

AI: 85032

MSR323033



MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

**MINING NOTICE OF INTENT (MNOI)
FOR COVERAGE UNDER
MINING STORM WATER, DEWATERING AND NO DISCHARGE
GENERAL PERMIT MSR32 3031
(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. However, 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.

If the company seeking coverage is a corporation, a limited liability company, a partnership, or a business trust, attach proof of its registration with the Mississippi Secretary of State and/or its Certificate of Good Standing. This registration or Certificate of Good Standing must be dated within twelve (12) months of the date of the submittal of this coverage form. Coverage will be issued in the company name as it is registered with the Mississippi Secretary of State.

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 site-specific Storm Water Pollution Prevention Plan (SWPPP) developed in accordance with ACT5 of the General Permit and a United States Geological Survey (USGS) quadrangle map or photocopy, indicating the site location and outfalls must be included with the MNOI submittal. The name of the quadrangle map must be shown on all copies. Quadrangle maps can be obtained from the MDEQ, Office of Geology at 601-961-5523. Additional submittals may include the following (check all that apply).

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

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

OC

MSR32 3033

(NUMBER TO BE ASSIGNED BY STATE)

APPLICANT IS THE: OWNER OPERATOR

OWNER CONTACT INFORMATION

OWNER CONTACT PERSON: Kenny Jackson Tolbert
OWNER COMPANY LEGAL NAME: N/A
OWNER STREET OR P. O. BOX: 10610 RD 4308
OWNER CITY: Union STATE: MS ZIP: 39365
OWNER PHONE #: (601) 663-8265 OWNER EMAIL: N/A

OPERATOR CONTACT INFORMATION

OPERATOR CONTACT PERSON: Marc Lamothe
OPERATOR COMPANY LEGAL NAME: W. G. Yates & Sons Construction Company
OPERATOR STREET OR P. O. BOX: 104 Gully Ave
OPERATOR CITY: Philadelphia STATE: MS ZIP: 39350
OPERATOR PHONE #: (601) 656-5411 OPERATOR EMAIL: mlamothe@wgyates.com

MINE INFORMATION

MINE NAME: Tolbert Pit

MINE SITE ADDRESS (If the physical address is not available, please indicate nearest named road.)

Street: County Road 298
City: House State: MS County: Neshoba Zip: 39365

SE /4 OF NW /4 OF SECTION 17, TOWNSHIP 09N, RANGE 13E

MINE SITE TRIBAL LAND ID (N/A If not applicable): N/A

ATTACH A USGS QUAD MAP, EXTENDING 1/2 MILE BEYOND FACILITY, OUTLINING THE MINE BOUNDARIES
(Maps can be obtained from the Mississippi Office of Geology. For information call 601-961-5523).

LATITUDE: 32 degrees 37 minutes 45 seconds LONGITUDE: 88 degrees 59 minutes 38 seconds

LAT & LONG DATA SOURCE (GPS (Please GPS Entrance Gate) or Map Interpolation): GPS

TOTAL ACREAGE: 3.25 MATERIAL TO BE MINED: Soil

WILL HYDRAULIC DREDGING BE USED? YES NO

WASHING OF SAND/GRAVEL? YES NO

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). N/A GEOLOGY APPLICATION/PERMIT NO. N/A

LIST OTHER GEOLOGY PERMIT NUMBERS THAT APPLY TO COVERAGE AREA N/A

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

- [X] 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 601-961-5515.

LIST ANY LOCAL STORM WATER ORDINANCES WITH WHICH THE OPERATIONS MUST COMPLY AND SUBMIT ANY ASSOCIATED APPROVAL DOCUMENTATION. N/A

IF IMPOUNDMENTS 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 any of the impoundments meet 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.

Authorized Signature: [Handwritten Signature] Date: 9/20/23
Printed Name: Hamp Sterling Title: V.P.

This 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.
- Duly Authorized Representative

Please submit this form to: Chief, Environmental Permits Division
MDEQ, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
W. G. YATES & SONS CONSTRUCTION COMPANY	Legal

Business Information

Business Type:	Profit Corporation
Business ID:	108413
Status:	Good Standing
Effective Date:	12/16/1964
State of Incorporation:	Mississippi
Principal Office Address:	104 GULLY AVE PHILADELPHIA, MS 39350

Registered Agent

Name
WILLIAM G YATES JR
1 GULLY AVENUE, P O BOX 456
PHILADELPHIA, MS 39350

Officers & Directors

Name	Title
William G Yates III 115 Main Street Biloxi, MS 39530	Director, President
Chester Nadolski 115 Main Street Biloxi, MS 39530	Vice President
Chet Hailey 1 Gully Avenue Philadelphia, MS 39350	Treasurer
Melanie Jenkins 104 Gully Avenue Philadelphia, MS 39350	Director, Secretary
William G. Yates, Jr. 1 Gully Avenue	Director, Other

' Philadelphia, MS 39350

' Hope Cuevas
115 Main Street
Biloxi, MS 39530

Assistant Secretary

**Stormwater Pollution Prevention Plan
for:**

W. G. Yates & Sons Construction
Tolbert Pit
Highway 19 Neshoba County, MS

Under Mississippi's Mining Stormwater Permit
Coverage No. MSR32_____

SWPPP Contact(s):

W. G. Yates & Sons Construction
P.O. Box 456
Philadelphia, MS 39350
Hamp Sterling, PE
(601) 260-2425

SWPPP Preparation Date:

09/21/2023

**W. G. Yates & Sons Construction – Stormwater Pollution Prevention
Plan
Tolbert Pit
Neshoba County/House, MS**

Site Information

The W. G. Yates & Sons Construction (Yates) Tolbert Pit consists of 3.5 acres of borrow material mining bordered by forested land. The site is only accessible by a private dirt road maintained by Yates, off County Road 298. The site began as forested land that was cleared of trees by logging and the site was grubbed to remove all the tree stumps.

Assessment for Potential Pollutant Sources ACT 5, T-2 (1)

A significant material that is present that could potentially pollute stormwater onsite is diesel fuel. Any significant quantity of diesel is only present during fueling of heavy equipment. This material is not considered as a potential major source of pollution to stormwater. Heavy equipment has the potential to contribute to stormwater pollution through improper fueling procedures or ruptures to fuel fittings, hoses, and associated piping. Onsite equipment and support equipment have the potential to pollute stormwater by leaking fuel, oil or grease. No large quantities of fuel are stored at the Tolbert Pit.

List of Significant Spills and Leaks ACT 5, T-3 (4)

The project area is currently an open field and was previously a forested area. There are no records of any spills, leaks, or hazardous pollutants that have occurred at the project site. Should any leaks or spills occur during the duration of active operation, they will be recorded and addressed in the proper manner. See Attachment 3.

Stormwater Sampling Data ACT 5, T-3 (5)

No stormwater sampling has been performed at the site being that it is not required by the permit.

Site Map ACT 5, T-4 (6)

The site map (Attachment 1) shows the proposed site are surrounded by woodland. Much of the site is sloped towards the Northeast of the site to an unidentified tributary of Murphy Branch. During operations, the site will continue to allow drainage towards the Northeast. At a minimum, a fifty (50) foot undisturbed buffer will be maintained around the entire pit. Additionally, the topsoil that is stripped from the site will be used to create an earthen berm around the site to direct stormwater to a single discharge point that will be protected with BMPs.

Topographic Map ACT 5, T-5 (7)

See Attachment 2.

Stormwater Management Controls ACT 5, T-6

The stormwater management committee consists of Jonathan Ludwig, CEM, Corporate Environmental Manager and Stewart Inman, PE, Environmental Coordinator. The committee is responsible for development, implementation, maintenance, and revision of the appropriate controls to prevent pollution to the stormwater. This includes the responsibility for revising the SWPPP should inspections reveal deficiencies in the existing BMP plan.

A fifty (50) foot undisturbed buffer will be maintained around the perimeter of the site. Brush berms and/or rock checks will be utilized at the proposed outfall during active operations to prevent sediment from leaving the site. These controls will be checked regularly and maintained if sediment has accumulated past one-third of the controls' capacity.

If a disturbed area that is not actively being mined will be left undisturbed for thirty (30) days or more, the appropriate temporary or permanent vegetative practices shall be implemented within seven (7) calendar days.

Housekeeping Practices ACT 5, T-7 (5)

All equipment maintenance and repairs are to be performed off site in a designated maintenance area. Any fuel spills as the result of fueling activities are to be contained and cleaned up immediately. No toxic materials are to be stored onsite. Sanitary facilities are provided on an adjacent site. Trash cans and rubbish container are provided on an adjacent site and will be disposed of at least weekly.

Spill Prevention and Response ACT 5, T-7 (6)

The potential for fuel spill or leaks exist during fueling activities or due to a damaged hose, fuel valve or associated fuel related equipment. Any spills will be cleaned up immediately. Any spill over five (5) US gallons must be reported to the Yates Environmental Manager and will be handled accordingly. Heavy equipment is available onsite to be used to contain any accidental spills before it reaches waters of the state.

Employee Training ACT 5, T-7 (7)

Site employees training will cover Spill Prevention and Response, Good Housekeeping, and proper material handling during toolbox meetings as needed and on an annual basis. Records of training and those attending will be recorded on Yates designated forms (Attachment 4).

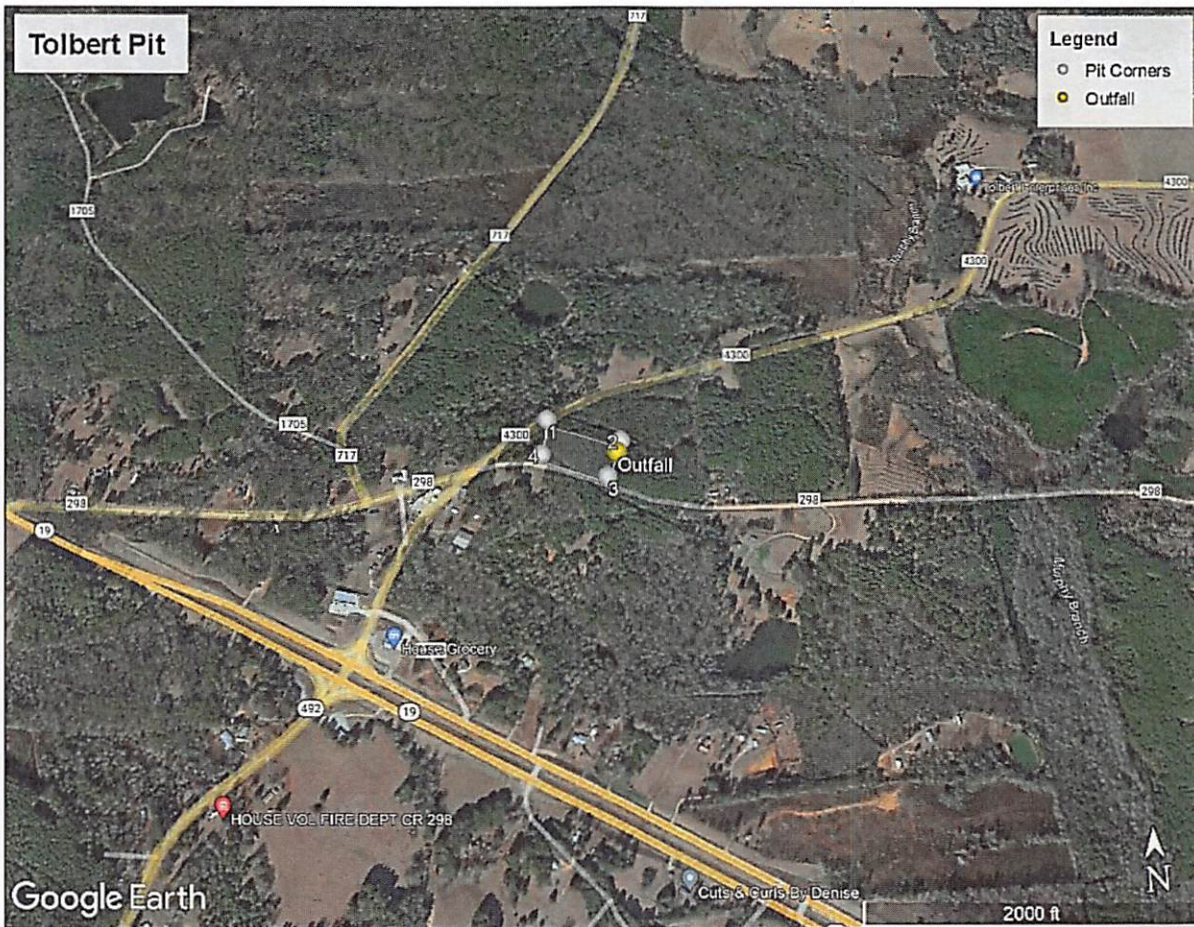
Non-Stormwater Discharges ACT 5, T-7 (8)

No dewatering activities are to occur at the site.

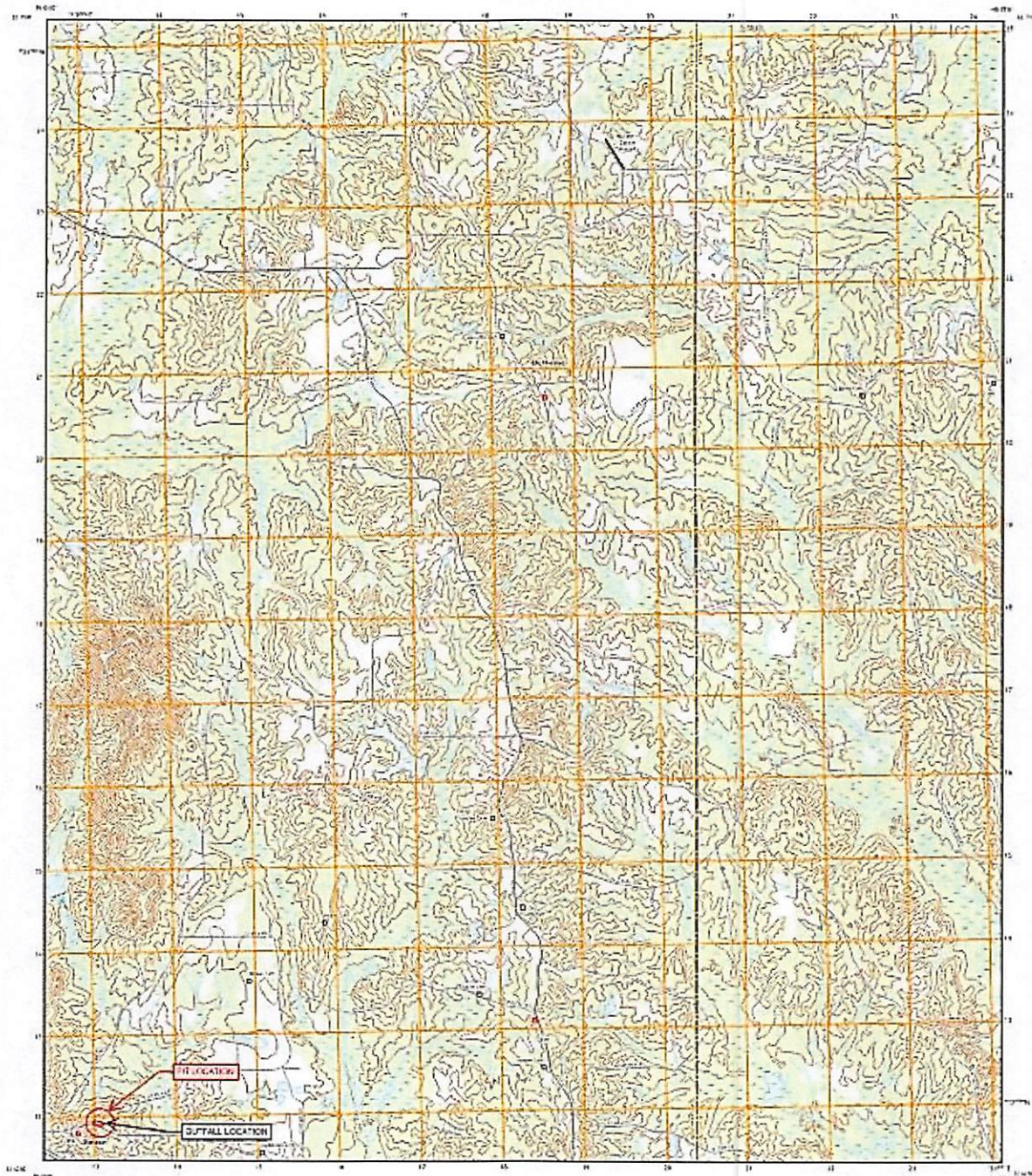
Routine Visual Site Inspections ACT 5, T-8 (9)

Site inspections are to be conducted monthly or within 24 hours of a qualifying rain even to verify that no stormwater containing pollutants is being discharged from the site. Inspections are to be conducted when possible after a rain event following the guidelines of the Monthly Inspection Report Form (Attachment 5).

Attachment 1



Attachment 2



W. G. Yates & Sons Construction, Inc.
1000 S. Highway 100, Suite 100
Tolbert, MS 38927
Phone: (662) 895-1234
Fax: (662) 895-1235
www.wgyates.com



CMP 1, 24322
DATE: 09/15/23
SCALE: 1" = 40'



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Attachment 3

Worksheet 3: List of Significant Spills and Leaks

Completed by: _____
 Title: _____
 Mine: _____
 Date: _____

Directions: Record below all significant spills and significant leaks of toxic or hazardous pollutants that have occurred at the facility in the 3 years prior to the effective date of the permit.

Definitions: Significant spills include, but are not limited to, releases of oil that cause a sheen on waters of the United States (offsite ponds, creeks, rivers, etc.)

Date (m/d/y)	Check One or Both		Location (as indicated on site map)	Description				Response Procedure		Preventive Measures Taken
	Spill	Leak		Type of Material	Quantity (Estimate)	Source	Reason	Amount of Material Recovered	Is Material Still Exposed to Storm water? (Yes or No)	

Additional Notes:

Attachment 4

Attachment 5

**COVERAGE NUMBER (MSR32 _____) INSPECTION YEAR _____
 SITE INSPECTION REPORT AND CERTIFICATION FORM
 MINING GENERAL PERMIT**



Results of the inspection by ACT7 of this permit shall be recorded on this report form and in addition, copies of all completed forms shall be retained onsite or locally available. Inspections must be performed monthly and after a 2-year, 24-hour storm event (approx. 6-inches on Gulf Coast to 4-inches at MS/TN State Line). The coverage number must be listed at the top of all Site Inspection Report and Certification Forms.

COVERAGE RECIPIENT INFORMATION

COMPANY NAME: _____ MINE NAME: _____
 MINE LOCATION: _____ GEOLOGY APPLICATION/PERMIT NO. _____
 NEAREST PROJECT CITY: _____ COUNTY: _____
 MAILING ADDRESS: _____
 MAILING CITY: _____ STATE: _____ ZIP: _____
 CONTACT PERSON: _____ CONTACT PHONE NUMBER: _____

INSPECTION DOCUMENTATION

DATE (mm/dd/yy)	TIME (hh:mm AM/PM)	AFTER 2-YEAR, 24-HOUR STORM EVENT? (CHECK IF YES)	ANY DEFICIENCIES? (CHECK IF YES)	INSPECTOR(S)
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
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		<input type="checkbox"/>	<input type="checkbox"/>	

Deficiencies Noted During any Inspection (give date(s); attach additional sheets if necessary): _____

Corrective Action Taken or Planned (give date(s); attach additional sheets if necessary): _____

Based upon this inspection which I or personnel under my direct supervision conducted, I certify that all erosion and sediment controls have been implemented and maintained, except for those deficiencies noted above, in accordance with the Storm Water Pollution Prevention Plan filed with the Office of Pollution Control and sound engineering practices as required by the above referenced permit. I further certify that the MNOI and SWPPP information on file with MDEQ is up to date.

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 gather and evaluate the information submitted. Based on my inquiry of the person or persons 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 fines and imprisonment for knowing violations.

Authorized Signature _____

Date _____

Printed Name _____

Title _____

YATES CONSTRUCTION

September 20, 2023

Mr. James Matheny
Office of Geology
PO Box 2279
Jackson, Mississippi 39225

RECEIVED
SEP 21 2023
MDEQ

Dear Mr. Matheny:

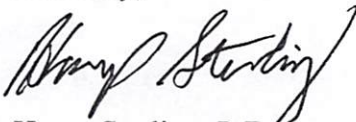
Re: Tolbert Pit, Neshoba County
NOE Permit Application
MNOI Mining Stormwater Permit Application

Enclosed is a completed Notice of Exemption (NOE) application for the referenced borrow pit located in Neshoba County.

Also, enclosed is a completed MNOI form and topo maps illustrating proposed mining areas. All stormwater that is collected on site is directed to settling ponds. The stormwater is allowed to settle and then discharged from the site.

If you have any questions or need additional information, please feel free to call me at (601) 351-2011. Thank you for your assistance with this matter.

Sincerely,



Hamp Sterling, P.E.
Vice President

Enclosures

CC: Ms. Carrie Barefoot EPD, MDEQ