

Engineering Plus, Inc.

Planning • Surveying • Testing • Landscape Design

August 2, 2024

Ms. Charity Rockingham
Mississippi Department of Environmental Quality
P.O. Box 2261
Jackson, MS 39225

*Re: JWC Environmental Waste Transfer Station – Permit Application
Lauderdale County, MS*

Dear Ms. Rockingham

On behalf of JWC Environmental LLC, this permit application is being submitted to permit the construction of a Waste Transfer Station located at the I20/59 industrial park in Lauderdale County. Enclosed you will find, in duplicate, the application, disclosure form and pertinent information regarding the proposed Transfer Station addition. The proposed Transfer Station will be incorporated into the amendment of the Lauderdale County Local Solid Waste Management Plan.

Upon approval of the updated plan the Lauderdale County Board of Supervisors must publish a public notice as well as notify adjacent counties in writing describing the request for updated the existing plan. The updated plan will also be made available for review from the public and adjacent counties.

Following the deadline noted in the public notice and the associated public hearing, the Board may act and approve the request to update the existing plan based upon any public comments. Once Board approval is received, the pertinent information will be submitted to MDEQ for final approval of the local solids waste management plan and subsequently the permit application for the JWC Environmental LLC Transfer Station.

Please review the enclosed documents and provide any comments as necessary. JWC Environmental LLC and Engineering Plus, Inc. certainly appreciate your immediate attention to this matter. Please feel free to contact me should you have any questions.

Sincerely,



Lucas Leeper, P.E.
Project Engineer
Enclosure: As noted

Form T-1
March 12, 1999

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL
ENVIRONMENTAL PERMITS DIVISION**

**APPLICATION FOR A CERTIFICATE OF COVERAGE UNDER A GENERAL PERMIT
OR AN INDIVIDUAL PERMIT TO OPERATE A SOLID WASTE TRANSFER STATION**

PART 1. General Data

1. Name of the proposed facility: Lauderdale County Waste Transfer Station

2. Name, address and telephone number of applicant:

JWC Environmental LLC.
(Name)

1400 Willow Lake Road
(Street address, P.O. Box, etc.)

<u>Marion</u>	<u>MS</u>	<u>39364</u>
(City)	(State)	(Zip)

Telephone Number: 601-693-7713

3. Name, address, and telephone number of contract operator (if not applicable, so indicate):

NA
(Name)

NA
(Street address, P.O. Box, etc.)

<u></u>	<u></u>	<u></u>
(City)	(State)	(Zip)

Telephone Number:

4. Name, address, and telephone number of the landowner (if same as applicant, so indicate):

Lauderdale County Board of Supervisors
(Name)

612 22nd Ave
(Street address, P.O. Box, etc.)

Meridian MS 39301
(City) (State) (Zip)

Telephone Number: 601-482-9746

5. Include a complete copy of the land deed, certified by the county clerk.
6. When the applicant intends to lease rather than own the land on which the proposed site is located, there shall be attached to this application a notarized statement signed by the owner of the land which acknowledges and concurs in the use of this property as a transfer station. (See Attachment A for form).
7. If the applicant or the contract operator is not a public agency, disclosure information must be included with the application, as required by Section 17-17-501, et seq., Mississippi Code Annotated. The disclosure information must be submitted on forms supplied by the Department.

Part 2. Property Information and Maps

8. The proposed facility location is in Lauderdale County.

9. The total property consists of +7 acres and lies in the following topographic sections:

<u>Section</u>	<u>Township</u>	<u>Range</u>
<u>2</u>	<u>6 N</u>	<u>16 E</u>
_____	_____	_____

10. The actual area for the transfer and storage operation, excluding buffer zones and other unused areas, will be approximately +5 in size (specify acres, sq. feet, or sq. yards).
11. Attach a copy of the United States Geological Survey (USGS) topographic quadrangle map of the area. The property boundaries of the site and the approximate transfer and storage area should be drawn onto the map. The map may be a high quality photocopy.
12. Attach a site map, drawn to scale, showing the boundaries of the property, buffer distances to the property lines, waste unloading area, roads, storage areas for waste, and other physical characteristics of the site.

Will the proposed facility be adequately enclosed within a walled and roofed structure?

yes no

If yes, the buffer distance to the property line should be at least 50 feet.

If no, the buffer distance to the property line should be at least 200 feet.

Exceptions to the above buffer distances may be allowed by the Department upon documentation of compliance with Section III.T of the state regulations.

Part 3. Local Government Regulation/Solid Waste Management Plans

13. Attach a letter from the appropriate County or City official confirming that the siting of the proposed facility will be in conformance with all local laws, regulations, and ordinances, or that no such laws, regulations, or ordinances are applicable.
14. The proposed facility must be consistent with the approved local solid waste management plan, as submitted to the Department by the local solid waste management authority. If such plan has been approved, attach a copy of the page(s) of the plan which recognizes the operation of this facility.

Part 4. Demonstration of Need

15. *Verification that the facility for which the permit is sought meets the twenty year capacity needs identified in the county or regional nonhazardous solid waste management plan which shall take into account the quantities of municipal solid waste generated and the design capacities of existing facilities.*

If the proposed facility is included in and is consistent with the local solid waste management plan, then the facility meets the twenty year capacity needs. Is the proposed facility included in and consistent with the local solid waste management plan? yes no. If not, provide explanation on an attached sheet.

16. *Demonstration that the host jurisdiction and the jurisdiction generating the solid waste destined for the applicant's facility are actively involved in, and have a strategy for meeting the statewide waste minimization goal.*

Certification that the proposed service area of the facility is consistent with a local solid waste management plan.

Every approved local solid waste management plan has an approved waste minimization strategy included in the plan. If the jurisdiction (excluding out-of-state jurisdictions) generating the solid waste destined for the facility (the proposed service area) has an approved local solid waste management plan, the first requirement above is met. The service area for the proposed facility must be consistent with the service area as specified in the approved local solid waste management plan for this facility. List below the service area of the facility (by city, county and/or state):

Lauderdale County, Meridian, and Naval Air Station

17. *The extent to which the proposed facility is needed to replace other facilities.*

Many of the state's landfills were forced to close in 1993 and 1994 due to the Subtitle D regulations. Disposal at the remaining landfills became more expensive and in most cases, involved a long haul out of county. As a result, it has become economically and environmentally advantageous to find alternate or supplemental disposal/management methods for solid waste and rubbish waste. Is this situation representative for your proposed facility? yes no. If not, provide on an attached sheet a description of the extent to which the proposed facility is needed to replace other facilities.

Part 5. Plan of Operation

18. Attach a description of the types of wastes (i.e., household garbage, commercial waste, industrial waste and/or institutional waste) and an estimate of the quantities (in tons/day) expected to be managed at the transfer station.
19. Attach a description of the transfer station equipment and/or structures. A hopper or deflector shield must be provided at the point of unloading wastes onto a transfer vehicle to prevent spillage of waste. If truck scales are planned, the design and installation must be in compliance with the requirements and regulations of the Weights and Measures Division of the Mississippi Department of Agriculture and Commerce.
20. Attach a plan of operation, to include the following items, at a minimum:

(For Both Direct-Dump and Tipping Floor Transfer Stations)

- a. A narrative description of the operation from the point of waste unloading, through all steps of the transfer station operations, to the point of waste removal. Confirm whether unloading of wastes will be directly into a compactor or trailer or whether unloading will be directly onto a tipping floor or ground.
- b. Plan for fire prevention and actions to be taken in the event of an accidental fire.
- c. Plan for litter control.

- d. A description of the site security and monitoring provisions at the site (e.g., gates, perimeter fences, enclosed buildings, etc.). The plan must indicate that an attendant will be onsite during operating hours.

(Additional Operational Information for Tipping Floor Transfer Stations Only)

- c. Plan for adequately cleaning and/or washing down, on a daily basis, all tipping floor and equipment that come in contact with wastes.
- f. A description of surface water control features, including controls for run-on, run-off, and measures to prevent any washout or escape of waste from the facility.
- g. A description of how any liquids accumulated at the proposed facility, including leachate, washwater, or contaminated rainfall runoff shall be controlled, collected and disposed of.

Part 6. Siting Requirements For All Transfer Stations

- 21. Attach a letter from the U. S. Army Corps of Engineers regarding the wetlands determination of the proposed facility location. If the facility is within wetlands, also attach documentation of approval for the proposed transfer station operation, as required by federal law.
- 22. For proposed facilities located in southern Hancock, Harrison or Jackson counties, attach a letter from the Mississippi Department of Marine Resources regarding the coastal wetlands determination of the proposed facility location. If the facility is within coastal wetlands, also attach documentation of approval for the proposed transfer station operation, as required by state law.
- 23. Is the facility located in an area which may result in recurring washout of waste, such as within a drainage ditch, along the banks of a drainage channel, along the banks of any surface water, or similar area? yes no
- 24. Attach documentation from the U. S. Fish and Wildlife Service and/or the Mississippi Department of Wildlife, Fisheries and Parks stating that the operation of the facility in the proposed location will not affect a federally or state listed endangered or threatened species, or attach documentation that the proposed operation is in compliance with all statutes, rules and regulations within the jurisdiction of the U.S. Fish and Wildlife Service and the Mississippi Department of Wildlife, Fisheries and Parks concerning listed endangered or threatened species.

Part 7. Additional Siting Criteria For Certain Transfer Stations

(Note: This section is not applicable to sites that propose to receive only non-polluting, generally inert waste, such as uncontaminated brick, mortar, concrete, stone, asphalt, and natural vegetation, such as stumps, limbs, or leaves. This section is applicable to sites that propose to receive household garbage, commercial, industrial, and/or institutional waste.)

25. Is the proposed facility located within the 100 year floodplain?

yes no

If yes, attach a demonstration that the facility will not restrict the flow of the 100 year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health or the environment.

26. Will the proposed facility be located within 100 feet of the banks of any river, stream, lake, reservoir, or coastal water? yes no

If yes, the proposed facility must be adequately enclosed within a walled and roofed structure.

27. Attach original written comments (not a photocopy) from the Mississippi Department of Archives and History regarding the impact of the siting of the proposed operation to any cultural resource listed in, or eligible for listing in, the National Register of Historic Places. If the initial determination is that a significant and adverse impact will occur, attach documentation of appropriate mitigation.

Part 8. Signature and Date

I certify that the information provided in this application form is a true and correct representation of that which is requested. I am aware that there are significant penalties for knowingly submitting false information.

I also confirm that I have received a copy, have read and understand those sections of the Mississippi Nonhazardous Waste Management Regulations applicable to transfer stations.

Billy Jay
(Signature of applicant)

Operations / Partner
(Title, if applicable)

4-28-21
(Date)

ATTACHMENT - A
(Landowner should complete this form if land is to be leased)

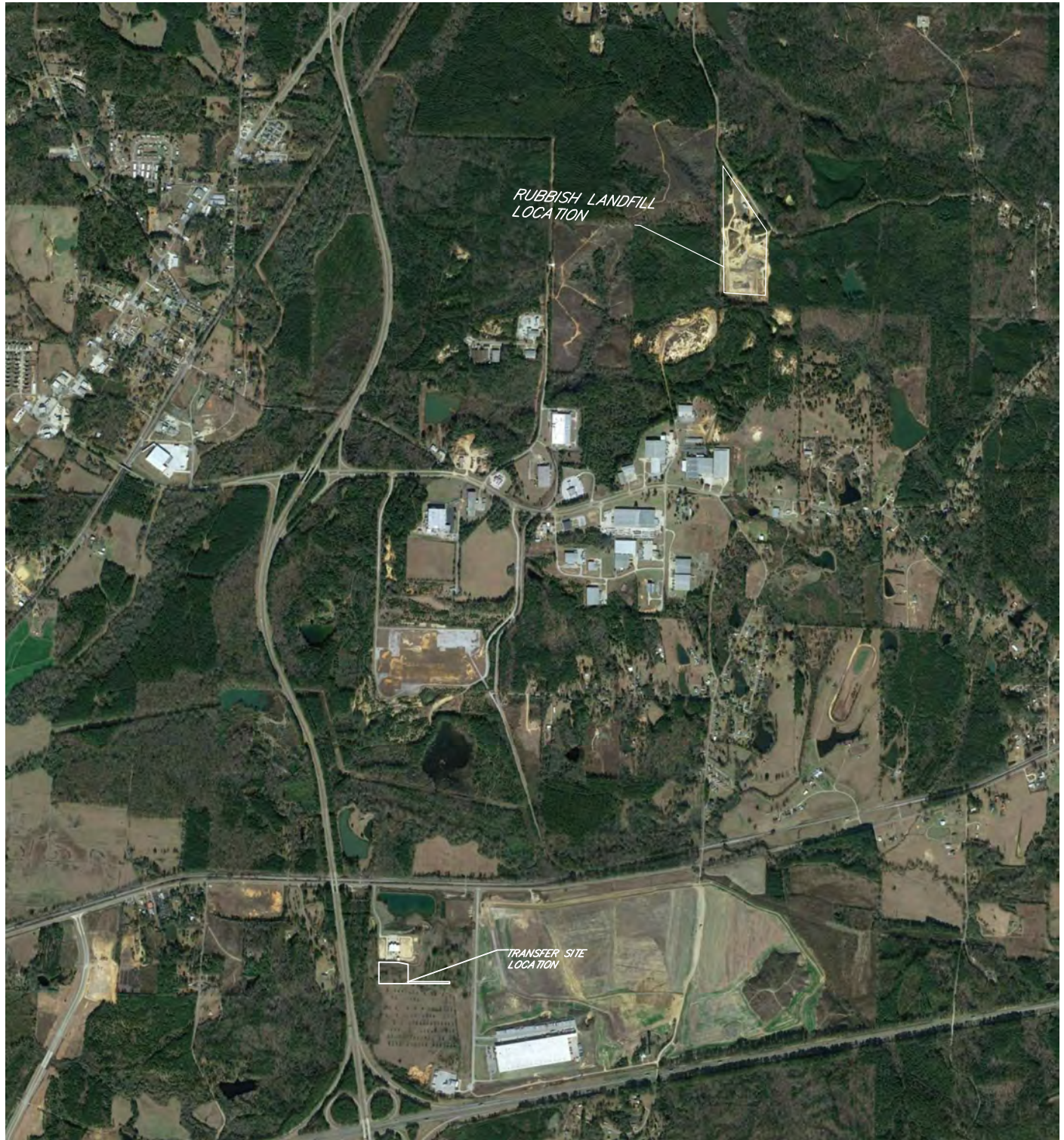
PROVIDE LEGAL DESCRIPTION OF THE PROPERTY

As owner of the above-described property, I hereby acknowledge that the property described in this permit application is leased for the purpose of operating a compost facility and that as owner of the property, I may be held jointly and severally responsible for maintenance of the site and all liabilities associated with the site upon termination of the operation. The lease agreement for the proposed property will expire on _____.

(Signature of the landowner)

(Date)

Property Information and Maps



*RUBBISH LANDFILL
LOCATION*

*TRANSFER SITE
LOCATION*

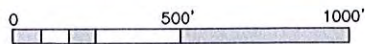
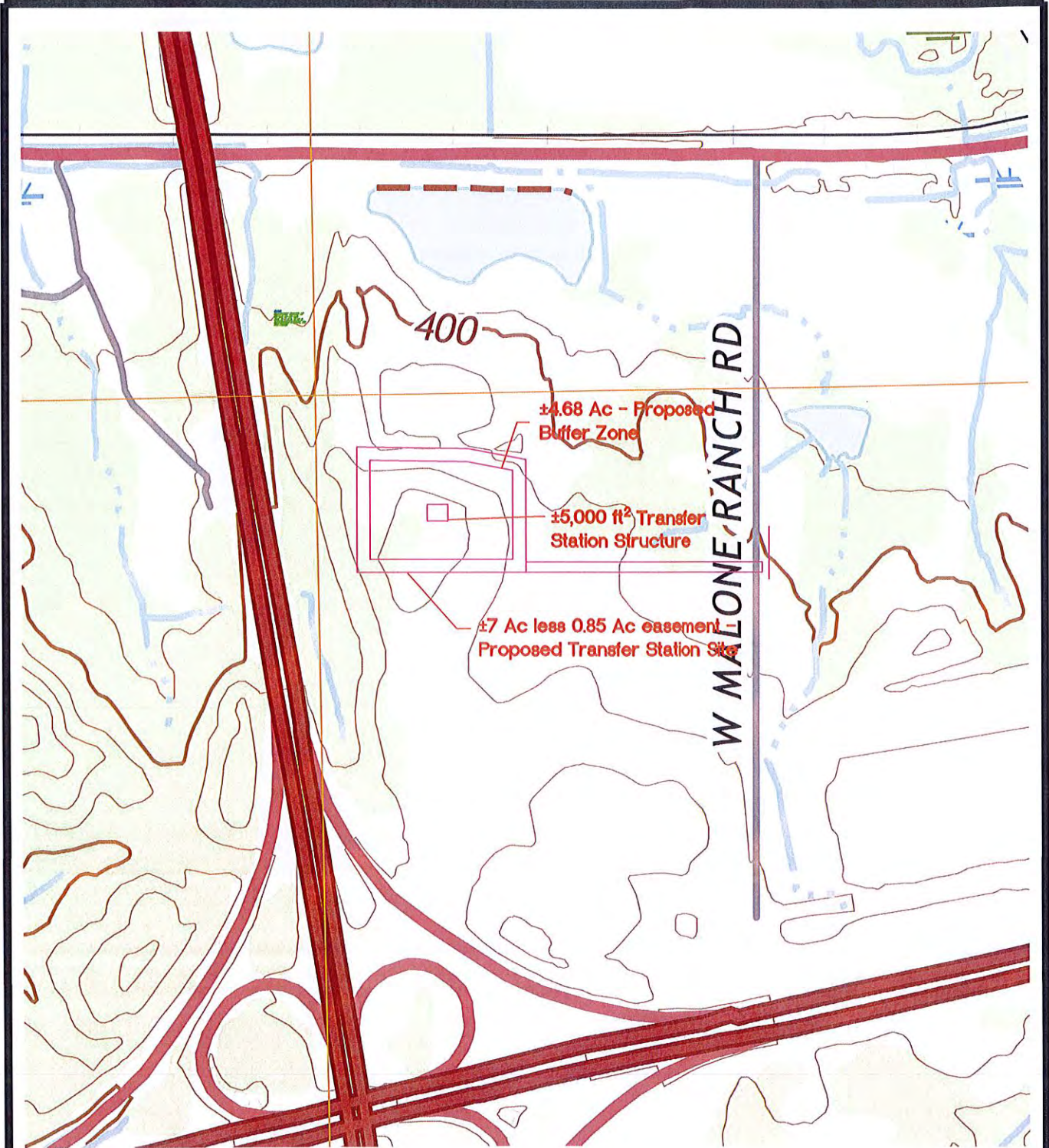


PROPOSED JWC ENVIRONMENTAL
RUBBISH LANDFILL AND TRANSFER SITE
LAUDERDALE COUNTY, MS

EP Proj 20-133 Date: 5-14-21

Engineering Plus

Planning - Surveying - Testing - Landscape Design
1724-B 23rd Ave. Sardis, Mississippi 38501 (601) 683-6234



SCALE: 1" = 500'

Engineering Plus

Planning • Surveying • Testing • Landscape Design
1724-B 23rd Ave. Meridian, Mississippi 39301 (601) 893-6234



PROPOSED JWC ENVIRONMENTAL
PROPOSED TRANSFER STATION
LAUDERDALE COUNTY, MS

EP Proj 20-133 Date: 5-14-21



500
 Summary corner of
 11.27' of lot 1 & 2
 11.27' of lot 3, 4, 5, 6, 7
 11.27' of lot 8, 9, 10, 11
 11.27' of lot 12, 13, 14, 15
 11.27' of lot 16, 17, 18, 19, 20

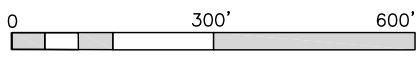
EXISTING MS HIGHWAY
 PATROL STATION
 +-32.6 ACRES

±5,000 ft² Transfer
 Station Structure

ADDRESS:
 2727 Southern Way Blvd
 Meridian, MS 39301

±7 Ac less 0.85 Ac easement -
 Proposed Transfer Station Site

MDOT Right of Way



SCALE: 1" = 300'

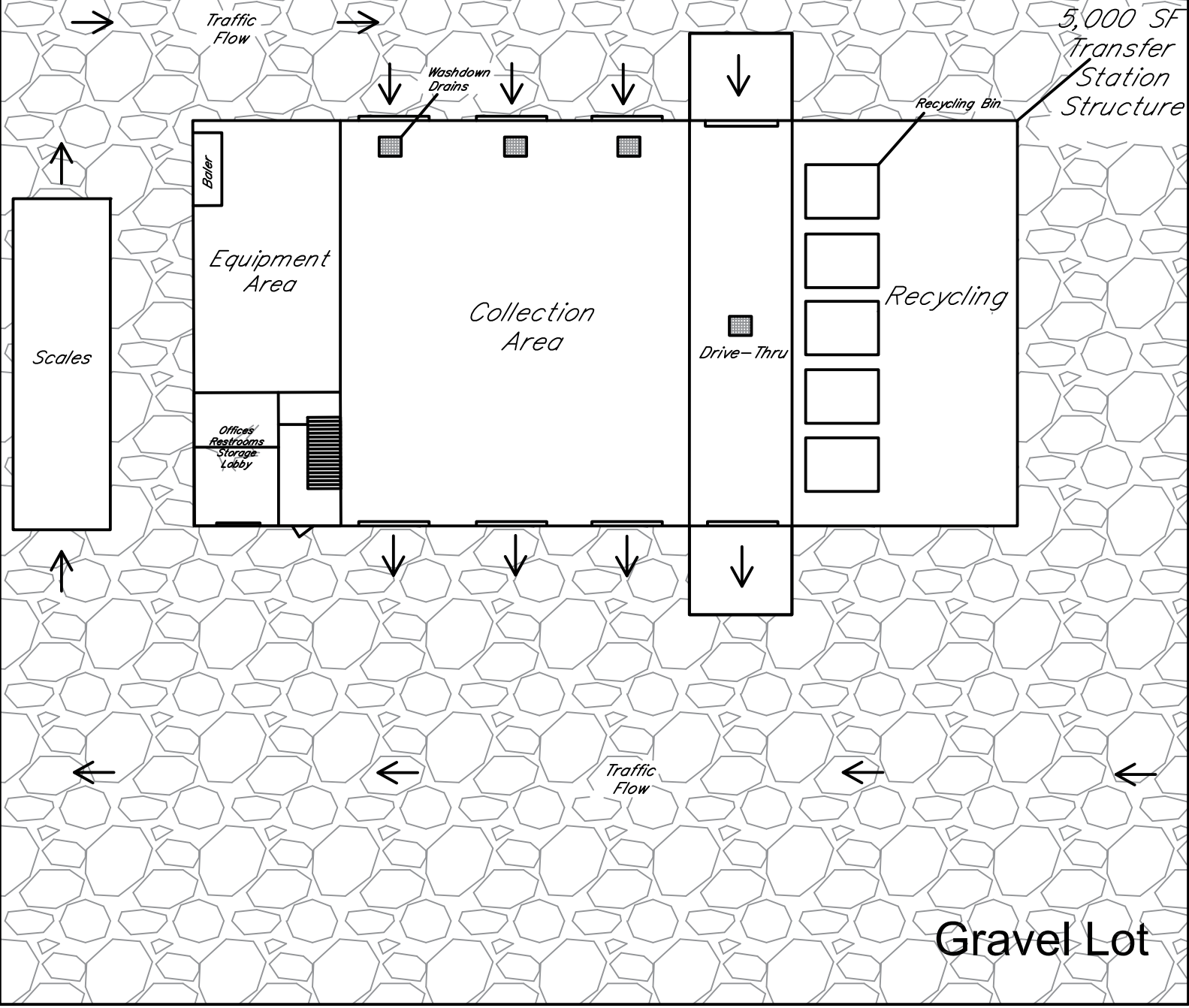


PROPOSED JWC ENVIRONMENTAL
 TRANSFER STATION SITE
 LAUDERDALE COUNTY, MS

Engineering Plus
 Planning - Surveying - Testing - Landscape Design
 1724-B 23rd Ave. Meridian, Mississippi 39301 (601) 693-4234

EP Proj 20-133 Date: 7-23-24

TRANSFER STATION SITE



PROPOSED JWC ENVIRONMENTAL
TRANSFER STATION SITE
LAUDERDALE COUNTY, MS

16

WARRANTY DEED

11284

FOR AND IN CONSIDERATION of Ten Dollars (\$10) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **Four M Ranch LLC**, a Mississippi limited liability company ("Grantor"), does hereby sell, convey, and warrant to **Lauderdale County Economic Development District** ("Grantee") the land described on Exhibit "A" attached hereto and incorporated herein which is located in Lauderdale County, Mississippi, together with all improvements and appurtenances located on the property.

This conveyance and the warranty hereof are subject to all oil, gas and mineral leases, mineral reservations and conveyances, easements, and rights-of-way recorded in the office of the Chancery Clerk of Lauderdale County, Mississippi, and which affect the above-described property.

Ad valorem taxes have been prorated as of the closing, and Grantee shall pay ad valorem taxes for 2000 when such taxes are due and payable.

IN WITNESS WHEREOF, Grantor has executed this instrument on October 24, 2000.

FOUR M RANCH LLC

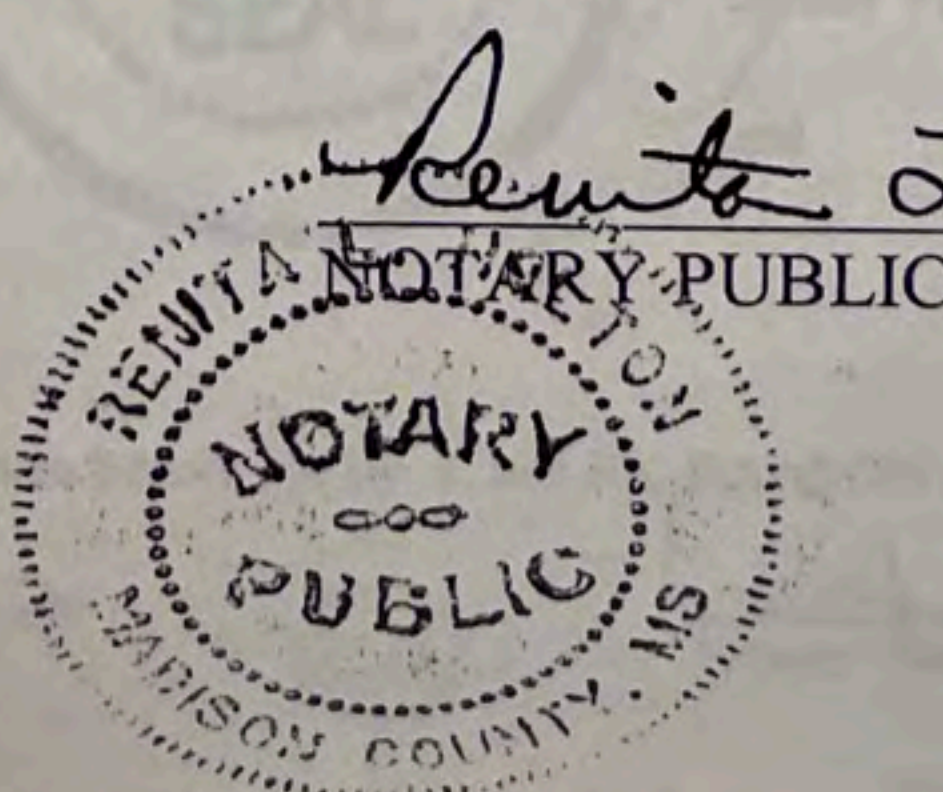
By: William J. Van Devender
William J. Van Devender, Sole Member

STATE OF MISSISSIPPI
COUNTY OF Hinds

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24th day of October, 2000, within my jurisdiction, the within named **William J. Van Devender**, who acknowledged that he is the sole member of Four M Ranch LLC, a limited liability company organized under the laws of Mississippi, and that for and on behalf of said limited liability company, and as its act and deed, he executed the above and foregoing instrument after first having been duly authorized by said limited liability company so to do.

My commission expires:

Notary Public State of Mississippi At Large
My Commission Expires: October 27, 2000
BONDED THROUGH HEIDEN MARCHETTI, INC.



REC. EX. A. TO PAGE OR U.C.
FILE NO. AS SHOWN
WITNESS MY HAND AND SEAL
From William J. Van Devender
CHANCERY CLERK

STATE OF MISSISSIPPI
LAUDERDALE COUNTY
RECEIVED THIS INSTRUMENT
AND FILED AND RECORDED
00 NOV 21 PM 2:51

STATE OF MISSISSIPPI
LAUDERDALE COUNTY
RECEIVED THIS INSTRUMENT
AND FILED AND RECORDED
00 NOV 21 PM 2:51
IN REC. BK. AND PAGE OR U.C.
FILE NO. AS SHOWN
WITNESS MY HAND AND SEAL
From William J. Van Devender
CHANCERY CLERK

GRANTOR:

Four M Ranch LLC
Post Office Box 5327
Jackson, Mississippi 39296
(601) 354-0904

GRANTEE:

Lauderdale County Economic Development District
COURTHOUSE ANNEX
MERIDIAN, MS. 39301
(601) 482-9746

INDEXING INSTRUCTIONS: The land subject to this instrument is located in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 2, Township 6 North, Range 16 East, and the NW $\frac{1}{4}$ of Section 11, Township 6 North, Range 16 East, Lauderdale County, Mississippi.

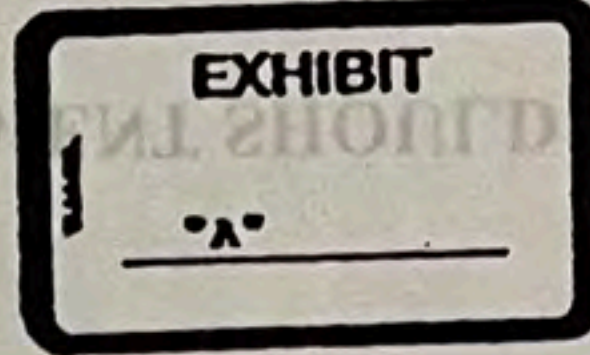
THIS INSTRUMENT WAS PREPARED BY:

Brunini, Grantham, Grower & Hewes, PLLC
Attn: Walter S. Weems
Post Office Drawer 119
Jackson, Mississippi 39205
(601) 948-3101

AFTER RECORDING, THIS INSTRUMENT SHOULD BE RETURNED TO:

J. L. Prichard
Bourdeaux & Jones
505 Constitution Avenue
Meridian, Mississippi 39301

BOOK 1642 PAGE 396-A



The SE 1/4 of the NE 1/4, LESS AND EXCEPT those parts thereof previously conveyed to the Alabama Great Southern Railroad Company, the State Highway Commission of Mississippi, and Lauderdale County, Mississippi, and the East 1/2 of the SE 1/4, LESS AND EXCEPT that part thereof previously conveyed to the State Highway Commission of Mississippi; all in Section 2, Township 6 North, Range 16 East, Lauderdale County, Mississippi;

The West 1/2 of the SE 1/4, the East 1/2 of the SW 1/4, LESS AND EXCEPT that part thereof previously conveyed to the State Highway Commission of Mississippi; all that part of the East 1/2 of the NW 1/4 lying South of Nanabe Creek, LESS AND EXCEPT that part thereof previously conveyed to the State Highway Commission of Mississippi (Book 191 at Page 498) and the Alabama Great Southern Railroad Company (Book 9 at Page 113); and the SW 1/4 of the NE 1/4, LESS AND EXCEPT that part thereof previously conveyed to the State Highway Commission of Mississippi (Book 191 at page 498), and the Alabama Great Southern Railroad Company, all in Section 2, Township 6 North, Range 16 East, Lauderdale County, Mississippi;

WITHIN LINES; commencing at a point 440 feet East of the NW corner of the NE 1/4 of the NW 1/4 of Section 11, Township 6 North, Range 16 East, and run thence South a distance of 318 feet, more or less, to the center of a public road, known as the Old Russell Road, and run thence East along the center of said public road a distance of 209 feet, run thence North a distance of 318 feet, more or less, to the North line of said NE 1/4 of NW 1/4, run thence East a distance of 132 feet to the point of beginning, run thence South a distance of 318 feet, more or less, to the centerline of a public road, run thence in a Northeasterly direction along the centerline of said public road to the point where it intersects the North line of said NE 1/4 of NW 1/4, run thence West along said North line of said NE 1/4 of NW 1/4 to the point of beginning, containing 2 acres, more or less, and being within a part of the NE 1/4 of the NW 1/4 of said Section 11, LESS AND EXCEPT that part heretofore conveyed to the State Highway Commission of Mississippi (Book 687 at Page 443);

FOUR M RANCH LLC, a MS limited liability company

By: [Signature]

LAUDERDALE COUNTY ECONOMIC DEVELOPMENT DISTRICT

By: [Signature]

(Signed for Identification Purposes Only)

.....State of Mississippi.....
.....Lauderdale County.....
Ann Wilson Hayes, Chancery Clerk
Doc#-011413 11-28-07 01:24 PM

BOOK **2262** PAGE **57**

THIS INSTRUMENT PREPARED BY:
J. Richard Barry (MSB# 2077), of
BOURDEAUX & JONES
P.O. Box 2009
Meridian, MS 39302-2009
Phone: 601-693-2393

INDEXING INSTRUCTIONS: Southeast ¼ of the Northwest ¼ and part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 6 North, Range 16 East, Lauderdale County, Mississippi.

STATE OF MISSISSIPPI
COUNTY OF LAUDERDALE

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION of the Grantee agreeing to construct a building to house the Highway Safety Substation in Lauderdale County, Mississippi, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, and pursuant to Section 29-1-15 of the Mississippi Code, 1972, as amended, the undersigned **THE LAUDERDALE COUNTY ECONOMIC DEVELOPMENT DISTRICT, by and through its appointed officers**, does hereby sell, convey and specially warrant unto **THE STATE OF MISSISSIPPI**, all of their right, title and interest in and to the following described real property lying and being situated in Lauderdale County, Mississippi, for the use and benefit of the Mississippi Highway Safety Patrol to construct a new Highway Patrol Substation, to-wit:

See Exhibit "A" attached hereto

together with all and singular the improvements thereon and appurtenances thereunto belonging.

There is excepted from the warranty of this instrument and the property described herein is conveyed subject to the following:

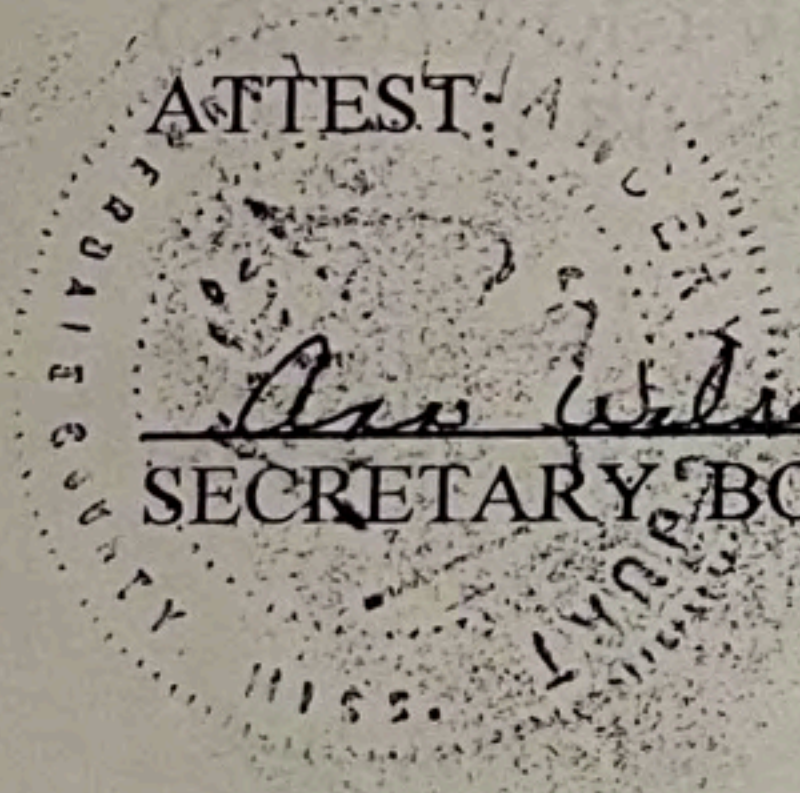
1. Reserving, however, unto the Grantor, the Trustees of the Lauderdale County Economic Development District, all of Grantor's right, title and interest in and to any and all oil, gas, and other minerals situated in, on or under the subject property, without surface rights of ingress and egress for development.
2. The Grantor, the Trustees of the Lauderdale County Economic Development District, reserve the right and option to purchase for fair market value, the building and any improvements if they are no longer used by any State Agency of the State of Mississippi.
3. It is understood that if the Grantee ceases to operate the building and/or improvements with a state agency as tenant and if either the Lauderdale County Economic Development District, exercises the right and option to purchase for the fair market value of the building and any improvements, then the land conveyed herein shall be reconveyed at no cost to the Lauderdale County

Economic Development District, Lauderdale County, Mississippi whenever it exercises the option to purchase.

WITNESS THE SIGNATURE of the undersigned Grantors, this the 19th day of November, 2007.

LAUDERDALE COUNTY ECONOMIC DEVELOPMENT DISTRICT

BY: *Jimmie Smith*
Jimmie Smith, Chairman



Ann Wilson Hayes
SECRETARY BOARD OF TRUSTEES

ACCEPTED:

STATE OF MISSISSIPPI:

Eric Clark
ERIC CLARK, SECRETARY OF STATE

Nov. 28, 2007
DATE

George Phillips
GEORGE PHILLIPS, COMMISSIONER

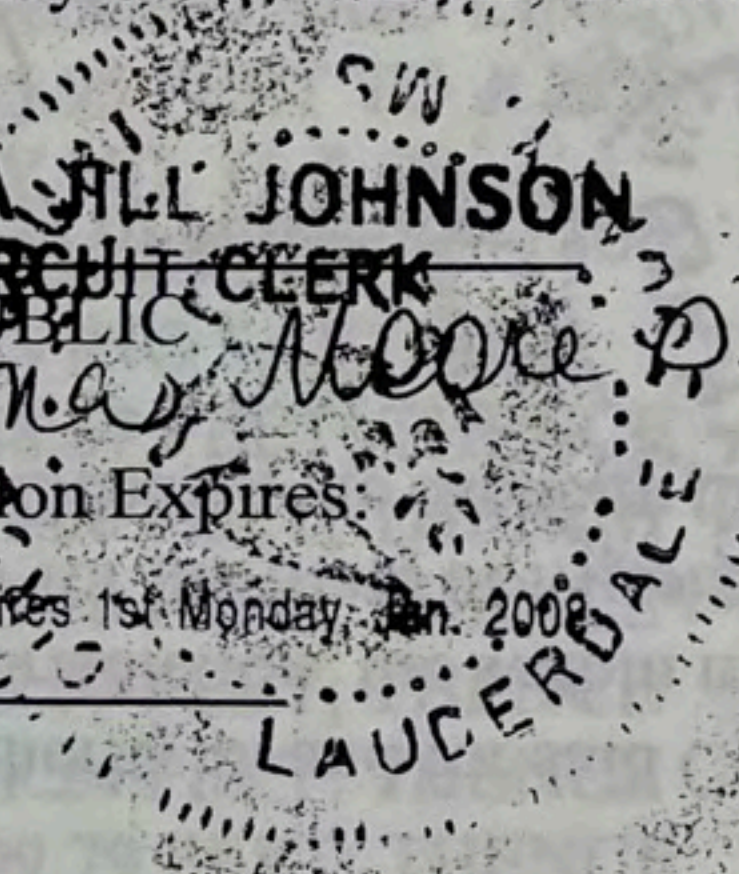
11-27-07
DATE

STATE OF MISSISSIPPI
COUNTY OF LAUDERDALE

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this the 19th day of November, 2007, within my jurisdiction, the within named Jimmie Smith and Ann Wilson Hayes, who acknowledged that they are the Chairman and Secretary, respectively, of the Lauderdale County Economic Development District, and that they executed the above and foregoing Special Warranty Deed, in the capacity therein set forth, after first having been duly authorized so to do.

GIVEN under my hand and official seal on this the 19th day of November, 2007.

DONNA JILL JOHNSON
CIRCUIT CLERK
NOTARY PUBLIC
By Anna Moore P.C.
My Commission Expires:
My Commission Expires 1st Monday, Jan. 2008



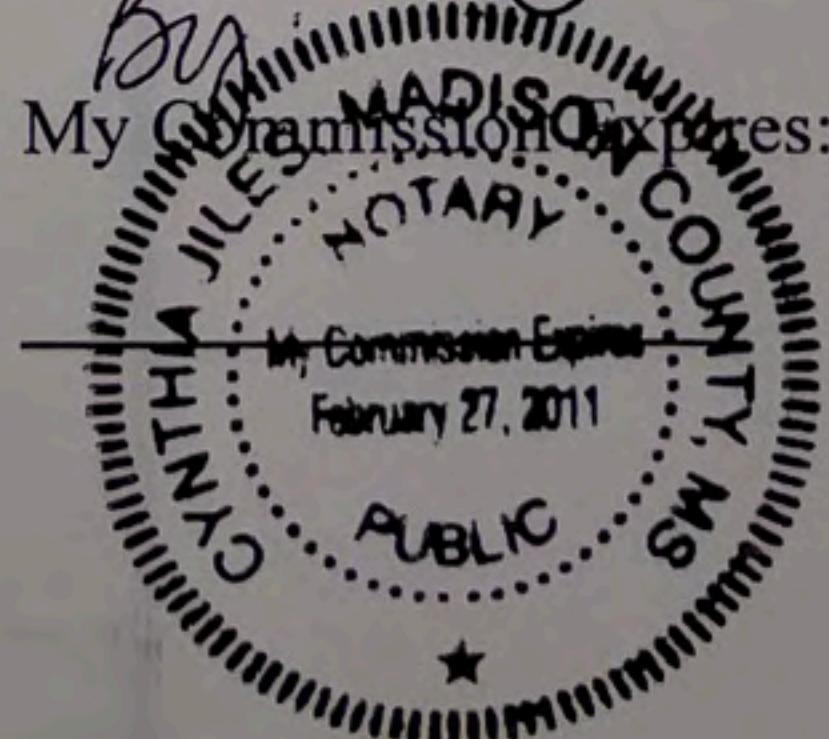
STATE OF MISSISSIPPI
COUNTY OF Lauderdale

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this the 28th day of November, 2007, within my jurisdiction, the within named Eric Clark, who acknowledged that he is the Secretary of State, State of Mississippi, and that they executed the above and foregoing Special Warranty Deed, in the capacity therein set forth, after first having been duly authorized so to do.

GIVEN under my hand and official seal on this the 28th day of November, 2007.

Cynthia Jeter
NOTARY PUBLIC

By
My Commission Expires:



PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this the 27 day of November, 2007, within my jurisdiction, the within named George Phillips, who acknowledged that he is the Commissioner for the State of Mississippi and that they executed the above and foregoing Special Warranty Deed, in the capacity therein set forth, after first having been duly authorized so to do.

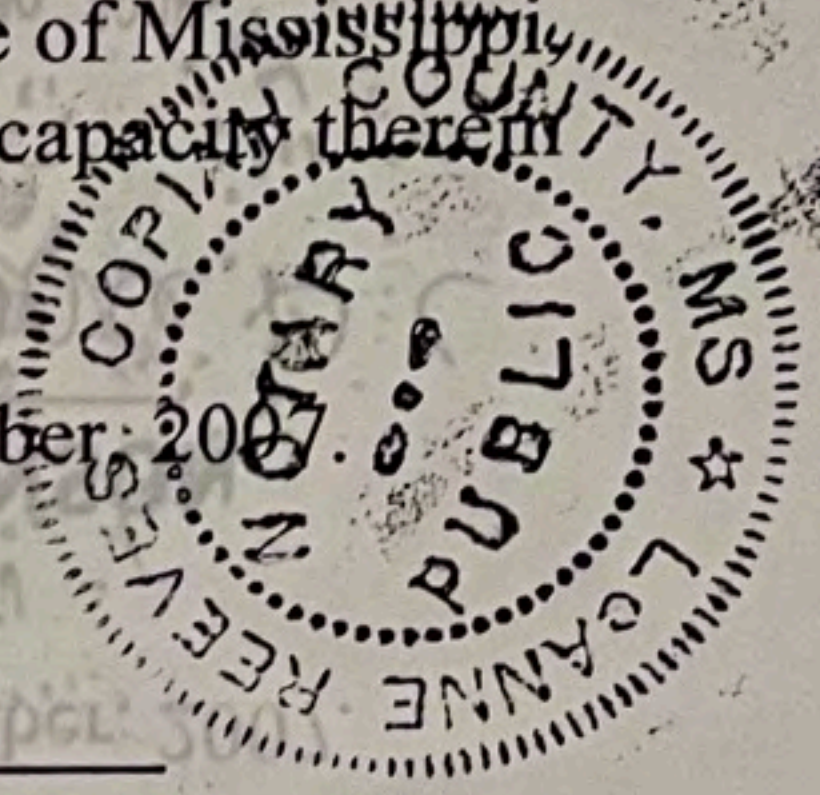
BOOK 2262 PAGE 60

COUNTY OF Hinds
STATE OF MISSISSIPPI
COUNTY OF Hinds

PERSONALLY appeared before me, the undersigned authority in and for said County and State, on this the 27 day of November, 2007, within my jurisdiction, the within named George Phillips, who acknowledged that he is the Commissioner for the State of Mississippi and that they executed the above and foregoing Special Warranty Deed, in the capacity therein set forth, after first having been duly authorized so to do.

GIVEN under my hand and official seal on this the 27 day of November, 2007.

Loanne Reeves
NOTARY PUBLIC



My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 10, 2009
BONDED THRU STEGALL NOTARY SERVICE

COUNTY OF LAUDERDALE
STATE OF MISSISSIPPI

BOOK 5555 PAGE 20

GRANTORS' ADDRESS AND TELEPHONE NUMBER:
Lauderdale County Economic Development District
Courthouse Annex
(601) 482-9705

GRANTEE'S ADDRESS AND TELEPHONE NUMBER:
c/o Eric Clark, Secretary of State
P.O. Box 136
Jackson, MS 39205-0136
(601) 359-1350

DESCRIPTION OF PROPOSED TRACT:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 16 EAST, LAUDERDALE COUNTY, MISSISSIPPI; THENCE NORTH 02 DEGREES 04 MINUTES 07 SECONDS EAST 284.58 FEET ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHWEST 1/4 TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE CONTINUE ALONG SAID LINE, NORTH 02 DEGREES 04 MINUTES 07 SECONDS EAST 295.95 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 11 & 80; THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 89 DEGREES 45 MINUTES 50 SECONDS EAST 109.11 FEET; THENCE LEAVING SAID LINE, SOUTH 01 DEGREES 37 MINUTES 13 SECONDS WEST 248.67 FEET; THENCE SOUTH 14 DEGREES 34 MINUTES 16 SECONDS EAST 101.00 FEET; THENCE SOUTH 28 DEGREES 05 MINUTES 06 SECONDS EAST 173.10 FEET; THENCE SOUTH 05 DEGREES 16 MINUTES 32 SECONDS EAST 195.59 FEET; THENCE SOUTH 89 DEGREES 13 MINUTES 35 SECONDS EAST 605.24 FEET; THENCE SOUTH 03 DEGREES 37 MINUTES 52 SECONDS WEST 499.79 FEET; THENCE NORTH 79 DEGREES 15 MINUTES 42 SECONDS WEST 225.86 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 58 SECONDS WEST 431.80 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 48 SECONDS WEST 559.57 FEET; THENCE NORTH 27 DEGREES 45 MINUTES 18 SECONDS WEST 336.91 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS, 8.85 ACRES, MORE OR LESS, AND ALL BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND A PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 6 NORTH, RANGE 16 EAST, LAUDERDALE COUNTY, MISSISSIPPI.

GRANTEE'S ADDRESS AND TELEPHONE NUMBER

11740 Hwy 994, Covington, MS 38955

601, 3-26-0395

WARRANTY DEED

STATE OF MISSISSIPPI

COUNTY OF LAUDERDALE

600: 1532 PAGE 10

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, We, the undersigned, DEWEY SADKA, as Trustee for the use and benefit of SHARON SADKA, SHARON SADKA, and DEWEY SADKA, individually, do hereby sell, convey and warrant unto DEWEY SADKA and wife LOUISE SADKA, as joint tenants with rights of survivorship and not as tenants in common, the following described property situated in Lauderdale County, Mississippi, to-wit:

All that part of the Northwest quarter of the Southwest quarter, Section 2, Township 6 North, Range 16 East, Lauderdale County, Mississippi, lying East of U. S. Highway No. 45, being 3.84 acres more or less, and

5103

Begin at the Southeast corner of the Southwest quarter of the Northwest quarter, Section 2, Township 6 North, Range 16 East, Lauderdale County, Mississippi; thence North 373 feet, thence West to the Eastern edge of the new U.S. Highway 45, thence in a southerly direction along the Eastern edge of said highway to the quarter section line, thence East along the quarter section line to the point of beginning, containing 2.64 acres, more or less; all being in Lauderdale County, Mississippi

together with all and singular improvements thereon and appurtenances thereunto belonging.

It is understood and agreed that the grantors and grantees herein have prorated the taxes against said property for the year 1998 and the grantees herein do hereby assume and agree to pay all taxes levied thereafter.

WITNESS OUR SIGNATURE THIS THE TWENTY-SECOND DAY OF MAY, 1998.

Dewey Sadka, Trustee
DEWEY SADKA TRUSTEE FOR THE USE AND BENEFIT OF SHARON SADKA

Dewey Sadka
DEWEY SADKA, Individually

Sharon Sadka
SHARON SADKA

STATE OF MISSISSIPPI
LAUDERDALE COUNTY
I CERTIFY THIS INSTRUMENT
WAS FILED AND RECORDED

98 MAY 26 AM 9:35

IN REC. BK. AND PAGE OR U.C.D.
FILE NO. AS SHOWN
WITNESS BY HAND AND SEAL
Ann Wilson Byrd
CHANCERY CLERK

Plan of Operation

PLAN OF OPERATION

JWC Environmental Transfer Station

This Operating Plan is for the proposed Transfer Station to be located on the west side of Southern Way Blvd, South of the Mississippi Highway Patrol Office. The Waste Transfer Station is designed to efficiently manage the collection, sorting, and transfer of approximately 70-100 tons of waste materials per day, from Meridian, MS and surrounding areas, in a safe and environmentally responsible manner. The facility operates six days a week for eight hours each day. The transfer station is proposed to be fully enclosed and approximately 5,000 square-feet in size with a 300 square-foot equipment area, a 3,600 square-foot collection area with drive through direct dump floor, as well as associated restrooms, showers, offices, storage, and outdoor truck scales. Slab will have 4-foot concrete push walls with washdown perimeter drains. Direct dump floor will have shoot for walking floor transfer trucks (Floor Plan, pg. 3). Permitted waste materials to include household garbage, residential and commercial garbage, and small construction debris. Metals, cardboard, papers will be accepted recyclables as well. The aforementioned recyclables will be sorted and stored into roll-off containers in the Recycling section of the property shown on the page 3. Recyclables will be transported at a minimum once weekly to the following destinations: Metals to be directly loaded and transported to Harper Scrap and Recycling and Southern Scrap of Meridian, LLC on a weekly basis, or as needed. Papers/cardboard materials are to be baled at the Equipment section of the facility and transported to Atlas of Meridian weekly, or as needed. All household garbage and commercial garbage will be stored in a manner to prevent any harborage for animals, fires, or additional safety hazards. These wastes will be transported off-site a minimum once daily to a permitted municipal solid waste landfill. Hours of operation are to be Monday-Friday (9:00AM to 5:00 PM) and Saturdays (8:00AM to 1:00 PM).

I. Waste Screening

1. *Screening Phases:*

- Multiple trained personnel conduct waste load screening, beginning at the on-site weight scale.
- Secondary screening takes place at collection area/drive-thru entrance and prior to unloading.
- Final screening occurs during unloading, any unauthorized waste will not be permitted to be unloaded and will be sent off premises with the customer.

II. Tipping Floor Operations:

1. *Waste Unloading:*

- Waste collection vehicles unload directly onto the tipping floor.
- Trained personnel oversee the unloading process to ensure safety and compliance with waste handling procedures.

2. *Sorting and Segregation:*

- On the tipping floor, waste is sorted into different categories (recyclables, non-recyclables).
- Dedicated areas for specific waste types are marked to streamline the sorting process.

III. Daily Cleaning Routines:

1. *Floor Cleaning:*

- Daily cleaning schedules include sweeping, washing, and disinfecting the dump to floor and sorting areas.
- Spill response kits are readily available for immediate cleanup of any accidental spills.

2. *Equipment Maintenance:*

- Regular maintenance checks for machinery and equipment to ensure smooth operations and reduce downtime.
- Scheduled inspections and lubrication of conveyor belts, compactors, and other machinery.

IV. Fire Prevention Plan:

1. *Fire Suppression Equipment:*

- Installation of fire extinguishers, sprinkler systems, and fire hoses strategically placed throughout the facility.
- Regular maintenance and testing of fire suppression equipment.

2. *Combustible Material Management:*

- Segregation of combustible materials to minimize fire risks.
- Strict enforcement of no-smoking policies within the facility.

V. Odor Filtration System:

1. *Installation of Odor Control Devices and Ventilation System:*

- Utilization of state-of-the-art odor filtration systems to minimize unpleasant smells.
- Airstreme® Odor control Equipment System offered by ECOLO Odor Control Technologies Inc. combined with their Airsolution odor neutralizers will prevent odor from releasing into the environment.

VI. On-Site Wastewater Treatment:

1. *Wastewater Collection and Treatment:*

- Collection of runoff and wastewater from cleaning activities.
- On-site wastewater treatment facility to remove contaminants prior to receiving from onsite holding tank. Then discharged to City Sewer and retreated.

2. *Compliance with Environmental Regulations:*

- Strict adherence to local environmental regulations regarding wastewater discharge.
- Regular monitoring and reporting to ensure compliance with established standards.

3. **Security and Accessibility:**

1. *Fencing and Security Measures:*

- Perimeter fencing to secure the facility.
- Security surveillance systems to monitor and prevent unauthorized access. License plate and drivers license validation required upon entry.

2. *Operational Hours:*

- The facility operates six days a week, eight hours a day, to ensure effective waste management without disrupting the surrounding community.

3. *Scales:*

- Truck scales by Fairbanks Scales to be in compliance with all regulations of Weights and Measures Division of the Mississippi Department of Agriculture.
- All vehicles will be scaled upon arrival and departure of facility.
- Scales will be used to report annual facility tonnage via load tickets, physical and digitally retained. This report will be issued by February 28th of each year. The report will include the

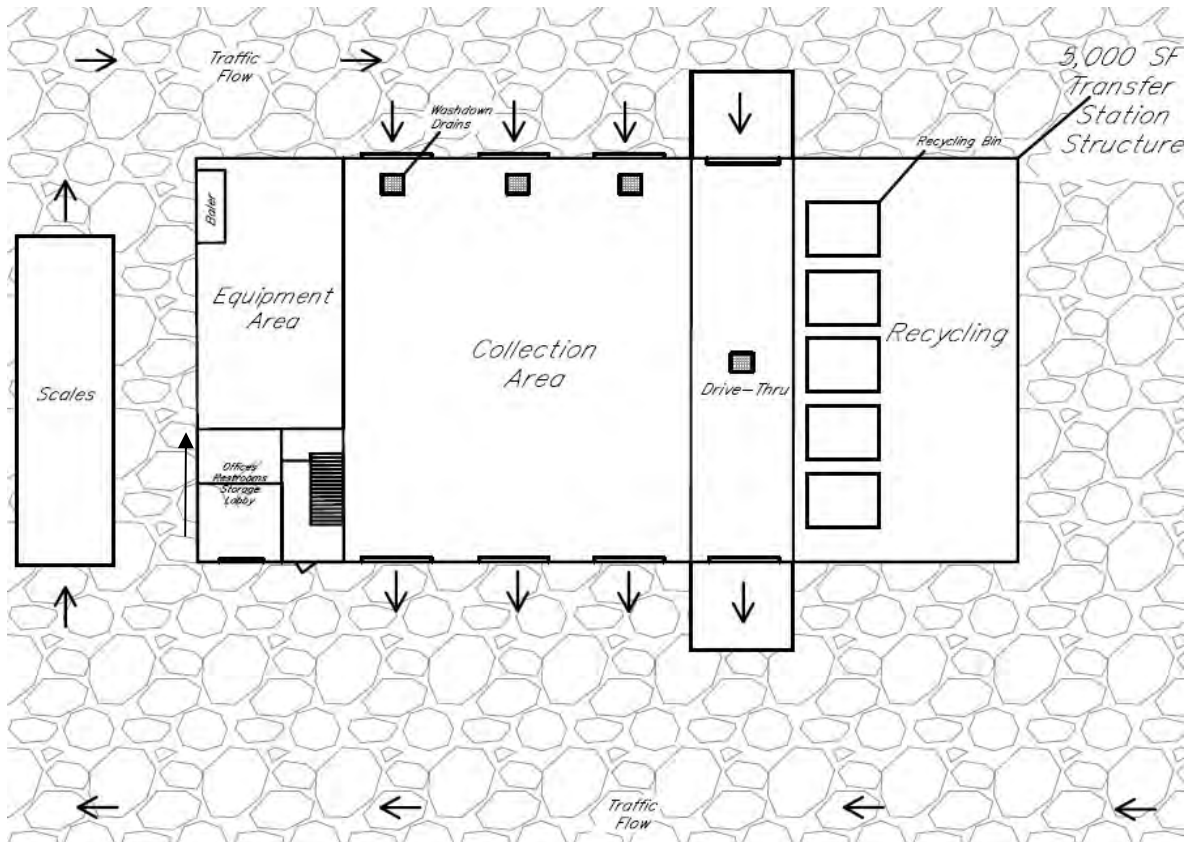
total amount of waste reviewed at the facility (in tons), the county and state of origin, and the sites where waste was sent for final disposal. This facility, and its record keeping will remain in compliance with Miss Code Ann. §17-17-219.

VIII. Emergency Response:

1. *Emergency Procedures:*

- o Clearly defined emergency response procedures in case of accidents, spills, or other unforeseen events. (JWC Environmental Emergency Response Procedures)
- o Regular training sessions for staff on emergency protocols with designated safety officer.

VIII. Floor Plan



IX. Waste Management

1. Waste Screening
2. Scaling
3. Sorting
4. Storage / Paper Materials Baling
5. Waste Distribution
6. Cleaning

JWC Environmental Emergency Response Procedure

1. ***Emergency Response Team Activation***
 - Safety Officer: Ensures safety procedures are followed.
2. ***Risk Identification and Response***
 - Fire: Sound alarm, evacuate, call fire department, use extinguishers if safe.
 - Chemical Spill: Evacuate area, contain spill if safe, notify Safety Officer, call hazmat team.
 - Medical Emergency: Call 911, provide first aid, report to First Aid Officer.
 - Equipment Failure: Shut down equipment, notify maintenance and Safety Officer, follow lockout/tagout procedures.
 - Natural Disaster: Follow specific protocols, evacuate to safe areas if needed.
3. ***Evacuation Procedures***
 - Routes: Follow marked evacuation routes.
 - Roll Call: Conduct headcount.
4. ***Communication Protocol***
 - Internal: Use alarms, radios.
 - External: Notify local authorities and emergency services.
5. ***Documentation and Reporting***
 - Fill out incident report forms.

Siting Requirements



Mayor

Jimmie Smith Sr.
Office: (601) 485-1927
Fax: (601) 485-1911

City Council

GEORGE M. THOMAS
Ward 1

Dwayne Davis
Ward 2

Joseph Norwood
Ward 3

Romande Walker
Ward 4

Tyeasha Bell Lindsey
Ward 5

COUNCIL CLERK
Office: (601) 485-1959
Fax: (601) 485-1913

City Departments

Chief Administrative
Office: (601) 485-1929
Fax: (601) 485-1911

Community Development
Office: (601) 485-1910
Fax: (601) 484-6813

Finance and Records
Office: (601) 485-1946
Fax: (601) 485-1979

Fire
Office: (601) 485-1822
Fax: (601) 485-1878

Public Safety
Office: (601) 484-6890
Fax: (601) 484-6895

Parks and Recreation
Office: (601) 485-1802
Fax: (601) 485-1851

Police
Office: (601) 485-1841
Fax: (601) 484-6832

Public Works
Office: (601) 485-1920
Fax: (601) 485-1864

February 27th 2024

Engineering Plus, Inc.

1724-B 23rd Ave

Meridian, MS 39301

RE: Proposed Waste Transfer Station – I 20 / 59 Industrial Park, Meridian, Lauderdale County, Mississippi

Dear Mr. Alexander:

It is the understanding of the City of Meridian Community Development Dept., the construction of a Waste Transfer Station is proposed on approximately 7 acres in the I 20 / 59 Industrial park. The Waste transfer Station will be a fully enclosed Transfer Station approximately 6,000 square-feet in size, with multiple garage bays, truck scales and associated parking and drives.

This letter is to certify that the location of the proposed Waste Transfer Station site located in the I 20 /59 Industrial Park is in conformance with all zoning, regulations and ordinances.

If you have any questions or comments, please feel free to contact me.

Sincerely,



Craig Hitt

Director of Community Development



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
600 VESTAVIA PARKWAY, SUITE 203
THE SHELBY BUILDING
VESTAVIA HILLS, AL 35216

May 1, 2024

North Branch
Regulatory Division

SUBJECT: Department of the Army Jurisdictional Determination, File Number SAM-2020-01187-LET, JWC Environmental – off site transfer station for Lauderdale County Rubbish Landfill, Lauderdale County, Mississippi

JWC Environmental
Attention: Mr. Billy Jay
1400 Willow Lake Road
Toomsba, Mississippi 39364

Transmitted electronically to LucasL@engineeringplus.com

Dear Mr. Leeper:

This is in response to your letter on behalf of JWC Environmental, dated March 4, 2024, requesting review and comments regarding the proposed development of a new off-site transfer station facility for JWC's existing Lauderdale County Rubbish Landfill. The approximately 7.0-acre parcel on which the off-site transfer station will be constructed is located south of U.S. Highway 80 between U.S. Highway 45 and 46th Avenue East within Section 2, Township 6 North, Range 16 East at latitude 32.389825 North, longitude -88.635056 West, northeast of Meridian in Lauderdale County, Mississippi. This project is being evaluated under existing file number **SAM-2020-01187-LET**, which should be referenced in all future correspondence regarding the project.

The U.S. Army Corps of Engineers (USACE) has regulatory responsibilities pursuant to Section 404 of the Clean Water Act (CWA)(33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. 403). Under Section 404 of the CWA, a Department of the Army (DA) permitting is required for the discharge of dredged and/or fill material into waters of the United States (U.S.), including wetlands, prior to conducting work. Under Section 10 of the RHA, a DA permit would be required prior to conducting any work that would affect the navigable capacity of a waterway as a result of work occurring in, over, or under navigable waters of the U.S. JWC Environmental's proposed work has been reviewed under both Section 404 of the CWA and Section 10 of the RHA to determine if there may be jurisdictional waters present that would be subject to either DA permitting requirement.

Based on our review of the project information submitted and mapping resources available to our office, we have determined that the approximately 7.0-acre off-site transfer station facility parcel consists of non-jurisdictional upland or dry land areas that are not subject to Section 404 Clean Water Act jurisdiction. For regulatory purposes, the USACE defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Additionally, there are no Section 10 navigable waters on the project site.

This letter contains an approved jurisdictional determination (JD) for the approximately 7.0-acre off-site transfer station parcel as specified above. If you object to this determination, you may request an administrative appeal under USACE Regulations at 33 CFR Part 331. Attached you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the USACE, South Atlantic Division Office at the following address:

Regulatory Review Officer
Attention: Ms. Krista Sabin
CESAD-PDO
60 Forsyth Street Southwest, Floor M9
Atlanta, Georgia 30303-8803
Telephone: (904) 314-9631, Fax: (404) 562-5138
Krista.D.Sabin@usace.army.mil

In order for an RFA to be accepted by the USACE, the USACE must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by July 1, 2024. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This approved JD is based on current policy and regulation and is valid for a period of five (5) years from the date of this letter. If by the end of the five-year period the proposed work has not been implemented and this JD has not been specifically revalidated by the USACE, it shall automatically expire.

The statements contained herein do not convey any property rights or any exclusive privileges, and do not authorize any injury to property nor shall it be construed as excusing you from compliance with other Federal, State, or local statutes, ordinances, or regulations that may affect proposed work at this site. Furthermore, the determination included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland

Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

If you intend to sell property that is part of a project that requires DA authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report, required by Housing and Urban Development Regulation, must state whether or not a permit for the development has been applied for, issued, or denied by the USACE, (Part 320.3(h) of Title 33 of the Code of Federal Regulations).

Based on our findings regarding the subject property, a DA permit pursuant to Section 404 of the Clean Water Act **will not be required** at this time to implement the work as proposed at this location. If the location or scope of work changes for JCW Environmental's proposed transfer station facility, you are urged to contact this office for a verification of this determination.

Electronic copy of this correspondence is being provided to your client, JWC Environmental, Attention: Mr. Billy Jay at bjay@jwcenviro.com.

We appreciate your cooperation with the USACE Regulatory Program. Please contact your project manager, Mr. Bryan Moatts at bryan.a.moatts@usace.army.mil or at (205) 779-9463 if you have questions concerning this matter. For additional information about our Regulatory Program, visit our website at www.sam.usace.army.mil/Missions/Regulatory.aspx. Also, while you are there, please take a moment to complete our regulatory customer survey located along the right side of the webpage. Your responses are appreciated and will help us improve our services.

Sincerely,

Leslie E. Turney
Digitally signed
by Leslie E. Turney
Date: 2024.05.01
11:46:33 -05'00'

Leslie E. Turney
Chief, North Branch

Attachments

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: JWC Environmental- waste transfer station	File Number: SAM-2020-01187-LET	Date: 1 May 2024
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL WITHOUT PREJUDICE	C
<input type="checkbox"/>	PERMIT DENIAL WITH PREJUDICE	D
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	E
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	F

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:

Bryan A. Moatts
USACE Mobile District, North Branch
Regulatory Division
600 Vestavia Parkway, Suite 203
Vestavia Hills, AL 35216
Bryan.A.Moatts@usace.army.mil
205-779-9463

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Krista Sabin
Regulatory Review Officer, Acting
South Atlantic Division
60 Forsyth St SW, Floor M9
Atlanta, Georgia 30303-8803
Krista.D.Sabin@usace.army.mil
904-314-9631

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number:



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, MOBILE DISTRICT
600 VESTAVIA PARKWAY, SUITE 203
VESTAVIA HILLS, ALABAMA 35216

CESAM-RD-N

May 1, 2024

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),¹ SAM-2020-01187-LET off-site transfer station for Lauderdale Co. rubbish landfill; MFR #1 of #1²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of "waters of the United States" found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. This

¹ While the Supreme Court's decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

CESAM-RD-N

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAM-2020-01187-LET

AJD did not rely on the 2023 "Revised Definition of 'Waters of the United States,'" as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in Mississippi due to litigation.

1. SUMMARY OF CONCLUSIONS.

- a. The review area is comprised entirely of dry land (i.e., there are no waters such as streams, rivers, wetlands, lakes, ponds, tidal waters, ditches, and the like in the entire review area and there are no areas that have previously been determined to be jurisdictional under the Rivers and Harbors Act of 1899 in the review area).

Based on review of project maps and information provided by the agent, Engineering Plus, Inc., and available desktop resources listed in Section 9 below the review area consists of an approximately 7-acre upland/non-wetland, dry land parcel of which approximately 5-acres is proposed for the construction of a new transfer station facility off-site from the Lauderdale County Rubbish landfill. The approximately 7-acre review area lacks any wetlands, tributaries, ponds, or other drainage features. The parcel appears to have historically been an agriculturally managed orchard or tree farm.

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)
- d. *Sackett v. EPA*, 598 U.S. ___, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The review area is an approximately 7-acre parcel located northeast of Meridian in Lauderdale County, Mississippi. The center of the review area is latitude 32.389825, longitude -88.635056 and is located in the Chunky-Okatibbee 8-digit hydrologic unit code (HUC 03170001). The attached figures depict the 7-acre review area.

CESAM-RD-N

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAM-2020-01187-LET

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. Not Applicable, there are no aquatic resources in the JD review area.⁶
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. Not Applicable, there are no aquatic resources in the JD review area.
6. SECTION 10 JURISDICTIONAL WATERS⁷: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁸ **N/A**
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
 - a. TNWs (a)(1): **N/A**
 - b. Interstate Waters (a)(2): **N/A**

⁶ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established.

⁷ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁸ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

CESAM-RD-N

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAM-2020-01187-LET

- c. Other Waters (a)(3): **N/A**
- d. Impoundments (a)(4): **N/A**
- e. Tributaries (a)(5): **N/A**
- f. The territorial seas (a)(6): **N/A**
- g. Adjacent wetlands (a)(7): **N/A**

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁹ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water. **N/A**
- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. **N/A**
- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. **N/A**
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. **N/A**
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic

⁹ 51 FR 41217, November 13, 1986.

CESAM-RD-N

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SAM-2020-01187-LET

resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*. **N/A**

- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).
N/A

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

- a. Desktop evaluation conducted in office March 22, 2024
- b. Project location maps and water line alignment plans submitted by Engineering Plus, Inc.; received by USACE Mobile District March 4, 2024.
- c. U.S. Geological Survey topographic quadrangle map: 1:24,000 Meridian North, MS (EarthPoint USGS topographic map layer for Google Earth)
- d. USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Lauderdale County, MS, Version 18, Sept. 9, 2023; Available online at the following link: <http://websoilsurvey.sc.egov.usda.gov/>, accessed 3/22/2024.
- e. Aerial Photography: 1997, 2006, 2007, 2011, 2015, and 2023 aerial photographs downloaded from Google Earth

10. OTHER SUPPORTING INFORMATION. **N/A**

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR’s structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Mississippi Ecological Services Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213
Phone: (601)965-4900 Fax: (601)965-4340

November 23, 2020

REPLY REFER TO:
2021-4-189

Richmond Alexander
Engineering Plus, Inc.
1724-B 23rd Avenue
Meridian, Mississippi 39301

Dear Mr. Alexander:

The Fish and Wildlife Service (Service) has reviewed the information in your letter dated November 10, 2020, regarding the proposed Rubbish Landfill Expansion (8.7 acres) and Transfer Station project in Lauderdale County, Mississippi. Our comments are submitted in accordance with the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on the information provided in your letter, the Service has determined that the proposed project does not contain suitable habitat for species protected under the ESA. No further coordination is required with this office unless there are changes in the scope or location of the proposed project. Also, you are advised that if this project is federally funded or requires a federal permit, the lead federal agency, in accordance with that agency's procedures, may require further coordination with this office in order to ensure compliance with the ESA.

If you have any questions, please contact Tamara Campbell of our office, telephone: (601) 321-1138.

Sincerely,

Stephen Ricks
Stephen M. Ricks
Field Supervisor
Mississippi Field Office



Mississippi Department of Wildlife, Fisheries, and Parks

Lynn Posey
Executive Director

August 01, 2024

Engineering Plus Inc
1724 B 23rd Ave
Meridian, MS 39301

Re: JWC Waste Transfer
Station
Lauderdale County,
MS

Project # 20-133
Internal Id 24065

To Lucas Leeper:

In response to your request for information dated **July 23, 2024**, we have searched our database for occurrences of state or federally listed species and species of special concern that occur within 2 miles of the site of the proposed project. Please find our concerns and recommendations below.

The following species of concern may occur within 2 miles of the proposed project area:

Scientific Name	Common Name	Federal Status	State Status	State Rank
Aristida tuberculosa	Seabeach Needlegrass			S3S4
Carex floridana	Florida Sedge			S3
Carex reznicekii	Reznicek's Sedge			S2
Euphagus carolinus	Rusty Blackbird			S2N
Ophisaurus attenuatus	Slender Glass Lizard			S2
Rhynchospora grayi	Gray's Beakrush			S3

State Rank

S1 - Critically imperiled in Mississippi because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because of some factor(s) making it vulnerable to extirpation.

S2 - Imperiled in Mississippi because of rarity (6 to 20 occurrences or few remaining individuals or acres) or because of some factor(s) making it

S3 - Rare or uncommon in Mississippi (on the order of 21 to 100 occurrences).

State and Federal Status

LE Endangered - A species which is in danger of extinction throughout all or a significant portion of its range.

LT Threatened - A species likely to become endangered in foreseeable future throughout all or a significant portion of its range.

Based on the information provided, we conclude that if best management practices are properly implemented, monitored, and maintained (particularly measures to prevent, or at least, minimize negative impacts to water quality), the proposed project likely poses no threat to listed species or their habitats.

Recommendations:

As listed above, there are 6 species of concern in our database within a 2-mile radius of the proposed JWC Waste Transfer Station project in Meridian, MS (32.38987200, -88.6355200) as described in your environmental review submission. The quantity and quality of data collected by the Mississippi Natural Heritage Program are dependent on the research and observations of many individuals and organizations and, in many cases, this information is not the result of comprehensive or site-specific field surveys. Due to the nature of this project, our primary concern is the possibility of asbestos, lead (if old cement asbestos / lead lines are being replaced), untreated sewage, sediment deposition, turbidity, exhaust runoff from roads, increased herbicide and pesticide load, and other unintentional introduction of pollutants being introduced to nearby streams and bodies of water. These factors may negatively impact habitat conditions by detrimentally affecting respiration, feeding, and reproduction of amphibians, bats, birds, crayfishes, fishes, insects, turtles, and vegetation. Furthermore, maintenance of natural floodplain vegetation and hydrology are important factors contributing to the survival of these species. If this proposed project is approved, we recommend that best management practices be properly implemented, maintained, and monitored regularly for compliance. Specific emphasis should be placed on measures that help minimize the occurrence of excess sedimentation, suspended particulate matter, and contaminants at the project site and surrounding areas from leaving in stormwater run-off or from direct entry into nearby streams and waterbodies. Please check MS Department of Environmental Quality for BMP.

Please feel free to contact us if we can provide any additional information, resources, or assistance that will help minimize negative impacts to the species and/or ecological communities identified in this review. We are happy to work with you to ensure that our state's precious natural heritage is conserved and preserved for future Mississippians.

Completed by Quentin Fairchild

The Mississippi Natural Heritage Program (MNHP) has compiled a database that is the most complete source of information about Mississippi's rare, threatened, and endangered plants, animals, and ecological communities. The quantity and quality of data collected by MNHP are dependent on the research and observations of many individuals and organizations. In many cases, this information is not the result of comprehensive or site-specific field surveys; most natural areas in Mississippi have not been thoroughly surveyed and new occurrences of plant and animal species are often discovered. Heritage reports summarize the existing information known to the MNHP at the time of the request and cannot always be considered a definitive statement on the presence, absence or condition of biological elements on a particular site.



Mayor

Jimmie Smith Sr.
Office: (601) 485-1927
Fax: (601) 485-1911

December 6, 2024

City Council

GEORGE M. THOMAS
Ward 1

Dwyane Davis
Ward 2

Joseph Norwood
Ward 3

Romande Walker
Ward 4

Tyeasha Bell Lindsey
Ward 5

COUNCIL CLERK
Office: (601) 485-1959
Fax: (601) 485-1913

JWC Environmental LLC
1400 Willow Lake Road
Marion, MS 39364

RE: Lauderdale County Transfer Station
2727 Southern Way Blvd
Meridian, MS 39301

Wastewater Will Serve Letter
Freshwater Will Serve Letter

City Departments

Chief Administrative Officer
Office: (601) 485-1929
Fax: (601) 485-1911

Community Development
Office: (601) 485-1910
Fax: (601) 484-6813

Finance and Records
Office: (601) 485-1946
Fax: (601) 485-1979

Fire
Office: (601) 485-1822
Fax: (601) 485-1878

Public Safety
Office: (601) 484-6890
Fax: (601) 484-6895

Parks and Recreation
Office: (601) 485-1802
Fax: (601) 485-1851

Police
Office: (601) 485-1841
Fax: (601) 484-6832

Public Works
Office: (601) 485-1920
Fax: (601) 485-1864

To whom it may concern:

The City of Meridian owns and operates a state-approved sanitary sewer treatment facility in Lauderdale County, MS. Also, the City of Meridian owns and operates a state-approved freshwater treatment facility in Lauderdale County, MS. Therefore, the City of Meridian will provide wastewater treatment and freshwater supply to the above-mentioned project at the above referenced property in Meridian, MS.

Sincerely,

David Hodge, P.E.
Meridian Public Works Director

Charity Rockingham

From: Lucas Leeper <lucasl@engineeringplus.com>
Sent: Friday, December 6, 2024 11:21 AM
To: Charity Rockingham
Cc: Bill Stacy; Trent Jones; Billy Jay; Richmond Alexander; Phillip McDonald
Subject: JWC Transfer Station I2059 Industrial Park SW0380060622
Attachments: Will Serve Letter JWC Environmental Transfer Station.pdf; 11-063-24 NHR A4, 5 inelig, 2 unk All Phases Ledesma (Glass) (12-5-24).pdf

Charity,

Attached you will find the Archives and History Response which clears the target site for the JWC Transfer Station, as well as the Will Serve Letter for wastewater and freshwater from the City of Meridian. Please let me know if there is anything else we can provide.

Thanks

Lucas Leeper P.E.
Project Engineer
Geotechnical / Construction Materials

Engineering Plus, Inc.

1724 B 23rd Ave.

Meridian, MS 39301

Office: 601-693-4234

Cell: 601-480-5507

<https://www.engineeringplus.com/>

December 5, 2024

Ms. Natalie Ledesma
All Phases Archaeology, LLC
257 Pinehill Drive
Mobile, Alabama 36606

RE: Phase I Cultural Resources Survey for the I-20/59 Industrial Park, Meridian, (MDEQ)
MDAH Project Log #11-063-24, Report #24-0368, Lauderdale County

Dear Ms. Ledesma:

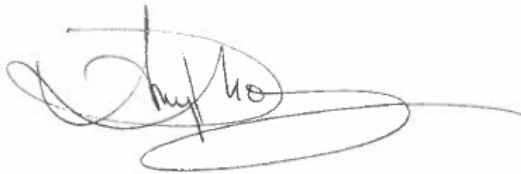
We have reviewed the November 6, 2024, cultural resources survey, by William J. Glass, Principal Investigator, with All Phases Archaeology, LLC, received on November 7, 2024, for the above referenced undertaking, pursuant to our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800.

After review of the information provided, MDAH concurs with the applicant's ineligible determination for Sites 22LD901, 22LD902, 22LD903, 22LD906, and 22LD907. In regard to Sites 22LD904 and 22LD905, these sites will be listed as unevaluated on the NRHP. Due to this, the two sites must be avoided, and no ground disturbing activities can take place within them. If Sites 22LD904 and 22LD905 cannot be avoided, then additional archaeological investigations must be conducted. With these conditions, we have no objections to the proposed undertaking.

There remains the possibility that unrecorded cultural resources may be encountered during the project. Should this occur, we would appreciate your contacting this office immediately in order that we may offer appropriate comments under 36 CFR 800.13.

Please provide Mr. Glass with a copy of this letter. If you need further information, please contact us at (601) 576-6940.

Sincerely,



Amy D. Morgan
Review and Compliance Officer

FOR: Katie Blount
State Historic Preservation Officer

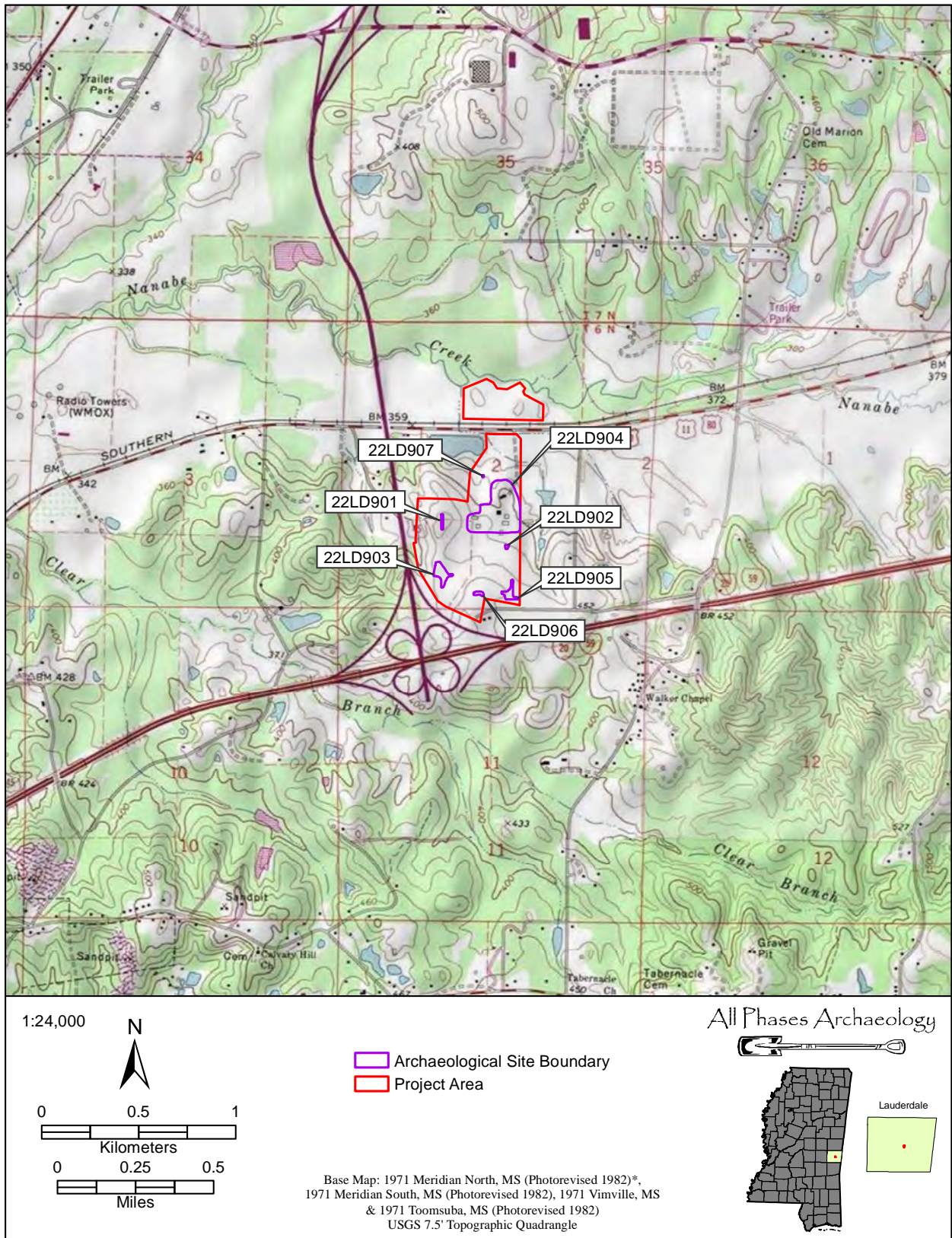


Figure 19. Topographical map showing the locations of the newly recorded archaeological sites within the project area.



Mayor

Jimmie Smith Sr.
Office: (601) 485-1927
Fax: (601) 485-1911

December 6, 2024

City Council

GEORGE M. THOMAS
Ward 1

Dwyane Davis
Ward 2

Joseph Norwood
Ward 3

Romande Walker
Ward 4

Tyeasha Bell Lindsey
Ward 5

COUNCIL CLERK
Office: (601) 485-1959
Fax: (601) 485-1913

JWC Environmental LLC
1400 Willow Lake Road
Marion, MS 39364

RE: Lauderdale County Transfer Station
2727 Southern Way Blvd
Meridian, MS 39301

Wastewater Will Serve Letter
Freshwater Will Serve Letter

City Departments

Chief Administrative Officer
Office: (601) 485-1929
Fax: (601) 485-1911

Community Development
Office: (601) 485-1910
Fax: (601) 484-6813

Finance and Records
Office: (601) 485-1946
Fax: (601) 485-1979

Fire
Office: (601) 485-1822
Fax: (601) 485-1878

Public Safety
Office: (601) 484-6890
Fax: (601) 484-6895

Parks and Recreation
Office: (601) 485-1802
Fax: (601) 485-1851

Police
Office: (601) 485-1841
Fax: (601) 484-6832

Public Works
Office: (601) 485-1920
Fax: (601) 485-1864

To whom it may concern:

The City of Meridian owns and operates a state-approved sanitary sewer treatment facility in Lauderdale County, MS. Also, the City of Meridian owns and operates a state-approved freshwater treatment facility in Lauderdale County, MS. Therefore, the City of Meridian will provide wastewater treatment and freshwater supply to the above-mentioned project at the above referenced property in Meridian, MS.

Sincerely,

David Hodge, P.E.
Meridian Public Works Director