



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, INTERIM EXECUTIVE DIRECTOR

February 11, 2020

Certified Mail No. 7019 1120 0000 4787 9246

Mr. Judd Sanborn
Mississippi Lignite Mining Company
1000 McIntire Road
Ackerman, Mississippi 3983-3435

Dear Mr. Sanborn:

Re: Mississippi Lignite Mining
Company
Choctaw County
COE No. MVK2016509
WQC No. WQC2018043

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 Mississippi Lignite Mining Company, an applicant for a Federal License or permit to conduct the following activity:

Mississippi Lignite Mining Company: Expansion of an existing surface lignite mine supplying the Red Hills Power Plant (Choctaw Generation Partnership Limited, Red Hills Generation Facility). Mining operations include construction of infrastructure (roads, channel diversions, and sedimentation ponds), overburden removal, lignite removal, and reclamation and restoration of impacted areas. The mining site is located on approximately 4143 acres, east of State Highway 9. Approximately 34 acres of temporary sedimentation ponds would be constructed. Approximately 56,950 linear feet of ephemeral streams, 57,297 linear feet of intermittent streams, 5,376 linear feet of perennial streams, 10.28 acres of forested wetlands, 19.87 acres of non-forested wetlands, and 9.13 acres of ponds would be impacted during the life of the mine. Following mining activities, streams would be re-established on-site. Mitigation would include the purchase of credits from an approved mitigation bank, on-site re-establishment and/or permittee responsible mitigation. [MVK-2017-257, WQC2018043].

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. The facility shall connect to an Office of Pollution Control or Mississippi State Department of Health (MSDH) approved wastewater collection and treatment system for sanitary wastewater. Should the facility connect to a MSDH approved system, the applicant shall provide documentation of such approvals within 30 days of the approval date.
2. The applicant shall comply with the stream buffer zone requirements as outlined in 11 Miss. Administrative Code Part 8, Chapter 2, Subchapter 2.5, Rule 53, Section 5343
3. Long-term maintenance of water quality shall be assured on the basis of adequate water quality monitoring for comparison with a baseline through the acquisition of quantitative data.
4. The applicant shall submit detailed monitoring plans for the proposed expansion area documenting water quality monitoring activities, including collection of water chemistry and biological data, for comparison with existing water quality criteria. The plan shall establish baseline conditions and monitor conditions during mining and reclamation activities until the final bond release for the mining block. The plan shall incorporate upstream and downstream monitoring stations. If the monitoring identifies problems with water quality, corrective actions shall be described. The plan shall be approved by the Department prior to implementation of any monitoring and will be in compliance with methods as outlined in the Mississippi Wastewater regulations, including an approved Quality Assurance Project Plan (QAPP).
5. The applicant shall comply with established Total Maximum Daily Loads (TMDLs) for discharges if applicable.
6. Prior to or concurrent with site development, the applicant shall implement the mitigation plan. Yearly monitoring reports of project development and operations shall be provided to the Department that accurately identifies an updated plan indicating the tracts that have been mined. These monitoring reports shall include the amount of acreage mined overall, and the amount of impacted wetlands and streams for each mining tract. An updated ledger of total wetland impact acreage and stream impacts (shown in linear feet and as perennial or intermittent) shall be provided with each report. This

report should also include the amount of in-basin mitigation activities that have been completed to date. All mining activities shall be consistent with the approvals in the State of Mississippi Coal Mining and Reclamation Permit (SMCMRP) for the mining block. These monitoring reports shall be provided to the Department until such time final bond is released as dictated in the SMCMRP for the mining block. Yearly monitoring reports shall be provided to the Department on or before November 30 of each calendar year.

7. The applicant shall submit monitoring reports of the vegetation success rate within the reclamation areas until such time final bond is released as dictated in the SMCMRP.
8. The final mitigation plan, as approved by the Department and the U.S. Army Corps of Engineers, shall be implemented with project development and operation. Monitoring reports shall be provided to the Department on a yearly basis. These monitoring reports shall be provided on or before November 30 of each calendar year. These monitoring reports shall include the Global Positioning System (GPS) points at which the monitoring occurred. The mitigation monitoring reports shall specifically include the success of the wetland mitigation areas as well as the stream mitigation activities at the referenced GPS points at a minimum. Any required re-plantings to meet mitigation performance standards shall be accomplished in the following planting season. Mitigation monitoring reports shall be provided to the Department until final bond release of performance bonds for the mining block. The applicant shall provide adequate financial assurance (i.e., performance bonds, letter of credit, etc.) to insure attainment of success criteria and compliance for the mitigation plan.
9. The applicant shall implement an adaptive management strategy to ensure compliance with all requirements provided in this certification. The applicant shall provide the implementation strategies to the Department with a corrective action plan within a reasonable period of time, not to exceed 30 days after identification of noncompliance parameter and conditions. Prior to implementation of such strategies, the applicant shall coordinate with the Department to determine if additional approvals are necessary for the proposal.
10. At such time that mitigation and reclamation activities are complete and relevant areas have been released from performance bonds, the permittee shall provide copies of the written notification to mitigation property owners of the presence of restored jurisdictional waters. These letters shall be provided to the Department within 30 days of the date of property owner notification.

11. The off-site permittee responsible stream mitigation areas (Tobaksakola Mitigation Site) shall be placed in a conservation easement. The applicant shall record the easement 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. A certified copy of the easement must be furnished to the Department within 30 days of the recording.
12. 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 prior to the start of the specific regulated activity. This certification does not alleviate the applicant of other permit requirements and/or responsibilities.
13. Mississippi Lignite Mining Company personnel, having the authority to stop work on the project, shall visit the project site on each day that work is occurring to observe work activity and permit compliance. Should a violation of certification conditions occur, the Department shall immediately be notified and corrective actions should be outlined as required in Condition I.
14. All stormwater runoff from impervious surfaces that does not flow through an NPDES permit discharge point must be directed through grass swales. All runoff shall be treated via grassed swales before discharge into adjacent waters, including avoided wetland areas. Such grassed swales shall be designed to meet the following criteria:
 - a. The swales shall be designed for a 1-year, 24-hour design storm.
 - b. There shall be no contiguous areas of standing or flowing water within 72 hours following storm event.
 - c. Peak discharges shall be less than 5 to 10 cubic feet per second.
 - d. Water velocity shall not exceed 1.0 to 1.5 ft/s.
 - e. Maximum design flow depth shall be 1 foot. The cross-section side slopes shall be 3:1 (horizontal:vertical) or flatter.
 - f. Swale length shall be at least 100 feet per acre of drainage area.
 - g. Underlying soils shall have high permeability.
 - h. Swale area shall be tilled before grass cover established.

- i. Swales must be planted with or have stabilized native vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake.
 - j. Swale slopes shall be graded as close to zero to permit drainage and should not exceed 2%.
15. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
16. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

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 you have any questions, please contact Florance Bass.

Sincerely,



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

KR: fb

cc: Ed Janak
Kristi Hall, U.S. Army Corps of Engineers, Vicksburg District
David Felder, U.S. Fish and Wildlife Service
Mollie Martin, Environmental Protection Agency