

JUDD SANBORN
Environmental Manager



Telephone: 662-387-5260
Email: judd.sanborn@nacoal.com

August 29, 2023

Chief, Environmental Permits Division
MS Department of Environmental Quality, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225

SUBJECT: Mississippi Lignite Mining Company
Tobaksákola Mitigation Site Maintenance
Antidegradation Alternatives Analysis Summary

Dear Mrs. Bass

An alternative analysis for disturbing the streams at the Tobaksákola Mitigation Site is required for the SWPPP. That analysis is attached to this cover letter. This is required maintenance to comply with our Permit 404 (MVK-2016-509).

If there is any additional information or questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Sanborn", is written over a light blue horizontal line.

Judd Sanborn
Environmental Manager

Mississippi Lignite Mining Company

AI : 77344

Coverage #:
MSR109081

Rec'd via email:
08/31/2023



MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

LARGE CONSTRUCTION NOTICE OF INTENT (LCNOI) FOR COVERAGE UNDER THE LARGE CONSTRUCTION STORM WATER GENERAL NPDES PERMIT

INSTRUCTIONS

The Large Construction Notice of Intent (LCNOI) is for coverage under the Large Construction General Permit for land disturbing activities of five (5) acres or greater; or for land disturbing activities, which are part of a larger common plan of development or sale that are initially less than five (5) acres but will ultimately disturb five (5) or more acres. Applicant must be the owner or operator. For construction activities, the operator is typically the prime contractor. The owner(s) of the property and the prime contractor associated with regulated construction activity on the property have joint and severable responsibility for compliance with the Large Construction Storm Water General Permit MSR10.

If the company seeking coverage is a corporation, a limited liability company, a partnership, or a business trust, attach proof of its registration with the Mississippi Secretary of State and/or its Certificate of Good Standing. This registration or Certificate of Good Standing must be dated within twelve (12) months of the date of the submittal of this coverage form. Coverage will be issued in the company name as it is registered with the Mississippi Secretary of State.

Completed LCNOIs should be filed at least thirty (30) days prior to the commencement of construction. Discharge of storm water from large construction activities without written notification of coverage is a violation of state law.

Submittals with this LCNOI must include:

- A site-specific Storm Water Pollution Prevention Plan (SWPPP) developed in accordance with ACT5 of the General Permit
- A detailed site-specific scaled drawing showing the property layout and the features outlined in ACT5 of the General Permit
- A United States Geological Survey (USGS) quadrangle map or photocopy, extending at least one-half mile beyond the facility property boundaries with the site location and outfalls outlined or highlighted. The name of the quadrangle map must be shown on all copies. Quadrangle maps can be obtained from the MDEQ, Office of Geology at 601-961-5523.

Additional submittals may include the following, if applicable:

- Appropriate Section 404 documentation from U.S. Army Corps of Engineers
- Appropriate documentation concerning future disposal of sanitary sewage and sewage collection system construction
- Appropriate documentation from the MDEQ Office of Land & Water concerning dam construction and low flow requirements
- Approval from County Utility Authority in Hancock, Harrison, Jackson, Pearl River and Stone Counties
- Antidegradation report for disturbance within Waters of the State

ALL QUESTIONS MUST BE ANSWERED (Answer "NA" if the question is not applicable)

O.C

MSR10 9081

(NUMBER TO BE ASSIGNED BY STATE)

APPLICANT IS THE: ☒ OWNER ☐ PRIME CONTRACTOR**OWNER CONTACT INFORMATION**

OWNER CONTACT PERSON: Judd Sanborn

OWNER COMPANY LEGAL NAME: Mississippi Lignite Mining Company

OWNER STREET OR P.O. BOX: 1000 McIntire Road

OWNER CITY: Ackerman STATE: Mississippi ZIP: 39735

OWNER PHONE #: (903) 660-7527 OWNER EMAIL: judd.sanborn@nacoal.com

PREPARER CONTACT INFORMATION

IF NOI WAS PREPARED BY SOMEONE OTHER THAN THE APPLICANT

CONTACT PERSON: Drew Haley

COMPANY LEGAL NAME: Mitigation Resources of North America

STREET OR P.O. BOX: P.O. Box 836

CITY: Hallsville STATE: Texas ZIP: 75650

PHONE # () 903-660-7527

EMAIL: andrew.haley@mitigate.pro

PRIME CONTRACTOR CONTACT INFORMATION

PRIME CONTRACTOR CONTACT PERSON: Jon Phillips

PRIME CONTRACTOR COMPANY LEGAL NAME: Mitigation Resources of North America

PRIME CONTRACTOR STREET OR P.O. BOX: P.O. Box 836

PRIME CONTRACTOR CITY: Hallsville STATE: Hallsville ZIP: 75650

PRIME CONTRACTOR PHONE #: (903) 660-7527 PRIME CONTRACTOR EMAIL: jon.phillips@mitigate.pro

FACILITY SITE INFORMATION

FACILITY SITE NAME: Tobaksakola Mitigation Site

FACILITY SITE ADDRESS (If the physical address is not available, please indicate the nearest named road. For linear projects indicate the beginning of the project and identify all counties the project traverses.)

STREET: Sparkman Road

CITY: Eupora STATE: Mississippi COUNTY: Webster ZIP: 39744

FACILITY SITE TRIBAL LAND ID (N/A If not applicable): NA

LATITUDE: 33 degrees 32 minutes 10 seconds LONGITUDE: 89 degrees 13 minutes 52 seconds

LAT & LONG DATA SOURCE (GPS (Please GPS Project Entrance/Start Point) or Map Interpolation): Google Earth 3-21-2016

TOTAL ACREAGE THAT WILL BE DISTURBED ¹: ~8 acres

IS THIS PART OF A LARGER COMMON PLAN OF DEVELOPMENT?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
IF YES, NAME OF LARGER COMMON PLAN OF DEVELOPMENT: _____		
AND PERMIT COVERAGE NUMBER: MSR10 _____		
ESTIMATED CONSTRUCTION PROJECT START DATE:	2023-09-05 YYYY-MM-DD	
ESTIMATED CONSTRUCTION PROJECT END DATE:	2023-12-31 YYYY-MM-DD	
DESCRIPTION OF CONSTRUCTION ACTIVITY: <u>Maintenance in support of approved mitigation.</u>		
PROPOSED DESCRIPTION OF PROPERTY USE AFTER CONSTRUCTION HAS BEEN COMPLETED: <u>Conservation area</u>		

SIC Code: _____	NAICS Code _____
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NEAREST NAMED RECEIVING STREAM: <u>Big Black River</u>	
IS RECEIVING STREAM ON MISSISSIPPI'S 303(d) LIST OF IMPAIRED WATER BODIES? (The 303(d) list of impaired waters and TMDL stream segments may be found on MDEQ's web site: http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section)	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
HAS A TMDL BEEN ESTABLISHED FOR THE RECEIVING STREAM SEGMENT?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
FOR WHICH POLLUTANT:	
ARE THERE RECREATIONAL STREAMS, PRIVATE/PUBLIC PONDS OR LAKES WITHIN ½ MILE DOWNSTREAM OF PROJECT BOUNDARY THAT MAY BE IMPACTED BY THE CONSTRUCTION ACTIVITY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
EXISTING DATA DESCRIBING THE SOIL (for linear projects please describe in SWPPP): <u>The soil consists of mostly silty/sandy material.</u>	
WILL FLOCCULANTS BE USED TO TREAT TURBIDITY IN STORM WATER?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
IF YES, INDICATE THE TYPE OF FLOCCULANT.	<input type="checkbox"/> ANIONIC POLYACRYLAMIDE (PAM) <input type="checkbox"/> OTHER _____
IF YES, DOES THE SWPPP DESCRIBE THE METHOD OF INTRODUCTION, THE LOCATION OF INTRODUCTION AND THE LOCATION OF WHERE FLOCCULATED MATERIAL WILL SETTLE?	
IS A SDS SHEET INCLUDED FOR THE FLOCCULATE?	YES <input type="checkbox"/> NO <input type="checkbox"/>
WILL THERE BE A 50 FT BUFFER BETWEEN THE PROJECT DISTURBANCE AND THE WATERS OF THE STATE?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<u>This work consists of maintenance of the new streams built under the approved Mitigation plan 404 (MVK-2016-509).</u>	
IF NOT, PROVIDE EQUIVALENT CONTROL MEASURES IN THE SWPPP.	

¹ Acreage for subdivision development includes areas disturbed by construction of roads, utilities and drainage. Additionally, a housesite of at least 10,000 ft² per lot (entire lot, if smaller) shall be included in calculating acreage disturbed.

DOCUMENTATION OF COMPLIANCE WITH OTHER REGULATIONS/REQUIREMENTS
COVERAGE UNDER THIS PERMIT WILL NOT BE GRANTED UNTIL ALL OTHER REQUIRED
MDEQ PERMITS AND APPROVALS ARE SATISFACTORILY ADDRESSED

IS LCNOI FOR A FACILITY THAT WILL REQUIRE OTHER PERMITS?

YES ☐ NO ☒

IF YES, CHECK ALL THAT APPLY: ☐ AIR ☐ HAZARDOUS WASTE ☐ PRETREATMENT
☐ WATER STATE OPERATING ☐ INDIVIDUAL NPDES ☒ OTHER: 404 (MVK-2016-509)

IS THE PROJECT REROUTING, FILLING OR CROSSING A WATER CONVEYANCE OF ANY KIND? (If yes, contact the U.S. Army Corps of Engineers' Regulatory Branch for permitting requirements.) YES ☒ NO ☐

IF THE PROJECT REQUIRES A CORPS OF ENGINEER SECTION 404 PERMIT, PROVIDE APPROPRIATE DOCUMENTATION THAT:

- The project has been approved by individual permit, or
- The work will be covered by a nationwide permit and NO NOTIFICATION to the Corps is required, or
- The work will be covered by a nationwide or general permit and NOTIFICATION to the Corps is required

IS THE PROJECT REROUTING, FILLING OR CROSSING A STATE WATER CONVEYANCE OF ANY KIND? (If yes, please provide an antidegradation report.) YES ☒ NO ☐

IS A LAKE REQUIRING THE CONSTRUCTION OF A DAM BEING PROPOSED? (If yes, provide appropriate approval documentation from MDEQ Office of Land and Water, Dam Safety.) YES ☐ NO ☒


IF THE PROJECT IS A SUBDIVISION OR A COMMERCIAL DEVELOPMENT, HOW WILL SANITARY SEWAGE BE DISPOSED? Check one of the following and attach the pertinent documents.

- ☐ Existing Municipal or Commercial System. Please attach plans and specifications for the collection system and the associated "Information Regarding Proposed Wastewater Projects" form or approval from County Utility Authority in Hancock, Harrison, Jackson, Pearl River and Stone Counties. If the plans and specifications can not be provided at the time of LCNOI submittal, MDEQ will accept written acknowledgement from official(s) responsible for wastewater collection and treatment that the flows generated from the proposed project can and will be transported and treated properly. The letter must include the estimated flow.
- ☐ Collection and Treatment System will be Constructed. Please attach a copy of the cover of the NPDES discharge permit from MDEQ or indicate the date the application was submitted to MDEQ (Date: _____.)
- ☐ Individual Onsite Wastewater Disposal Systems for Subdivisions Less than 35 Lots. Please attach a copy of the Letter of General Acceptance from the Mississippi State Department of Health or certification from a registered professional engineer that the platted lots should support individual onsite wastewater disposal systems.
- ☐ Individual Onsite Wastewater Disposal Systems for Subdivisions Greater than 35 Lots. A determination of the feasibility of installing a central sewage collection and treatment system must be made by MDEQ. A copy of the response from MDEQ concerning the feasibility study must be attached. If a central collection and wastewater system is not feasible, then please attach a copy of the Letter of General Acceptance from the State Department of Health or certification from a registered professional engineer that the platted lots should support individual onsite wastewater disposal systems.

INDICATE ANY LOCAL STORM WATER ORDINANCE (I.E. MS4) WITH WHICH THE PROJECT MUST COMPLY:

NA

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.


Signature of Applicant¹ (owner or prime contractor)

8-31-23
Date Signed

Judd Sanborn
Printed Name¹

Environmental Manager
Title

¹This application shall be signed 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 principal executive officer, mayor, or ranking elected official

Please submit the LCNOI form to:

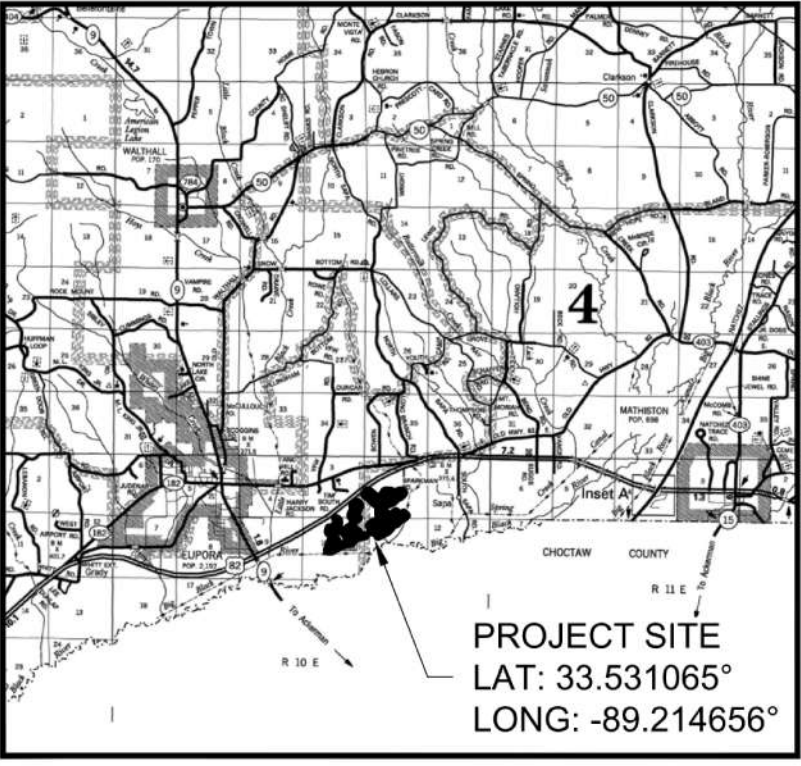
Chief, Environmental Permits Division
MS Department of Environmental Quality, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225

Electronically:

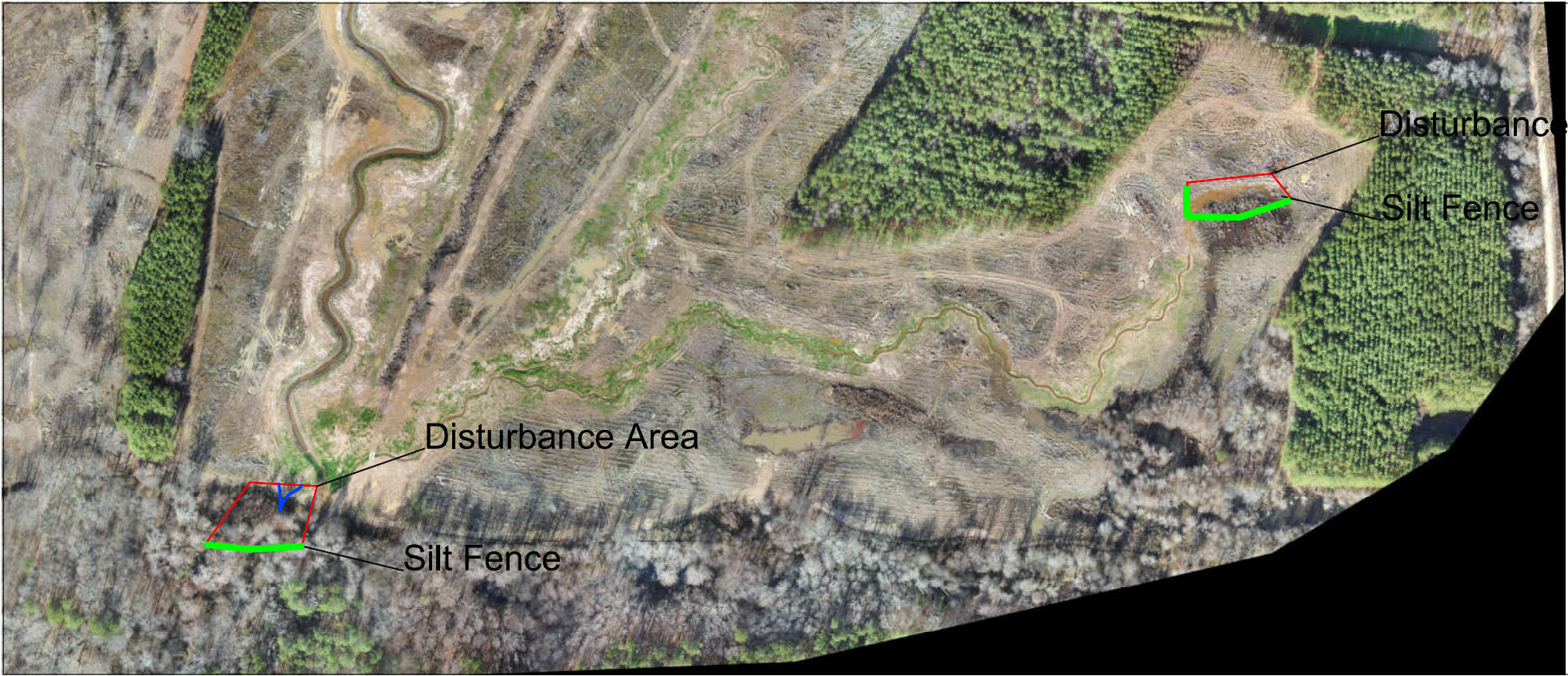
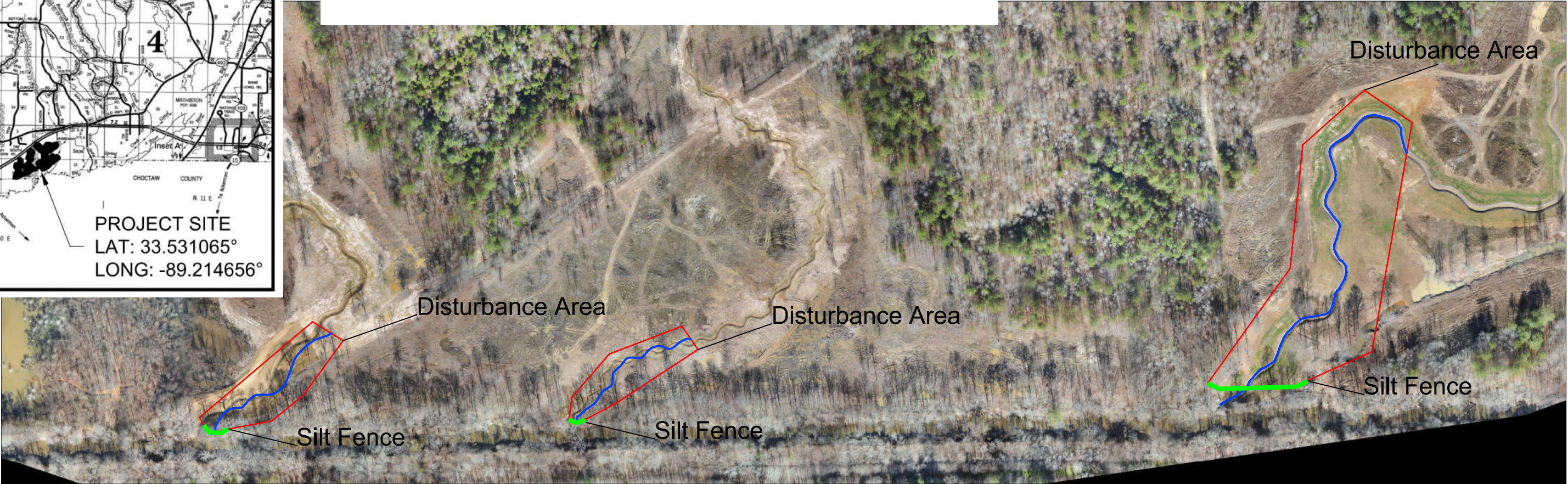
<https://www.mdeq.ms.gov/construction-stormwater/>

Revised 3/23/22

VICINITY MAP



- Notes:
- All disturbed areas will be treated as detailed below:
- BMP's will be installed prior to disturbance in the downhill locations of each area.
 - After construction/maintenance, all areas will be re-vegetated with temporary and permanent grass seed applicable to the approved mitigation plan.
 - All areas will be mulched with hay or straw to protect the soil and help grow temporary grass.

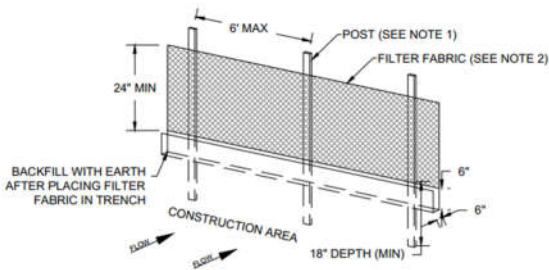


Legend

- Silt Fence
- Disturbance Area
- Stream

REVISED BY DATE	MITIGATION RESOURCES OF NORTH AMERICA	
	EXHIBIT A	
	Tobaksakola Maintenance Site Plain	
	SCALE 1" = 300'	DATE 8-25-2023
	DRAWN BY DCF	APPROVED
		DATE
	DRAWING NAME	

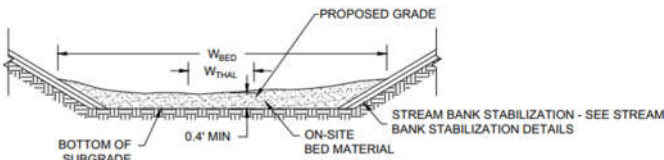
Standard BMP Details



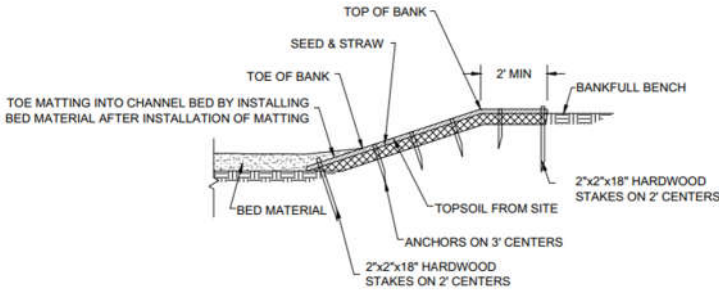
- NOTES
1. POSTS SHALL BE EITHER 3-IN THICK SOFT WOOD, 1.5-IN THICK OAK, OR 1.33 LB/LF STEEL WITH A MINIMUM LENGTH OF 4-FT. STEEL POSTS SHALL HAVE PROJECTIONS TO FACILITATE FASTENING FABRIC. SEE TABLE SB-1 FOR WOOD POST FASTENER INFORMATION.
 2. FILTER FABRIC SHALL MEET THE FOLLOWING:
 - A) MINIMUM WITH OF 36 INCHES
 - B) CONFORM TO AASHTO M288
 3. SILT FENCES TO BE INSTALLED IN LOCATIONS AS SHOWN ON THE EROSION AND SEDIMENT CONTROL PLAN AND AS DIRECTED BY THE ENGINEER PRIOR TO BEGINNING OF CONSTRUCTION.
 4. SILT FENCES TO BE MAINTAINED AND CLEANED AS NECESSARY TO MAINTAIN IN FUNCTIONAL CONDITION. SILT FENCES SHALL BE INSPECTED AT LEAST ONCE A WEEK AND AFTER EACH RAINFALL EVENT.
 5. SILT FENCES TO BE REMOVED AND THE AREA TO BE RESTORED TO ITS NATURAL CONDITION WHEN PERMANENT EROSION AND SEDIMENT CONTROL PROCEDURES ARE EFFECTIVE.

(SB) SEDIMENT BARRIER - TYPE B
NOT TO SCALE

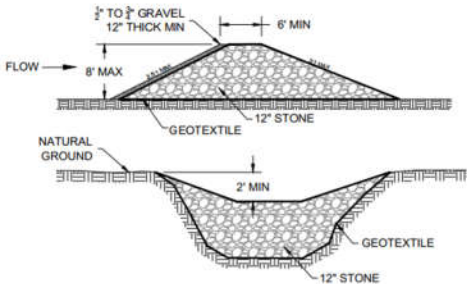
TABLE SB-1: WOOD POST FASTENERS FOR SILT FENCE				
	GAUGE	CROWN	LEGS	STAPLES/POST
WIRE STAPLES	17 MIN.	3/4" WIDE	1/2" LONG	5 MIN.
	GAUGE	LENGTH	BUTTON HEAD	NAIL/POST
NAILS	14 MIN.	1"	3/4" LONG	4 MIN.



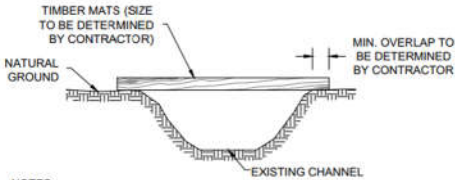
(CS) CHANNEL STABILIZATION
NOT TO SCALE



(SP) STREAM BANK STABILIZATION
NOT TO SCALE

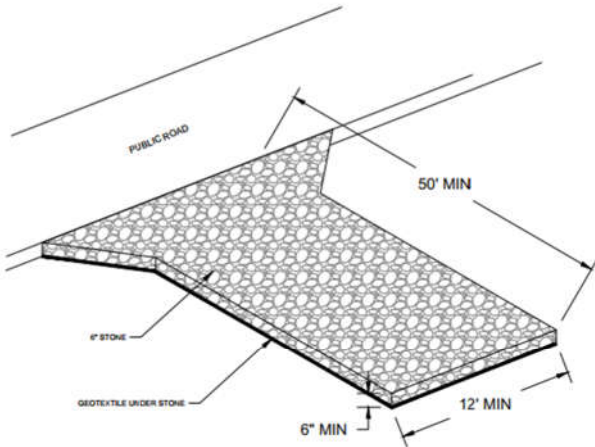


(RD) ROCK FILTER DAM
NOT TO SCALE



- NOTES
1. CONTRACTOR SHALL USE TIMBER MATS FOR ALL TEMPORARY STREAM CROSSINGS EXCEPT WHERE PERMANENT PIPE OR FORD CROSSINGS ARE USED.
 2. TIMBER MATS ARE TO BE SUFFICIENTLY LONG TO EXTEND BEYOND THE BANK SO THAT BANK FAILURE IS PREVENTED
 3. ALL TEMPORARY STREAM CROSSINGS SHALL BE MAINTAINED IN GOOD WORKING CONDITION. REGULAR INSPECTION AND MAINTENANCE OF CROSSINGS IS THE RESPONSIBILITY OF THE CONTRACTOR.

(TSC) TEMPORARY STREAM CROSSING
TIMBER MAT
NOT TO SCALE



- NOTES
1. MAINTAIN CONSTRUCTION EXIT IN CONDITION NECESSARY TO PREVENT MUD OR SEDIMENT FROM LEAVING THE SITE.
 2. IMMEDIATELY REMOVE ANY OBJECTIONABLE MATERIAL SPILLED, WASHED, OR TRACKED ONTO PUBLIC ROADWAYS.

(CEP) CONSTRUCTION EXIT PAD
NOT TO SCALE