



MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

**MINING NOTICE OF INTENT (MNOI)
FOR COVERAGE UNDER
MINING STORM WATER, DEWATERING AND NO DISCHARGE
GENERAL PERMIT MSR32 2950**

(Number to be assigned by State)

File at least 30 days prior to the commencement of mining; 15 days if a Storm Water Pollution Prevention Plan (SWPPP) is already on file and mine dewatering is not proposed. Lateral expansion of an existing mine that has general permit coverage requires the submittal of the Major Modification Form, not a new MNOI (modification of the existing SWPPP to include the expansion is required). Discharge of storm water or impounded water associated with mining or the operation of a wastewater recirculation system with no discharge without written notification of coverage from MDEQ is a violation of State Law.

Please indicate the activities to be covered by this MNOI (check all that apply).

- ☒ Storm Water Discharges Associated with Mining ☐ Mine Dewatering
☐ Wastewater Recirculation System with No Discharge

The appropriate section of the MNOI must be completed if the applicant proposes to discharge storm water, discharge impounded mine water (dewatering) and/or operate a wastewater recirculation system with no discharge. A USGS quadrangle map, or a copy, indicating the site location and outfalls, and a SWPPP must be included with the MNOI submittal. Additional submittals may include the following (check all that apply).

- ☒ Notice of Exempt Operations Form ☐ Section 404 Documentation
☐ Dam/Reservoir Safety Permit or Written Authorization

ALL INFORMATION MUST BE COMPLETED (indicate "N/A" where not applicable)

APPLICANT IS THE: ☒ OPERATOR ☒ LANDOWNER (Must check one or both)

OPERATOR INFORMATION

OPERATOR CONTACT PERSON: Otis Dempsey
OPERATOR COMPANY NAME: Dempsey Construction Company, LLC
OPERATOR STREET OR P. O. BOX: 14207 Chapel Ridge Trail
OPERATOR CITY: Olive Branch STATE: MS ZIP: 38654
OPERATOR PHONE NUMBER (901) 494-6432 EMAIL ADDRESS: scooter@dempseyconstruction.net

LANDOWNER INFORMATION

LANDOWNER CONTACT PERSON: Otis Dempsey
LANDOWNER COMPANY: Dempsey Construction Company, LLC
LANDOWNER STREET OR P. O. BOX: 14207 Chapel Ridge Trail
LANDOWNER CITY: Olive Branch STATE: MS ZIP: 38654
LANDOWNER PHONE NUMBER : (901) 494-6432 EMAIL ADDRESS: scooter@dempseyconstruction.net

MINE INFORMATION

NAME OF MINE: Dempsey Construction

STREET ADDRESS OR NEAREST NAMED ROAD: 3146 Highway 72

NEAREST CITY: Lamar COUNTY: Benton

ne /4 OF ne /4 OF SECTION 06, TOWNSHIP 2W, RANGE 1W

ATTACH A USGS QUAD MAP, EXTENDING 1/4 MILE BEYOND FACILITY, OUTLINING THE MINE BOUNDARIES (Maps can be obtained from the Mississippi Office of Geology. For information call 601-961-5523).

LATITUDE: 34 degrees 56 minutes 45 seconds LONGITUDE: 89 degrees 20 minutes 25 seconds

METHOD USED TO DETERMINE LAT & LONG (GPS (Please GPS Entrance Gate) or Map Interpolation): google earth

TOTAL ACREAGE: 3.5 MATERIAL TO BE MINED: soil

WILL HYDRAULIC DREDGING BE USED? ☐ YES ☒ NO WASHING OF SAND/GRAVEL? ☐ YES ☒ NO

RECEIVING STREAM: Mount Tena Creek

IS RECEIVING STREAM ON MISSISSIPPI'S 303(d) LIST OF IMPAIRED WATER BODIES? ☐ YES ☒ NO
(The 303(d) list of impaired waters and TMDL stream segments may be found on MDEQ's web site:
http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section)

HAS A TMDL BEEN ESTABLISHED FOR THE RECEIVING STREAM SEGMENT? ☐ YES ☒ NO

ESTIMATED START DATE: Dec 1, 2021 HUC CODE (FOR MDEQ USE ONLY): _____

COMPLETE IF STORM WATER DISCHARGE IS PROPOSED

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: 1 6 2 9

ATTACH A STORM WATER POLLUTION PREVENTION PLAN (SEE PERMIT FOR REQUIREMENTS)

IDENTIFY THE ASSOCIATION OR GENERIC SWPPP ON FILE AT MDEQ: _____

COMPLETE IF WASTEWATER RECIRCULATION SYSTEM WITH NO DISCHARGE IS PROPOSED

DISTANCE BETWEEN RECIRCULATION POND(S) AND PROPERTY LINE: _____ (FT)
(MUST BE AT LEAST 150 FEET)

NUMBER OF RECIRCULATION POND(S): _____

STORAGE CAPACITY OF EACH RECIRCULATION POND(S): _____ (FT³)

COMPLETE IF MINE DEWATERING IS PROPOSED

ESTIMATED DEWATERING VOLUME: _____ (GAL/DAY)

NAME AND ADDRESS OF THE RECIPIENT OF THE DISCHARGE MONITORING REPORTS (DMRs), IF DIFFERENT FROM SIGNATORY:

DOCUMENTATION OF COMPLIANCE WITH OTHER REGULATIONS/REQUIREMENTS

Coverage under this general permit will not be granted until all other required MDEQ permits and approvals are addressed.

WILL THE CONSTRUCTION OR OPERATION OF THIS MINE INVOLVE THE RE-ROUTING, FILLING OR CROSSING OF A WATER CONVEYANCE OF ANY KIND? ☐ YES ☒ NO

If yes, contact the U.S. Army Corps of Engineers' Regulatory Branch for permitting requirements. If the mine requires a Corps of Engineers Section 404 permit, provide appropriate documentation with this MNOI that:

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

LIST ANY NPDES PERMIT NO(s). _____ GEOLOGY APPLICATION/PERMIT NO. NOE 05-039 AI 796

LIST OTHER GEOLOGY PERMIT NUMBERS THAT APPLY TO COVERAGE AREA _____

IS THE MINE LESS THAN 4 ACRES AND GREATER THAN 1320 FEET FROM ANOTHER MINE?

- ☒ YES A "Notice of Exempt Operations" Form must be included with the MNOI or proof of prior submission, if previously submitted to the Office of Geology.
- ☐ NO A "Notice of Intent to Mine Class I or Class II Materials" Form must be filed before coverage will be granted under the Mining General Permit. For information on Office of Geology requirements, call 601-961-5527.

LIST ANY LOCAL STORM WATER ORDINANCES WITH WHICH THE OPERATIONS MUST COMPLY AND SUBMIT ANY

ASSOCIATED APPROVAL DOCUMENTATION. _____

IF AN IMPOUNDMENT WILL BE CONSTRUCTED ABOVE NATURAL SURFACE ELEVATIONS, INDICATE WHICH, IF ANY, OF THE FOLLOWING APPLY.

- ☐ The impoundment will be constructed with a peripheral dam or levee 8 feet or greater in height, measured from the lowest elevation of its toe.
- ☐ The impoundment will have a maximum storage volume greater than 25 acre-feet.
- ☐ The impoundment will impound a watercourse with a continuous flow.
- ☐ The impoundment has the potential to threaten downstream lives or man-made structures.

If the impoundment meets any of the above criteria, the applicant will be required to obtain written authorization from MDEQ, Dam Safety Division before coverage will be granted under the Mining General Permit.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Otis R. Dempsey
Authorized Signature

Oct 18, 2021
Date

Otis R. Dempsey
Printed Name

Owner
Title

¹This application shall be signed according to the General Permit, Act 15, T-4 as follows:

- For a corporation, by a responsible corporate officer.
- For a partnership, by a general partner.
- For a sole proprietorship, by the proprietor.
- For a municipal, state or other public facility, by either a principal executive officer, the mayor, or ranking elected official.

Please submit this form to:

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

DEMPSEY CONSTRUCTION MINING PERMIT
STORM WATER POLLUTION PREVENTION PLAN

SITE INFORMATION

Dempsey Construction Company, LLC, has received a surface mining permit in Benton County. In addition to their construction activities, Dempsey provides soil and similar material to contractors for structural fill. The Dempsey Construction mine is located on 113 acres of property owned by Dempsey Construction Company. The mine will use an existing entrance at 3146 Highway 72 near Lamar, MS.

Soil will be mined as needed in response to contractor requirements. Thus, mining activity will be periodic and not continuous. Mining will be initially in the southwest corner with activities progressing to the northern portion of the site. As an excavation area has reached targeted elevation, reclamation will occur to stabilize the disturbed area with permanent grass. The completed site will be used for agricultural purposes by the Dempsey Construction.

Natural drainage leaves the site to the north through an Mount Tena Creek, a tributary of Wolf River approximately 3 miles to the North.

CONTROLS

Vegetative Controls: An undisturbed vegetative buffer, 15 to 30 feet wide, will be maintained around the perimeter of the mining operation. Any top soil removed in the mining operation will be stock piled on the northeastern portion of the area for future use in the reclamation process. All slopes will be roughened by disking prior to seeding. Any disturbed areas that will be left undisturbed for 14 or more days will have temporary seeding. After final grading, all disturbed areas will be seeded with permanent seeding.

Structural Controls: A sediment trap will be constructed at the northwestern portion of the project area and receive runoff from the 3-acre project site. The mining site is situated near the top of the drainage area topographically. Upslope waters will not be a problem. The entrance to the project is approximately 0.5 miles from Highway 72 thus a construction entrance will not be necessary. Improvements will be made for the first 200 feet of the entrance road as part of local requirements. Silt fencing will be installed around the top soil storage area.

Housekeeping Practices: All equipment repair and maintenance will be done offsite. Potentially toxic materials (fuel, fertilizers, etc.) will not be stored on-site.

Post construction/Storm Water Management Measures: At the completion of the mining operations, the sediment trap will be removed. All of the disturbed area will be stabilized with permanent seeding and returned to agricultural use by the property owner.

IMPLEMENTATION SEQUENCE

Development of the mining project will proceed as follows:

1. Improve the entrance road at Highway 72 as per the Benton County requirements
2. Install the sediment trap
3. Construct the temporary haul road from the northern extent of the permitted area to the first excavation area in the southwestern corner
4. Strip top soil from the first excavation area and place in storage area surrounded by silt fencing
5. Proceed to excavate material as required with temporary seeding of disturbed areas if dormant for longer than 14 days.
6. Move to the second excavation area as required with reclamation of the first excavated area.
7. Continue the process of confining excavation to defined areas with reclamation as a mined area is exhausted.

8. At the completion of the mining operation, the sediment trap will be removed and the site fully reclaimed with permanent seeding

MAINTENANCE PLAN

Check all disturbed areas, erosion and sediment controls after each significant rainfall but not less than once per week when the site is in active operation. During non-operating conditions, inspection will be after significant rainfall or at least monthly. Any required maintenance repairs will be made within 24 hours of detection. Remove sediment from the basin and silt fences when accumulation has reached 50 percent capacity. Replace non-functional silt fence as necessary. Maintain all vegetated areas to provide proper ground cover – reseed, fertilize, and mulch as needed.

NOE 05-039 AI 79639

RECEIVED

2021 JUN -2 PM 2: 05

MDEQ
OFFICE OF GEOLOGY

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF GEOLOGY

Mining and Reclamation Division
P. O. Box 2279
Jackson, Mississippi 39225-2279
(601) 961-5515

NOTICE OF EXEMPT OPERATION

This form shall be filed with the Office of Geology, Mining and Reclamation Division **only** for operations affecting **4** acres or less **and greater than 1320 feet** from another mine. **NOTE:** Local, county, federal or other state agencies may also require permits before mining can be done on your site. This is *your* responsibility.

Name of applicant/operator: DEMPSEY CONSTRUCTION COMPANY, LLC
Mailing address: 14207 CHAPEL RIDGE TRAIL
OLIVE BRANCH, MS 38635
Telephone number: 901 494 6432 (CELL) 662 544 1921 (OFFICE)

Do you have any **other** exempt mining operations on file? ☐ yes ☒ no
Do you plan to file for a **permit** and expand this site later? ☐ yes ☒ no

LOCATION

NE 1/4 of NE 1/4 of Section 06, Township 2 W Range 1 W County BENTON

Include a map or aerial photo marked with site location with this form.

Name of land owner: DEMPSEY CONSTRUCTION COMPANY, LLC
Mailing address: 14207 CHAPEL RIDGE TRAIL
OLIVE BRANCH, MS 38635
Telephone number: 901 494 6432 (CELL) 662 544 1921 (OFFICE)

Date operation to begin 7.01.21 Date operation to end (estimated) 1.01.27
Material to be mined SOIL Number of acres to be mined 3 (A)*
Total acres to be affected by operation (mine, roads, storage, etc.) 3.5 (B)*
Is operation **closer** than 1,320 feet (1/4 mile) to another mine? ☒ no ☐ yes*

*If items A or B exceed 4 acres or you answered YES above, you need to apply for a MINING PERMIT.

Applicant/operator: DEMPSEY CONSTRUCTION COMPANY, LLC By [Signature]
Signature

Date: 6/2/21

Position OWNER

For Office of Geology use only

Date: 6/2/21

By [Signature]

Division Director
Mining and Reclamation Division

2021 JUN -2 PM 2:05

MDEQ
OFFICE OF GEOLOGY

MARSHALL CO

BENTON CO

U.S. HIGHWAY 72

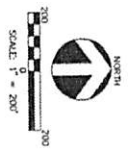
DEMPSEY PROPERTY
110 ACRES +/-

SOIL BORROW
AREA
~3.5 ACRES

3069.28

2078.00

Coyle Creek-D1

[illegible][illegible]



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

June 2, 2021

Dempsey Construction Co., LLC
14207 Chapel Ridge Trail
Olive Branch, MS 38635

Re: HWY 72 Mine
Benton County
Notice of Exempt Operation 05-039
Section: 6, Township: 2S, Range: 3W

This letter is to acknowledge receipt of your Notice of Exempt Operation received on June 2, 2021. **In the event this operation exceeds four (4) acres, you will be required to obtain a state mining permit.**

In addition to a Notice of Exempt Operation, you must apply for and obtain coverage under a Mining Storm Water General NPDES Permit prior to any mining activities at this site. Operating without a Storm Water Permit is a violation of the Mississippi State Law, Sections 49-17-1 through 49-17-43, which provides for significant monetary penalties. In order to ensure compliance, please contact the 401/Stormwater Branch, Environmental Permits Division at 601-961-5614 for compliance information.

If you have any questions, please contact me at 601-961-5054.

Sincerely,

A handwritten signature in blue ink, appearing to read "Teague Duncan", with a long horizontal line extending to the right.

Teague Duncan
Mining and Reclamation Division

Enclosure

cc:

79639 EXE20210001

OFFICE OF GEOLOGY

POST OFFICE BOX 2279 • JACKSON, MISSISSIPPI 39225-2279 • TEL: (601) 961-5500 • FAX: (601) 961-5521 • www.mdeq.ms.gov
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