg District
Mr. David Felder, U.S. Fish and Wildlife Service
Ms. Callista Mills, Environmental Protection Agency
Mr. Clay Cromwell, Headwaters Inc.