

52950



MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

RECEIVED

APR - 8 2010

Dept of Environmental Quality
Office of Pollution Control

**MINING NOTICE OF INTENT (MNOI)
FOR COVERAGE UNDER
MINING STORM WATER, DEWATERING AND NO DISCHARGE
GENERAL PERMIT MSR32 1987
(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.

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 must be included with the MNOI submittal. Additional submittals may include the following (check all that apply).

- SWPPP, in accordance with ACT 5 of the General Permit
- Section 404 Documentation
- Dam/Reservoir Safety Permit or Written Authorization
- Notice of Exempt Operations Form

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

APPLICANT INFORMATION

IS APPLICANT THE OWNER OPERATOR (Check one or both)

OPERATOR CONTACT PERSON: Donnie Greene

OPERATOR COMPANY NAME: Hill Brothers Construction Company

OPERATOR STREET (P. O. BOX): PO Box 131

OPERATOR CITY: Falkner STATE: MS ZIP: 38629

OPERATOR TELEPHONE NUMBER (INCLUDE AREA CODE): (662) 837-3041

OWNER CONTACT PERSON: Gary Walker
OWNER COMPANY: DLP Enterprise LLC
OWNER STREET (P. O. BOX): PO Box 9
OWNER CITY: Booneville STATE: MS ZIP: 38829
OWNER TELEPHONE NUMBER (INCLUDE AREA CODE): 662-720-3356

MINE INFORMATION

NAME OF MINE: DLP Mine
STREET ADDRESS OR NEAREST NAMED ROAD: Lovers Lane Road
NEAREST CITY: Booneville COUNTY: Prentiss
NW 1/4 OF SW 1/4 OF SECTION 20, TOWNSHIP 5S, RANGE 7E
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).
MATERIAL TO BE MINED: Borrow Dirt
TOTAL ACREAGE: 22
WILL HYDRAULIC DREDGING BE USED? YES NO WASHING OF SAND/GRAVEL? YES NO
RECEIVING STREAM: Unnamed stream to Boyer Creek
ESTIMATED START DATE: 5/1/2010 ESTIMATED END DATE: 12/31/2011

COMPLETE IF STORM WATER DISCHARGE IS PROPOSED

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: 1 6 1 1
ATTACH A STORM WATER POLLUTION PREVENTION PLAN (SEE PERMIT FOR REQUIREMENTS)
IDENTIFY THE ASSOCIATION OR GENERIC SWPPP ON FILE AT MDEQ: Hill Brothers Construction Company

COMPLETE IF WASTEWATER RECIRCULATION SYSTEM WITH NO DISCHARGE IS PROPOSED

DISTANCE BETWEEN RECIRCULATION POND(S) AND PROPERTY LINE: NA (FT)
(MUST BE AT LEAST 150 FEET)
NUMBER OF RECIRCULATION POND(S): NA
STORAGE CAPACITY OF EACH RECIRCULATION POND(S): NA (FT³)

COMPLETE IF MINE DEWATERING IS PROPOSED

ESTIMATED DEWATERING VOLUME: NA (GAL/DAY)
NAME AND ADDRESS OF THE RECIPIENT OF THE DISCHARGE MONITORING REPORTS (DMRs), IF DIFFERENT FROM SIGNATORY:
NA

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. _____

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 601-961-5515.

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

ASSOCIATED APPROVAL DOCUMENTATION. NA

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.

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.

Kenneth W. Drewery
Authorized Signature¹

4-5-10
Date

Kenneth W. Drewery
Printed Name

Treasurer
Title

¹This application shall be signed according to the General Permit, Act 14, 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 10385
Jackson, Mississippi 39289-0385

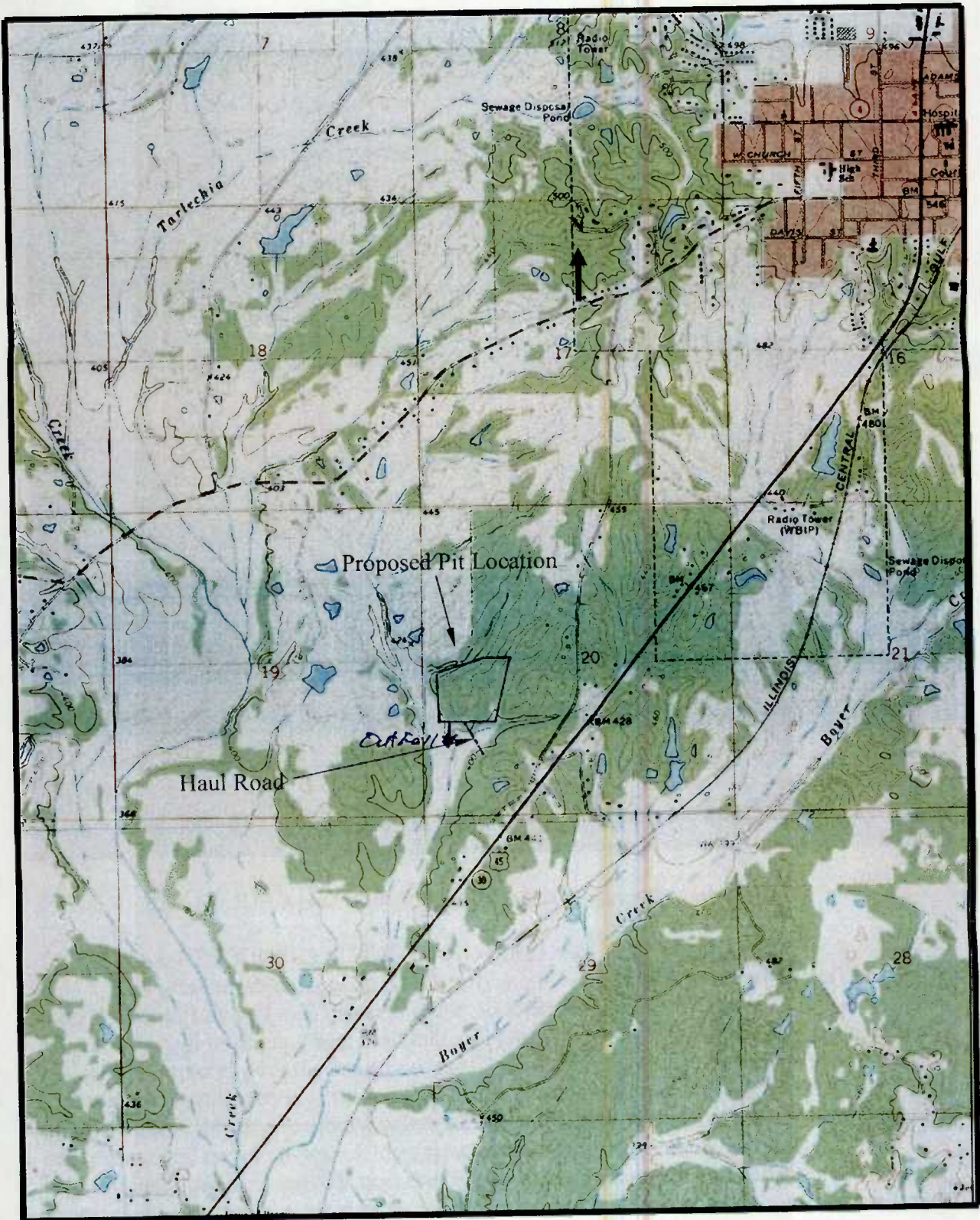


Figure 1. Project Location (Composite Map From the *Booneville and Wheeler, Miss. Quads.*)



March 30, 2010

Cindy House-Pearson
U. S. Army Corps of Engineers
Attention: Regulatory Branch
218 Summit Parkway, Suite 222
Homewood, AL 35209

RE: Prior Construction Notification
Proposed Haul Road
Booneville, Prentiss County, Mississippi

Dear Ms. Pearson:

Our client, Hill Brothers Construction, has contracted Pickering Firm, Inc. to perform environmental consulting services in support of a temporary Haul Road for a Borrow Site. The proposed project is in connection with the construction of Highway 30. The project area (coordinates: 34.62875714, -88.59235349) is located in Section 20, Township 5S, Range 7E, Prentiss County, Mississippi.

Pickering has conducted a wetland delineation within the project area and the results are presented herein. Wetlands were identified and flagged according to current US Army Corps of Engineers Guidelines. Wetland Boundaries were flagged with pink survey flagging printed with the words WETLAND BOUNDARY. Flags were sequentially numbered to assure accurate mapping.

Data was collected at representative sample points on vegetation, soils and hydrology to document current conditions and the presence or absence of wetland indicators. Wetland determination data forms have been completed, as required by the Corps. These data points were marked with flagging and labeled accordingly.

A map showing approximate haul road boundaries and wetland boundaries is enclosed. Approximately 0.11 acres of forested wetlands (BLH), approximately 0.27 acres of emergent wetlands, and two (2) 30-foot reaches of an intermittent stream will temporary be impacted by the proposed haul road.

The proposed haul road will extend approximately 750-feet in length and approximately 60-feet wide. Green/White survey flagging onsite represent the centerline of the Haul Road. Two (2) pipes will be installed in the stream channels to allow normal flow. The contractor will be required to minimize the environmental impacts of the construction to the greatest extent possible by utilizing Best Management Practices, removing all fill to upland area, and restoring any disturbed areas to its original condition.

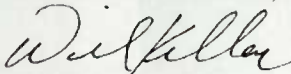
Due to the nature of the proposed project, it appears this work could be authorized by Nationwide Permit 33-Temporary Construction, Access, and Dewatering. Letters have been sent to the USFWS and MDAH describing the proposed project. Comments will be forwarded to your office once received. If applicable, enhancement of the project area would be the preferred type of mitigation. Currently the project area has been impacted by logging operations and the construction of Highway 30. Tree planting, removal of logging debris, and enhancement of a riparian buffer would improve the overall habitat of the project area. I have enclosed a copy of the wetland delineation report, field investigation photographs, plan/profile and several maps of the project area for your review.

Applicant Information:

Donny Green
Hill Brothers Construction Company
P.O. Box 131
Faulkner, MS 38629
662-837-0568

If you have any questions or require additional information, please contact me at (601) 956-3663 or wkillen@pickeringinc.com.

Sincerely,
PICKERING FIRM, INC.



Will Killen
Environmental Scientist

Enclosures

CC: Donny Green