



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

October 9, 2017

Certified Mail No. 7016 2070 0000 7232 5554

Mr. Robert Dexter  
Yellow Creek State and Port Authority  
43 County Road 370  
Iuka, Mississippi 38852

Dear Mr. Dexter:

Re: Yellow Creek Inland Port  
Authority, Railroad Spur Track  
Construction  
Tishomingo County  
COE No. SAM201500716JMT  
WQC No. WQC2016032

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, to Yellow Creek State and Port Authority, an applicant for a Federal License or permit to conduct the following activity:

Yellow Creek Inland Port Authority, Railroad Spur Track Construction: The purpose of this project is to construct a railway that would serve the existing Mississippi Silicon plant, the existing Yellow Creek Port barge loading facility, and any future industry that may locate in the industrial park. The project would include impacts to six streams and forested wetlands where the rail bed would be placed. The streams impacts associated with this project are 460 linear feet of perennial stream and 55 linear feet of intermittent stream. The wetland impacts associated with the project are 1.55 acres of forested wetlands. The applicant has proposed mitigation through the purchase of mitigation credits from an approved mitigation bank. The site is located in Tishomingo County, Mississippi. [SAM201500716JMT, WQC2016032].

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:

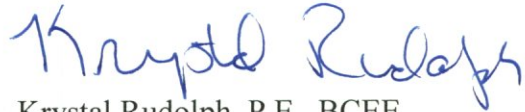
1. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal: vertical) and shall be immediately seeded, stabilized and maintained.
2. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas and/or waters. Special care shall be taken to prevent the movement of sediment into adjacent wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately.
3. For projects with ground disturbances that total five acres or more including clearing, grading, excavating or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit. **No construction activities shall begin until the necessary approvals and /or permits have been obtained.**
4. Mitigation for the loss of 1.55 acres of wetlands, 460 linear feet of perennial stream, and 55 linear feet of intermittent stream, shall be provided by the purchase of mitigation credits from an approved mitigation bank. The purchasing credits must be in accordance with the banking prospectus and should be based upon that required for impacting 1.55 acres of wetlands, 460 linear feet of perennial stream, and 55 linear feet of intermittent stream. **Written verification of credit purchase must be provided to the Office of Pollution Control prior to the commencement of any work in the wetland areas.**
5. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
6. 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.

October 9, 2017

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,



Krystal Rudolph, P.E., BCEE  
Chief, Environmental Permits Division

HMW: JP

cc: Joseph Tanko, U.S. Army Corps of Engineers, Mobile District  
Molly Martin, Environmental Protection Agency  
Kirby McRae, Dean McRae Engineering, Inc.

