



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

June 7, 2022

Mr. Charles Caswell
Wet Mine Assets Holding, LLC
600 Jefferson Street, Suite 508
Lafayette, Louisiana 70501

Dear Mr. Caswell:

Re: Wet Mine Assets Holding LLC,
Middle Pit
Pearl River County
COE No. MVK2018653
WQC No. WQC2022001

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, Wet Mine Assets Holding LLC, an applicant for a Federal License or permit to conduct the following activity:

Wet Mine Assets Holding LLC, Middle Pit: The applicant is applying for an after-the-fact and proposed Department of the Army permit in conjunction with the Mississippi Department of Marine Resources to conduct regulated activities in jurisdictional wetlands for the proposed surface mine expansion located in Hancock County, Mississippi. The proposed surface mine expansion includes an approximate 246-acre parcel abutting the existing Middle Pit and South Pit sites. The expansion activities would include the dredging, separating, and storage of fine and course materials through the utilization of the current surface mine infrastructure and facilities. To facilitate construction of the proposed expansion, the proposed activities would include clearing, grubbing, and dredging in jurisdictional areas. The expansion of the existing surface mine would allow Wet Mine Assets Holding, LLC to maintain demands and market trends over an approximate 10-year period of time. Approximately 16.77 acres of emergent wetlands, 28.11 acres of pine plantation wetlands, 23.81 acres of mixed pine hardwood wetlands, and 890.09 linear feet of other waters were impacted by the development. The surface mine expansion would include the gradual use of

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the project site incrementally impacting wetland habitats. Approximately 196.27 acres of wetlands would be impacted by the planned project over the course of the 10-year phased expansion plan. [MVK2018653, WQC2022001].

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 permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of mining activities. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 B (7))
2. 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. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent avoided wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. A Stormwater Pollution Prevention Plan shall be implemented in accordance with the Mining Stormwater General Permit. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (9))
5. Mitigation for the impact of 68.69 acres of wetlands and 890.09 linear feet of other waters associated with the project shall be provided by the purchase of mitigation credits from an approved mitigation bank. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
6. The mitigation area shall be placed in a restrictive covenant. The covenant shall be properly recorded 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 within six months of the effective date of the authorization. A certified copy of the covenants must be furnished to the Office of Pollution control within 30 days of the recording. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2)) The covenant shall contain:

- A. There should be no removal, destruction, cutting, mowing, application of biocides, or disturbance or other change in the vegetation in the conservation zone other than practices outlined in the management plans.
 - B. There shall be no agricultural, commercial, or industrial activities allowed in the conservation zone.
 - C. There shall be no construction or placement of buildings, or other structures in the mitigation area other than structures for wildlife enhancement, viewing, or scientific study.
 - D. There shall be no construction of roads in the on-site conservation zone. This does not include foot trails for recreational use. No motorized vehicles (to include off-road and four-wheel drive vehicles) shall be allowed on said site.
7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.)
8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, such that the activity will not meet the criteria for denial:

- (A) The proposed activity permanently alters the aquatic ecosystem such that water quality criteria are violated and/or it no longer supports its existing or classified uses. An example is the channelization of streams.
- (B) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (C) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.

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.

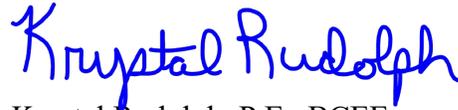
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This certification is valid for the project as proposed. Any deviations without proper modifications and/or approvals may result in a violation of the 401 Water Quality Certification. If you have any questions, please contact Florance Bass.

Sincerely,



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

KR: doa

cc: Tarmiko Graham, U.S. Army Corps of Engineers, Mobile District
Willa Brantley, Department of Marine Resources
Molly Martin, Environmental Protection Agency
Janet Riddell, Office of Budget & Fund Management
Clay Cromwell, Headwaters Inc.