



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

April 21, 2020

Mr. Jerome Benoit
Phylway Construction, LLC
1074-A Highway 1
Thibodaux, Louisiana 70301

Dear Mr. Benoit:

Re: Phylway Construction, LLC Haul Road
Warren County
COE No. MVK2019997
WQC No. 2020007

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, Phylway Construction, LLC, an applicant for a Federal License or permit to conduct the following activity:

Phylway Construction, LLC Haul Road: Discharge of dredge and/or fill material into jurisdictional wetlands for the construction of a haul road across and existing borrow pit. The construction of the project would provide a stable haul road to facilitate the hauling of clay from a borrow area to a US Corp. of Engineers project involving levee enlargement. The proposed haul road right-of-way would be approximately 445 feet long by approximately 100 feet wide. The road through jurisdictional areas would be approximately 445 feet long by 60 feet wide. The total project site is approximately 1.14 acres in size containing approximately 0.60 acre of jurisdictional wetlands and 0.52 acres of open water. The proposed project would result in the clearing and filling of 0.49 acre of wetlands, fill of 0.46 acre of open water, along with the clearing of 0.11 acre of wetlands. Water connectivity would be maintained within the borrow pit through the installation of an 80 feet long by 36 inch diameter culvert in the haul road. Approximately 10,500 cubic yards of clay fill material would be placed within the wetlands and open water. The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from an approved mitigation bank. The site is located in Redwood, Warren County, Mississippi. [MVK2019997, WQC2020007].

OFFICE OF POLLUTION CONTROL
Post Office Box 2261 Jackson, Mississippi 39225-2261 · Tel: (601) 961-5171 · Fax: (601) 354-6612 · www.mdeq.ms.gov
AN EQUAL OPPORTUNITY EMPLOYER

77092 WQC20200001

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. In the event of any BMP failure, corrective actions shall be taken immediately.
3. A NPDES Small Construction Notice of Intent package must be completed for this project.
4. Mitigation for the impacts of 1.06 acres of wetlands shall be provided by the purchase of mitigation credits jurisdictional wetlands shall be provided from an approved mitigation bank. The number of credits purchased must be in accordance with the banking prospectus and should be based upon that required for permanently impacting approximately 1.06 acres of jurisdictional wetlands. 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.

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 Montie Hardaway Glenn at (601) 961-5596.

Sincerely,



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

KR:mhg

cc: Andy Sanderson, U.S. Army Corps of Engineers, Vicksburg District
Tamara Campbell, U.S. Fish and Wildlife Service
Molly Martin, Environmental Protection Agency
Paul Hogan, Phylway Construction, LLC