

# CONSTRUCTION STORM WATER POLLUTION PREVENTION PLAN



**Ergon Refining, Inc. / Ergon Biofuels, LLC Demolition  
Vicksburg / Warren County / Mississippi**

**Prepared By:**

Ed Lee, P.E. – Trinity Consultants, Inc.  
Slater Smith, P.E. – Trinity Consultants, Inc.

**TRINITY CONSULTANTS**  
574 Highland Colony Parkway  
Suite 320-R  
Ridgeland, Mississippi 39157

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# 1. ADMINISTRATION

Ergon Refining, Inc. (ERI) will demolish the former Ergon Biofuels, LLC (AI: 2362) in Vicksburg, Warren County, Mississippi. This Storm Water Pollution Prevention Plan (SWPPP) has been prepared for ERI in accordance with the Mississippi SWPPP Guidance Manual for Construction Activities.

## 1.1 Plan Certification

To be Completed by Responsible Corporate Officer or Duly Authorized Representative:

*"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 this 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 also certify that a storm water pollution prevention plan, including both construction (demolition) and post construction (post demolition) controls, has been prepared for the site in accordance with the permit and that such plan complies with approved State, Tribal and/or local sediment and erosion plans or permits and/or storm water management plans or permits. To the best of my knowledge, I further certify that such discharges and discharge related activities will not have an effect on properties listed or eligible for listing on the National Register of Historic Places under the National Historic Preservation Act or are otherwise eligible for coverage under the permit. I am also aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

  
Responsible Corporate Officer Signature

Jeremy Kyser

Responsible Corporate Officer Name

04-10-2024  
Date

Vice President - Refining

Title

## 1.2 Required Contents Checklist

This SWPPP should be revised and updated to address changes in site conditions, new or revised government regulations, and additional on-site storm water pollution controls. The signature of this representative attests that this SWPPP information is true and accurate. Previous authors and facility representatives are not responsible for the revisions.

**Table 1-1. SWPPP Revisions**

<b>Document Revision Number</b>	<b>Date</b>	<b>Company Representative's Signature</b>
Original Document	March 2024	

## 2. SWPPP GENERAL INFORMATION

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### 2.1 Introduction

The front gate of the Ergon Biofuels, LLC (Ergon Biofuels) is found at 1833 Haining Road, Vicksburg, Warren County, Mississippi (32° 23' 28.43" N, 90° 53' 37.49" W). An area map, demolition and phase plan can be found in Appendix A. The Mississippi Department of Environmental Quality (MDEQ) issued the Large Construction Stormwater General Permit (LCGP or MSR10) which requires this SWPPP and a Notice of Intent to receive coverage under the General Permit. The Construction General Permit allows for storm water discharges from land disturbing activities of five (5) acres or greater.

### 2.2 Contact Information

Mr. Jeremy Kyser  
Vice President – Refining  
Telephone: (601) 638-4960  
Email: [Jeremy.Kyser@ergon.com](mailto:Jeremy.Kyser@ergon.com)

Mr. Paul Reed  
Sr. Environmental Technician  
Telephone: (601) 630-8374  
Email: [Paul.Reed@ergon.com](mailto:Paul.Reed@ergon.com)

Mr. Mark Carter  
Site Superintendent  
Telephone: (601) 935-0154  
Email: [mtcarter@alliantconstruction.com](mailto:mtcarter@alliantconstruction.com)

The following individuals make up the SWPPP Team:

- The Vice President – Refining will have signatory authority on all certifications of the SWPPP, including certification of non-storm water discharges.
- The Site Superintendent will be responsible for performing inspections and maintaining SWPPP Best Management Practices (BMPs) controls as well as maintaining good housekeeping at the demolition site. He will also be responsible for creating, maintaining, and updating schedules with approval from ERI Management.
- The Site Superintendent will be responsible for the selection of BMPs.
- The Sr. Environmental Technician will also be responsible for reviewing forms for completeness and filing of forms/maintaining records.

### 2.3 Objective

The SWPPP must be prepared for storm water discharges that will reach Waters of Mississippi, and to identify and address potential sources of pollution that are reasonably expected to affect the quality of discharges from the demolition site, including off-site material storage areas, overburden, and stockpiles of dirt, borrow areas, equipment staging areas, vehicle repair areas, fueling areas, etc., used by the permitted project. The

SWPPP must describe and ensure the implementation of practices that will be used to reduce the pollutants in storm water discharges associated with demolition activity at the demolition site and assure compliance with the terms and conditions of the General Permit.

## **2.4 Non-Storm Water Discharges**

The following non-storm water discharges are authorized for discharge under the General Permit (MSR10):

- Discharges from actual fire-fighting activities;
- Fire hydrant flushing;
- Water used to control dust;
- Waters used to wash vehicles, wheel wash water and other wash water where detergents, soaps, or solvents are not used (11 Miss. Admin. Code, Pt. 6, R.1);
- Potable water sources including uncontaminated waterline flushing;
- Routine external building washdown which does not use detergents, soaps, or solvents;
- Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; directing pavement washwaters directly into any surface water, storm drain inlet, or storm water conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or other effective control is prohibited;
- Uncontaminated air conditioning or compressor condensate;
- Uncontaminated and/or non-turbid groundwater infiltration (as defined at 40 CFR 35.2005(20));
- Uncontaminated and/or non-turbid pumped ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water;
- Uncontaminated excavation dewatering, and;
- Landscape irrigation.

## **2.5 SWPPP Review and Amendments**

### **2.5.1 Review**

This SWPPP must be retained on-site at the Ergon Biofuels demolition site or, if the site is inactive or does not have an on-site location to store the plan, a notice must be posted describing the location of the SWPPP (e.g., ERI). This SWPPP must be made readily available at the time of an on-site inspection.

### **2.5.2 Amendments**

This SWPPP will be revised or updated when the following occurs:

1. Change in demolition operation that has or may have a significant effect on the discharge of pollutants to the waters of the State and that has not been previously addressed in this SWPPP.
2. Results of inspections or investigations indicating this SWPPP is proving ineffective in eliminating or significantly minimizing pollutants from sources identified under the general permit or is otherwise not achieving the general objectives of controlling pollutants in storm water discharges associated with the demolition activity.
3. To identify any new contractor and/or subcontractor that will implement a measure of the SWPPP. The plan must also be amended to address any measures necessary to protect endangered and/or threatened species and their critical habitat, and historic sites listed and/or proposed to be listed on national and state registries, if applicable.

The revisions to the SWPPP will be documented on Table 1-1 found in the front of this document. The authorized representative with regulatory authority (corporate officer or proprietor) to approve the SWPPP shall sign the modified plan certifying that the SWPPP revision information is true and accurate.

The MDEQ may notify the permittee (co-permittees) at any time that the SWPPP does not meet one or more of the minimum requirements of this Part. Such notification shall identify those provisions of this permit which are not being met by the SWPPP and identify which provisions of the plan require modifications to meet the minimum requirements of this Part. Within seven (7) calendar days of receipt of such notification from the MDEQ, (or as otherwise provided by the MDEQ), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the MDEQ a written certification that the requested changes have been made. The MDEQ may take appropriate enforcement action for the period of time the permittee was operating under a plan that did not meet the minimum requirements of the permit.



## 3. SWPPP CONSTRUCTION DESCRIPTION

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### 3.1 Site Description and Demolition Activity

#### 3.1.1 Demolition Contractor

Ergon Refining, Inc. (ERI) and Alliant, an Ergon, Inc. company.

#### 3.1.2 Site Location

The former Ergon Biofuels, LLC is located at 1833 Haining Road, Vicksburg, MS (32° 23' 28.43" N, 90° 53' 37.49" W). An area map, demolition and phase plan can be found in Appendix A.

#### 3.1.3 Description of the Site

ERI have begun demolishing above-ground structures at the former Ergon Biofuels site. The demolition plan will remove all structures, except the following:

1. Southwest Tank Farm;
2. Maintenance Shop;
3. Firewater Tank and Pump Building;
4. Office Building;
5. Boiler House;
6. Tower, and;
7. Administration Building.

All other structures and concrete foundations will be removed. Five (5) acres, or more, of land will be disturbed when the concrete foundations and underground structures are removed.

#### 3.1.4 Environmental Impact on the Site

ERI intends to complete the demolition project within the current confines of Ergon Biofuels, LLC. A demolition layout map can be found in Appendix A. There are no other discharges associated with industrial activities other than construction covered by the General Permit (MSR10).

#### 3.1.5 Construction Activity with Potential Pollutants and Sources

Excavation, filling, grading, and infrastructure demolition activities have the potential to contribute pollutants, including sediment, to storm water runoff. Potential pollutants include Total Suspended Solids (TSS), turbidity, oil and grease.

#### 3.1.6 Major Activities Schedule

A breakdown of the schedule for the major demolition activities shall be kept in the "Major Activities Schedule Log" found in Appendix A.

#### 3.1.7 Property Acreage

The total property is approximately 25 acres. The total area to be disturbed with this project is approximately 24 acres.

### **3.1.8 Demolition Activity Acreage**

As mentioned above, the total number of acres of demolition activities, material storage areas, stockpiles, and borrows is approximately 24 acres.

### **3.1.9 Soil Data**

The site run-off coefficient is estimated to be in the 0.69 range base on a slope of 0-2% and industrial terrain.<sup>1</sup> Refer to the topographical map in Appendix A.

### **3.1.10 General Location Map and Site Map**

Refer to Appendix A for a general location map.

### **3.1.11 Erosion and Sediment Control Map**

Refer to Appendix A for an erosion and sediment control map. The facility has storm drains located throughout the Ergon Biofuels site that drain into a concrete-lined ditch along the south side of the facility. From there the stormwater drains from an outfall pipe into the Yazoo River Diversion Canal. Areas that are located outside of the storm drain areas sheet-flows into the Yazoo River Diversion Canal along the south fence line of the demolition site. Silt fences and rock dams will be used to control the erosion along the south fence line. If the concrete-lined ditch at the south end is removed, then stone or concrete riprap will be required to prevent erosion since the slope from the south fence line of the property is very steep. Vegetation will be planted on the slopes and throughout the property to minimize erosion to the Yazoo River Diversion Canal.

### **3.1.12 Industrial Discharges**

This project does not involve any discharges associated with industrial activities other than demolition activities associated with the former Ergon Biofuels.

### **3.1.13 Receiving Waters**

The storm water will drain into the Yazoo River Diversion Cannel.

### **3.1.14 NPDES Construction General Permit**

A copy of the General Permit, *MSR10* is included in Appendix H.

### **3.1.15 Threatened and/or Endangered Species**

To be eligible for coverage under the construction storm water permit, facilities must provide documentation on whether a listed endangered or threatened species, or critical habitat, are found within the proximity of the project.

Warren County (where the facility is located), has four (4) endangered species listed in the Threatened and Endangered Species of Warren County List (refer to Appendix B).

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<sup>1</sup> ASCE 1992 and Rossmiller 1980: <https://www.maine.gov/dep/land/stormwater/stormwaterbmps/vol3/appendixa.pdf>

Endangered species in Warren County include the following:

- Fat pocketbook mussel (*Potamilus scapax*)
- Least tern (interior) (*Sterna antillarum*)
- Pallid sturgeon (*Scaphirhynchus albus*)
- Pondberry (*Lindera melissifolia*)

Threatened species in Warren County include:

- Northern long-eared bat (*Myotis septentrionalis*)
- Wood Stork (*Mycteria americana*)
- Rabbitsfoot mussel (*Quadrula cylindrica cylindrica*)<sup>2</sup>

There are no endangered species that will be adversely affected by storm water discharges from the demolition project and implementation of BMPs to control storm water runoff. No habitats for the above-listed species are believed to be present in proximity to Ergon Biofuels, LLC. Documentation is provided in Appendix B.

### 3.1.16 Historical Determination

The adverse effects on historic properties must be considered before a facility can be covered by the construction general permit. A search on the Mississippi National Register of Historic Places indicated that no historic places are located near the ERI property. See Appendix B for historic places documentation. The Ergon Biofuels is not located in a National Register Historic District; therefore, the Plant's storm water discharges and allowable non-storm water discharges do not potentially affect a property that is listed or is eligible for listing on the National Register of Historic Places.

### 3.1.17 Total Maximum Daily Loading (TMDL)

Currently, the MDEQ established TMDLs for Total Phosphorus (TP) and Total Nitrogen (TN) for the Yazoo River, the receiving stream for the demolition site.<sup>3</sup> Since the demolition activity will not generate any TP or TN, these pollutants should not be of concern. Portions of the Yazoo River has sediment TMDLs, but the portion of the Yazoo River in Warren County does not have sediment TMDLs.<sup>4</sup> Nevertheless, the demolition team will minimize sediment runoff by implementing the steps in Section 3.2 of this SWPPP.

## 3.2 Erosion and Sediment Controls

### 3.2.1 Erosion and Sediment Control Requirements

Per MSR10 and the *Mississippi SWPPP Guidance Manual for Construction Activities* (December 2016), effluent limitations reflecting the best practicable technology currently available (BPT) (40 CFR 450.21 (a)) shall, at a

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<sup>2</sup> Threaten Critical Habitat

<sup>3</sup> Mississippi Department of Environmental Quality Office of Pollution Control TMDL/WLA Branch, Total Maximum Daily Load Yazoo River Basin, June 2008. [https://opcgis.deq.state.ms.us/TMDLs/Yazoo/Delta\\_Large\\_Rivers\\_FINAL\\_Nutrients\\_TMDL\\_35411.pdf](https://opcgis.deq.state.ms.us/TMDLs/Yazoo/Delta_Large_Rivers_FINAL_Nutrients_TMDL_35411.pdf)

<sup>4</sup> Mississippi Department of Environmental Quality Office of Pollution Control TMDL/WLA Branch, Sediment TMDL for the Yazoo River, June 2003. <https://www.mdeq.ms.gov/wp-content/uploads/2003/06/YazooRBYazooRiverSedimentJun03.pdf>

minimum, include the design of effective erosion and sediment controls to minimize the discharge of pollutants installed and maintained to:

- Control storm water volume and velocity to minimize soil erosion to minimize pollutant discharges.
- Control storm water discharges, including both peak flow rates and total storm water volume to minimize channel and stream bank and scour in the immediate vicinity of discharge points.
- Retain sediment on-site to the extent practicable with consideration for local topography, soil type, and rainfall.
- Minimize amount of soil exposed during construction activities.
- Minimize the disturbance of steep slopes.
- Minimize soil compaction/preserve topsoil. This is not required where the intended function of a specific area of the site dictates that it be compacted.
- Design, install, and maintain erosion and sediment controls to address factors such as the amount, frequency, intensity and duration of precipitation, the nature of the resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
- When discharging storm water from settling basins or impoundments, where feasible, utilize outlet structures that withdraw water from the surface of the basin or impoundment.
- Select, install, and maintain control measures according to the manufacturer or designer's specifications and good engineering practices.
- Remove sediment from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%.
- Remove sediment accumulations if sediment escapes the site at a frequency to minimize further negative effects and, whenever feasible, prior to the next storm event.
- Provide and maintain natural buffers around waters of the state, direct storm water to the vegetated areas or buffers to increase sediment removal, reduce pollutant discharges, and maximize storm water infiltration, where feasible.

### **3.2.2 Site Erosion and Sediment Controls**

In regard to effluent limitations, construction covered under MSR10, ERI shall use BPT currently available to minimize the discharge of pollutants (40 CFR 450.21).

For this project, erosion and sediment controls will consist primarily of the following:

1. Temporary drain inlet protector and/or rock inlet sediment trap;
2. Temporary stone construction exit road;
3. Temporary sediment traps;
4. Silt fencing;
5. Rock check dam and stone outlet, and;
6. Vegetation seeding.

All structural controls utilized will provide low runoff velocities, adequate storage, and limit the loss of sediment to the maximum extent practicable.

All control measures will be properly selected, installed, and maintained in accordance with the manufacturers' specifications and good engineering practices. All inspections will be conducted in accordance with the permit. Controls found to be used inappropriately, or incorrectly, will be modified, or replaced.

All demolition activities for this project will be conducted within the confines of the non-operating Ergon Biofuels. Therefore, no off-site impacts are anticipated. However, in the unlikely event sediment escapes the

area, it will be removed at a frequency sufficient to minimize off-site impacts. To prevent future sediment impact occurrences, control measures will be modified.

To protect the designated purpose of the sediment control measures, any accumulating sediment that could adversely affect the control measures will be removed when design control capacity has been reduced by 50%. Visual inspections of silt fences and sediment traps will be conducted on a periodic basis to ensure that the accumulation of sediment will not adversely affect the control measures.

ERI contractors will utilize BMPs to prevent litter, demolition debris, and construction materials from impacting storm water. Adequate waste receptacles will be available onsite. Visual inspections and daily pick-up of any waste material will be followed.

There are no off-site material storage areas being used solely by the project. All activities associated with demolition will be performed within the ERI property.

### **3.3 Stabilization Practices**

#### **3.3.1 Stabilization Practice Requirements**

Practices may include but are not limited to establishment of temporary vegetation, establishment of permanent vegetation, mulching, geo-textiles, sod stabilization, vegetative buffer strips, and other appropriate measures.

Stabilization measures shall be initiated immediately in portions of the site where clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site or temporarily ceased and will not resume for a period exceeding 14 calendar days. For the purposes of this permit, "immediately" is interpreted to mean no later than the next workday. Where demolition activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 14 days, stabilization measures do not have to be initiated on that portion of site.

As described in the drawing in Appendix A, the types of activities that constitute the initiation of stabilization include, but are not limited to:

- Prepping the soil for vegetative or non-vegetative stabilization;
- Applying mulch or other non-vegetative product to the exposed area;
- Seeding or planting the exposed area;
- Starting any of the activities in # 1 – 3 on a portion of the area to be stabilized, but not on the entire area, and;
- Finalizing arrangements to have stabilization product fully installed in compliance with the applicable deadline for completing stabilization.

As soon as practicable, but no later than 14 calendar days after the initiation of soil stabilization measures, you are required to have completed:

- For vegetative stabilization, all activities necessary to initially seed or plant the area to be stabilized; and/or
- For non-vegetative stabilization, the installation or application of all such non-vegetative measures.

In extenuating circumstances and during drought periods, per 40 CFR 450.21(b), stabilization must be completed as soon as practicable.

If the deadlines as described above are unable to be met and vegetative cover for temporary or permanent stabilization is being used, comply with the following stabilization deadlines instead:

- Immediately initiate, and within 14 calendar days complete, the installation of temporary non-vegetative stabilization measures to prevent erosion;
- Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site, and;
- Document the circumstances that prevent you from meeting the deadlines required and the schedule that will be followed for initiating and completing stabilization.

### **3.3.2 Site Interim and Permanent Stabilization Practices**

The following types of interim and permanent stabilization practices may be used on site as required based on the particular characteristics of the site.

- establish permanent vegetation;
- mulching;
- temporary vegetation;
- geo-textiles;
- sod stabilization;
- vegetative buffer strips, and;
- protect existing vegetation.

The primary stabilization practice for this project is to limit the disturbance of vegetated areas as much as possible. All areas that are disturbed as part of this project that are not paved will be seeded for erosion control. Other common practices that may be utilized include slope stabilization, buffer zone usage, soil retaining measures, and dust control.

During each phase of construction, the following records will be maintained and attached to the SWPPP:

- The dates of major grading activities;
- The dates when major construction activities temporarily or permanently cease; and
- The dates when stabilization measures are initiated.

Any disturbed areas that are large enough to potentially produce sediment concentrations in runoff that could overwhelm the permanent control measures will be stabilized as soon as practicable.

### 3.3.3 Stabilization Practice Schedule

Below is a general guideline that ERI's contractors will follow:

#### LATE WINTER - EARLY SPRING (JAN. 1-MAY 1)

A. SEEDING MIXTURE

<u>Specifics</u>	<u>Rate (lb/acre)</u>
Rye (grain)	120
Kobe	50

B. SOIL AMENDMENT

- a. Follow recommendations of soil tests
- b. Or apply 2,000 lb/acre ground agricultural limestone

C. MULCH

- a. Apply 4,000 lb/acre
- b. Anchor straw by tacking with asphalt, netting, or anchoring tool (A disk with blades set nearly straight can be used as a mulch anchoring tool.)

D. MAINTENANCE

- a. Re-fertilize if growth is not fully adequate. Reseed, re-fertilize and mulch immediately following erosion or other damage.

#### SUMMER (MAY 1 – AUG 15)

A. SEEDING MIXTURE

<u>Specifics</u>	<u>Rate (lb/acre)</u>
German Millet	40

B. SOIL AMENDMENT

- a. Follow recommendations of soil tests
- b. Or apply 2,000 lb/acre ground agricultural limestone and 750 lb/acre 10-10-10 fertilizer

C. MULCH

- a. Apply 4,000 lb/acre
- b. Anchor straw by tacking with asphalt, netting, or anchoring tool (A disk with blades set nearly straight can be used as a mulch anchoring tool.)

D. MAINTENANCE

- a. Re-fertilize if growth is not fully adequate. Reseed, re-fertilize and mulch immediately following erosion or other damage.

FALL (AUG 15 – DEC 31)

A. SEEDING MIXTURE

<u>Specifics</u>	<u>Rate (lb/acre)</u>
Rye (grain)	120

B. SOIL AMENDMENT

- a. Follow recommendations of soil tests
- b. Or apply 2,000 lb/acre ground agricultural limestone and 1,000 lb/acre 10-10-10 fertilizer

C. MULCH

- a. Apply 4,000 lb/acre
- b. Anchor straw by tacking with asphalt, netting, or anchoring tool (A disk with blades set nearly straight can be used as a mulch anchoring tool.)

D. MAINTENANCE

- a. Repair and re-fertilize damaged area immediately. Top dress with 50lb/acre of nitrogen in March. If it is necessary to extend temporary cover beyond June 15, then over-seed with 50 lb/acre Kobe in late February or early March.

After seeding the area, roll or cultipack the area to ensure that the seed is pressed into contact with the soil surface. Mulch the seeded areas.

### 3.4 Structural Controls

#### 3.4.1 Structural Control Requirements

Sediment traps and small sediment basins will be used to control solids in storm water runoff for drainage locations.

At a minimum, silt fences, vegetative buffer strips, riprap, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction.

#### 3.4.2 Site Structural Controls

As shown on Drawing 8759-1000-08-CV020 in Appendix A, the structural controls that will be used include the following:

1. Temporary drain inlet protector and/or rock inlet sediment trap;
2. Temporary stone construction exit road;
3. Temporary sediment traps;
4. Silt fencing, and;
5. Rock check dam and stone outlet.

#### Temporary inlet protection and/or rock inlet sediment trap (Type A)

1. Inspect the barrier after each rain and make repairs as needed.
2. Remove sediment as necessary to provide adequate storage volume for subsequent rains.
3. When the contributing drainage area has been adequately stabilized, remove all material and loose soil, and salvage or dispose of it properly.
4. Bring any disturbed area to proper grade, then smooth and compact it.
5. Appropriately stabilize all bare areas around the inlet.



### **Temporary Stone Construction Exit Pad**

1. Maintain the riprap runoff pad in a condition to prevent mud or sediment from leaving the demolition site. This may require periodic top dressing with stone riprap.
2. After each rainfall, inspect any structure used to trap sediment and clean out, as necessary.
3. Immediately remove all objectionable material spills, washed, or tracked onto public roadways.

### **Temporary Sediment Traps**

1. Inspect temporary sediment traps after each period of significant rainfall.
2. Remove sediment and restore the trap to its original dimensions when the sediment has accumulated to one half (50%) of the design depth of the trap.
3. Place the sediment that is removed in the designated disposal area and replace the contaminated part of the gravel facing.
4. Check the structure for damage to slightly above design grade.
5. Replace any rip rap displaced from erosion or piping.
6. Replace any displaced riprap in the sediment trap.
7. After all sediment that has been permanently stabilized, remove the structure and all unstable sediment.
8. Smooth the area to blend with the adjoining areas and stabilize properly.

### **Silt Fences**

1. Inspect sediment fences at least once per week and after each rainfall.
2. Make any required repairs immediately.
3. Should the fabric of a sediment fence collapse, tear, decompose or become ineffective, replace it promptly. Replace the burlap every 60 days.
4. Remove sediment deposits as necessary to provide adequate storage volume for the next rain and to reduce pressure on the fence.
5. Take care to avoid undermining the fence during cleaning.
6. Remove fencing material and unstable sediment deposits and bring the area to grade.
7. Stabilize the area after the contributing drainage area has been properly stabilized.

## **3.5 Storm Water Management**

After demolition operations have been completed, the land will be sloped so that all storm water drains into the Yazoo Diversion Canal.

## **3.6 Other Controls**

### **3.6.1 Other Control Requirements**

To minimize off-site tracking of sediments and generation of dust, typical controls may include stabilized construction entrances, shoveling and sweeping, watering for dust control, etc.

All demolition and waste materials that pose a potential pollutant source to the storm water runoff from the demolition site will be hauled off or temporarily stored in such a manner to prevent or minimize storm water contact.

Either a roll off dumpster or empty trash drums will be provided for storing trash or rubbish until it can be properly disposed of. The dumpster or trash drums will be covered when not in use to prevent storm water from coming into contact with the trash and rubbish.

### **3.6.2 Other Controls at the Site**

As mentioned above, all demolition activities will occur within ERI's property. ERI does not intend to discharge any solid materials to the waters of the State of Mississippi. Off-site vehicle tracking of sediments and generation of dust will be minimized.

Construction materials expected to be stored on-site will be updated as needed. Currently, the only anticipated material is concrete and reinforced steel. Waste materials expected to be stored on-site will be updated as needed. At this time, the waste materials expected to be stored on-site will be the concrete truck washout, which will be properly contained for disposal at an approved offsite facility.

There will be no other pollutant sources from areas surrounding the approximately 25-acre site. Discharge during the construction phase will be covered under the Large Construction Stormwater General Permit (MSR10). ERI will update this SWPPP as necessary to reflect any changes applicable to protecting surface water resources.

The following controls may be used if needed:

- Dust – Water, as needed;
- Off-site tracking - Shoveling or sweeping as needed;
- Sewage - Port-a-toilets for workers;
- Construction Litter and Trash - Covered dumpster or empty trash drums to minimize waste materials contact with storm water, and;
- Spills - Spill kits (oil absorbent pads, booms, 55-gallon drums, personal protective gear, etc.).

## **3.7 Approved Local Plan**

ERI will comply with all applicable Mississippi State regulations during the demolition process. No other erosion site plans or storm water management site plans are required by local government.

## **3.8 Maintenance**

All erosion and sediment control measures and other protective measures identified in this SWPPP must be maintained in effective operating condition. If through inspections the permittee determines that BMPs are not operating effectively, maintenance must be performed before the next anticipated storm event or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable. Erosion and sediment controls that have been intentionally disabled, run over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery. Employees and subcontractors as necessary should be made aware of the applicable control measures implemented at the site so that they follow applicable procedures.

## **3.9 Inspections**

Qualified personnel (provided by the permittee) must perform weekly inspections for a minimum of four inspections per month.

The inspection will be recorded using the Demolition Site Inspection Report form and MDEQ's Large Construction General Permit Inspection and Certification form found in Appendix E of this document.

During these inspections, erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

Based on the results of the inspection, the site description and pollution prevention measures in this plan must be revised as appropriate, but in no case later than seven calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan within seven calendar days following the inspection.

For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include:

- The inspection date;
- Names, titles, and qualifications of personnel making the inspection;
- Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
- Weather information and a description of any discharges occurring at the time of the inspection;
- Location(s) of discharges of sediment or other pollutants from the site;
- Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- Location(s) of BMPs that need to be maintained;
- Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
- Corrective action required including implementation dates.

If the inspection indicates the site is in compliance (i.e., no non-compliance issues found), then the report shall certify that no non-compliance issues were found.

### **3.10 Contractors and Subcontractors Responsibility**

All contractors and subcontractors working at the site are informed of the terms and conditions of the SWPPP and their obligation to follow the plan. In doing so, they agree not to perform their operations counter to the plan without first contacting the builder in order that the necessary adjustments to the SWPPP plan can be made to assure that pollutants are not discharged from the site in the storm water runoff.

### **3.11 Utility Companies**

All contractors and subcontractors working at the site are informed of the terms and conditions of the SWPPP and their obligation to follow the plan. In doing so, they agree not to perform their operations counter to the plan without first contacting the builder in order that the necessary adjustments to the SWPPP plan can be made to assure that pollutants are not discharged from the site in the storm water runoff.

### **3.12 Emergency Notification**

In the event of an unauthorized discharge that causes an emergency condition, the operator shall notify the 24-hr State Warning Point at **1-800-222-6362** no later than one hour after learning of the discharge. Notification will be made regardless of the amount of the discharge. A written notification shall be provided within seven (7) calendar days after the telephone notification, in accordance with the general permit requirements.

### **3.13 Retention of Records**

ERI and its contractor shall retain copies of this SWPPP, as well as all records and reports (including inspection forms) required by the MSR10 permit, for a period of at least three (3) years from the date that the site is finally stabilized or a Notice of Termination of the Large Construction Stormwater General Permit (MSR10) is submitted and approved.

This SWPPP will be kept electronically on the demolition site (or local site accessible to MDEQ and the public) from the date of project initiation to the date of final stabilization. The party with day-to-day operational control over SWPPP implementation shall have a copy of the plan available at a central location on-site or electronically for use of all operators and those identified as having responsibilities under the plan whenever they are on the construction site. An electronic copy will be available to inspectors during normal business hours.

For the duration of the construction project, an electronic copy of the SWPPP along with the MSR10 permit, submitted NOI and associated MDEQ approval letter must be maintained at the site.

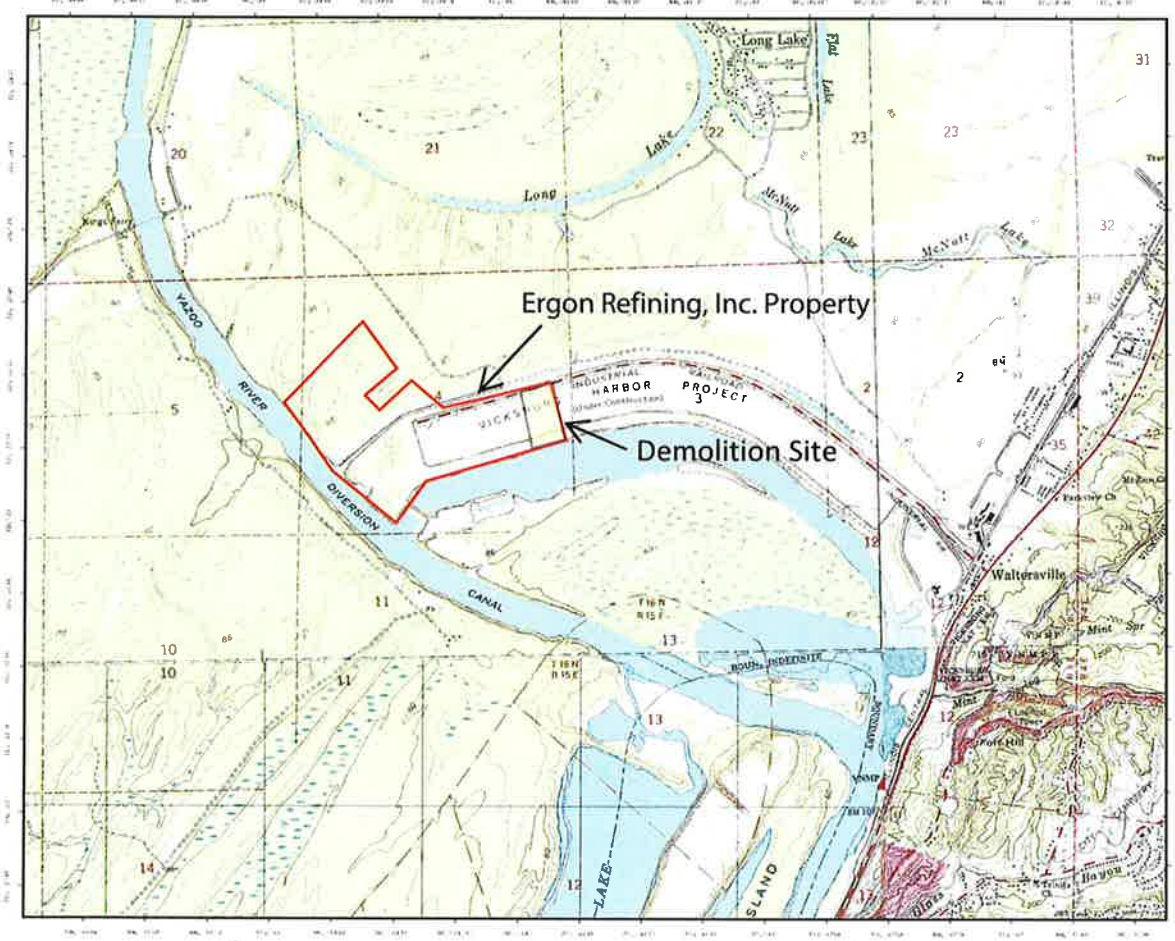
## **APPENDIX A. MAPS AND DIAGRAMS**

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*A.1 Vicinity Topographical Map*

*A.2 Demolition Plan with Phases*

*A.3 Plant Overall Area Civil, Erosion & Sediment Control Plan Erosion Control Details*



mytopo  
A TRIMBLE COMPANY

Viewer Map



Index Map



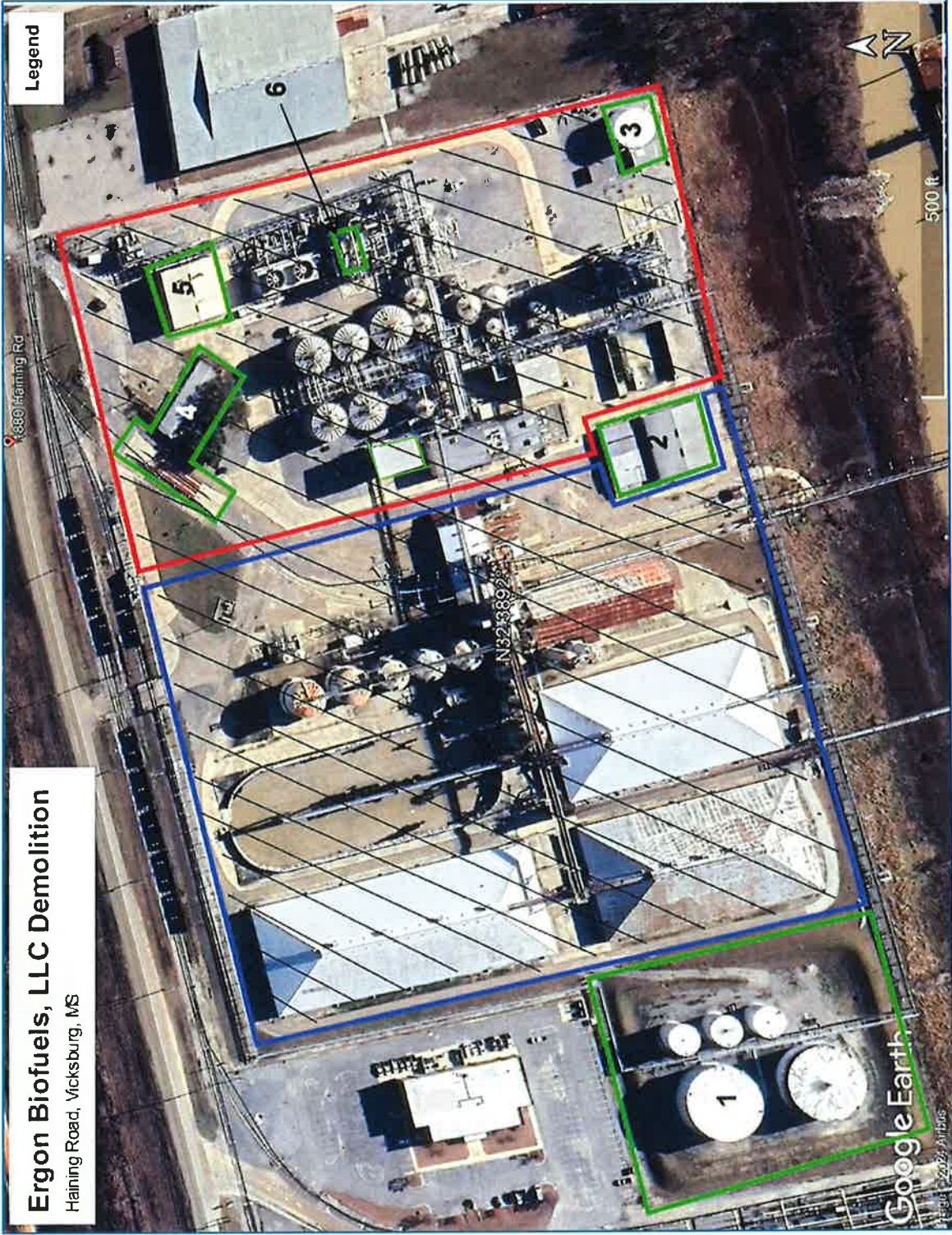
1:50,000



Figure 1 -Topographical Map	
Ergon Refining, Inc. Demolition SWPPP	
Vicksburg, Warren County, MS	
By: EL 03-21-2024	Chk. By: S.S.



**Ergon Biofuels, LLC Demolition**  
Haining Road, Vicksburg, MS



**Legend**

Phase 1



Phase 2



Demolition



Areas Not to Be Demolished



1-Tank Farm; 2-Maintenance Shop; 3-Firewater; 4-Office Building; 5-Boiler House; 6-Tower; 7-ERI Administration Building

Phase 1 land disturbance will begin upon receipt of coverage. Phase 2 land disturbance will begin at the conclusion of Phase 1, approximately 45 days later.



# Ergon Biofuels, LLC Demolition

Haining Road, Vicksburg, MS

Legend

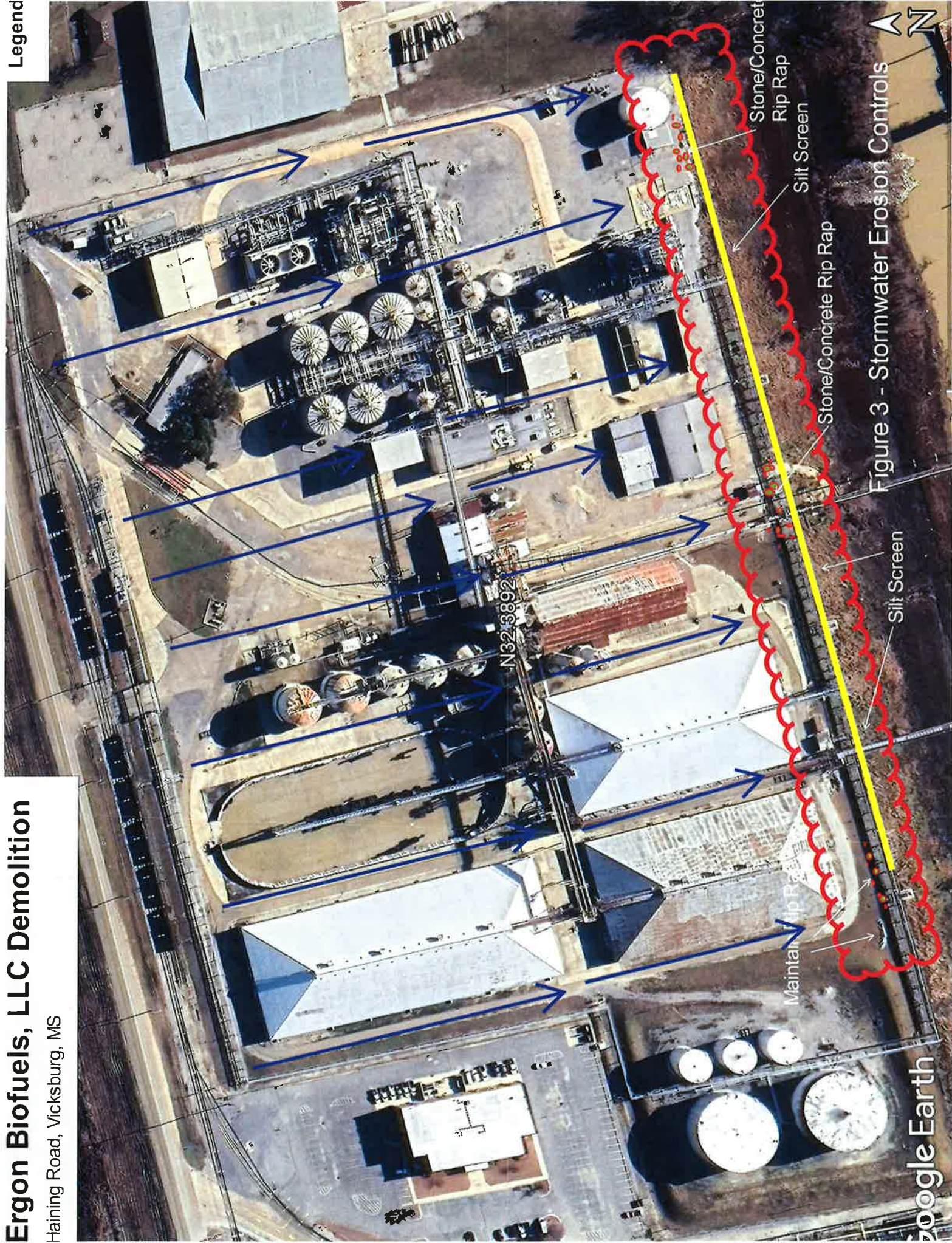


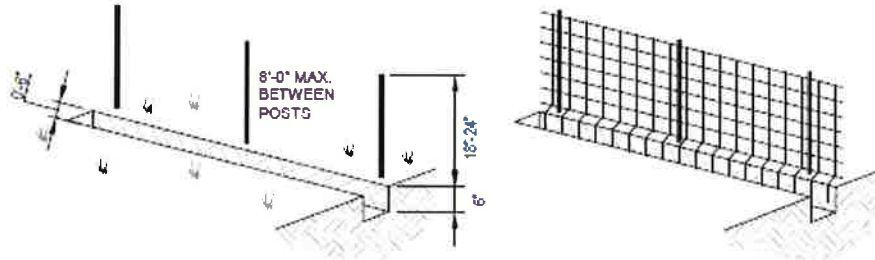
Figure 3 - Stormwater Erosion Controls

Google Earth



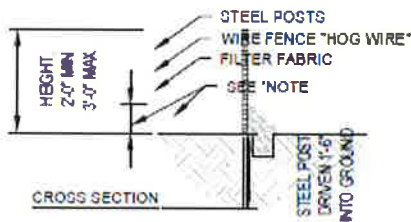
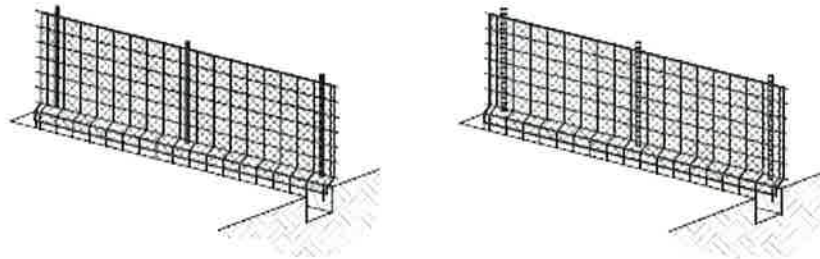
**FIRST:**  
 DRIVE STEEL POSTS 1'-6" INTO GROUND AND EXCAVATE A 6" X 6" TRENCH UPHILL ALONG THE LINE OF POSTS. WOOD POSTS 4" IN DIAMETER MAY BE USED.

**SECOND:**  
 ATTACH WIRE FENCE TO POSTS AND EXTEND THE BOTTOM OF THE FENCE 0'-6" INTO THE EXCAVATED TRENCH.



**THIRD:**  
 ATTACH THE FILTER FABRIC TO THE WIRE FENCE AND EXTEND THE BOTTOM OF THE FABRIC 6" INTO THE TRENCH.

**FOURTH:**  
 BACKFILL THE TRENCH AND FILL WITH 357 STONE TO ANCHOR THE BOTTOM OF THE SILT FENCE SO THAT RUNOFF IS FORCED TO GO THROUGH THE FENCE AND CANNOT GO UNDER IT.



**NOTE:**

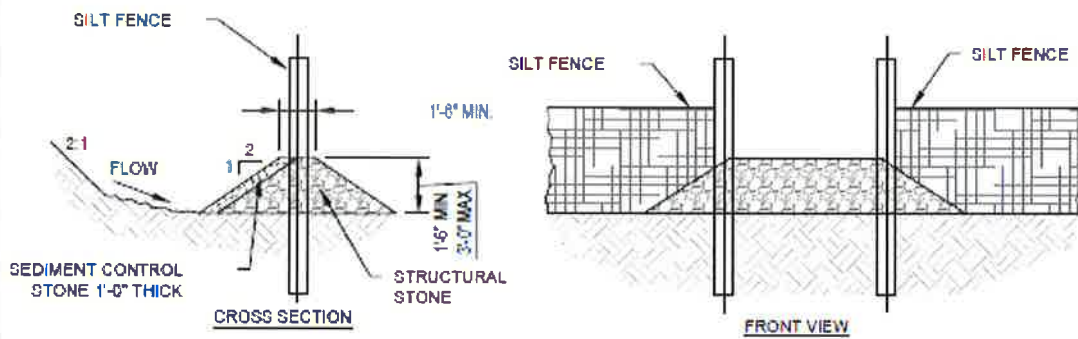
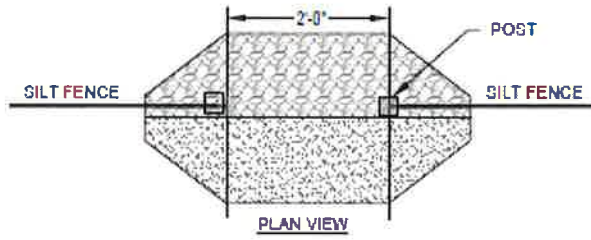
1. BOTTOM OF FILTER FABRIC MUST BE PLACED IN TRENCH AND BURIED WITH NO. 57 WASHED STONE TO A HEIGHT OF 0'-6" ABOVE GROUND LEVEL

STANDARD TEMPORARY SILT FENCE 1

**Figure 4 – Standard Temporary Silt Fence**

**NOTES:**

1. STRUCTURAL STONE SHALL BE (CLASS "B") STONE FOR EROSION CONTROL PURPOSES.
2. SEDIMENT CONTROL STONE SHALL BE NO. 5 OR NO. 57 STONE.

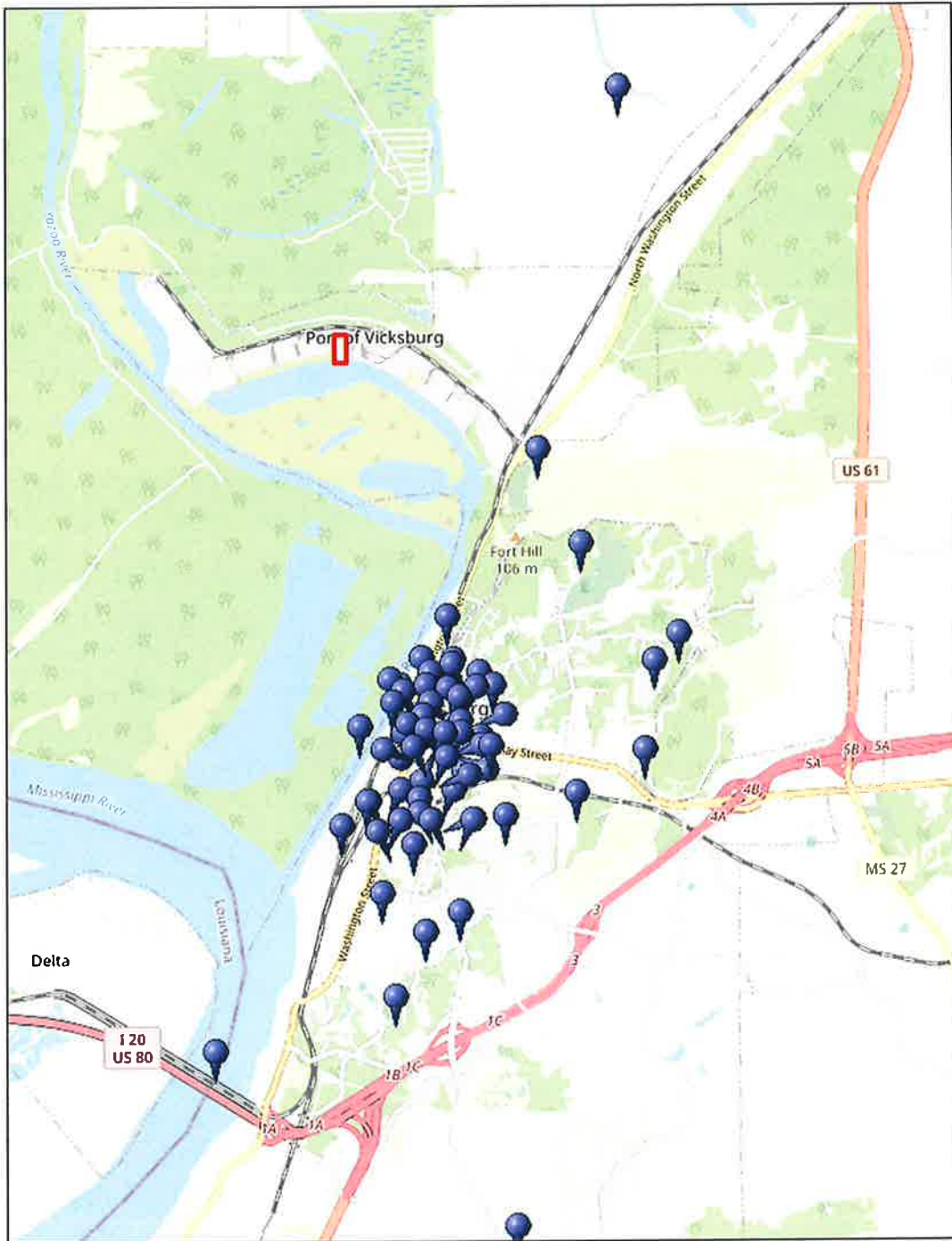


**Figure 5 – Temporary Stone Outlet**

## APPENDIX B. ENDANGERED SPECIES AND HISTORIC PLACES DOCUMENTATION

Warren County				
Category	Species	Scientific Name	Status	Optimal Survey Window
Amphibians	None			
Birds	Wood Stork	<i>Mycteria americana</i>	T	May 1 – Oct 31
Crayfishes	None			
Fishes	Pallid Sturgeon	<i>Scaphirhynchus albus</i>	E	Year round
Insects	None			
Mammals	Northern Long-eared Bat	<i>Myotis septentrionalis</i>	T	May 15 – Aug 31
Mussels	Fat Pocketbook	<i>Potamilus capax</i>	E	Low flow conditions
	Rabbitsfoot	<i>Quadrula cylindrica cylindrica</i>	T/CH	Low flow conditions
	Pyramid Pigtoe	<i>Pleurobema rubrum</i>	PT	Low flow conditions
Plants	Pondberry	<i>Lindera melissifolia</i>	E	Mar 15 – Nov 15
Reptiles	Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	PT	Apr 15 – Sep 30

Reference: U.S. Fish and Wildlife Service, Interior Region 4 – Mississippi Basin, Mississippi Ecological Services Field Office, June 2022.



National Register of Historic Places in Vicksburg

Ref: [https://osm4wiki.toolforge.org/cgi-bin/wiki/wiki-osm.pl?project=en&article=National Register of Historic Places listings in Warren County%2C Mississippi](https://osm4wiki.toolforge.org/cgi-bin/wiki/wiki-osm.pl?project=en&article=National%20Register%20of%20Historic%20Places%20listings%20in%20Warren%20County%2C%20Mississippi)

## National Registered List of Historical Places in Vicksburg, MS

- ✓ [1300 Grove Street House](#)
- ✓ [Anchuca](#)
- ✓ [Anshe Chesed Cemetery](#)
- ✓ [Balfour House](#)
- ✓ [Battery #4 Powder Magazine](#)
- ✓ [Beck House](#)
- ✓ [Belle Fleur](#)
- ✓ [Bethel African Methodist Episcopal Church](#)
- ✓ [Beulah Cemetery](#)
- ✓ [Biedenharn Candy Company Building](#)
- ✓ [Big Black River Battlefield](#)
- ✓ [Big Black River Railroad Bridge](#)
- ✓ [Blum House](#)
- ✓ [Bobb House](#)
- ✓ [Isaac Bonham House](#)
- ✓ [Carr Junior High School](#)
- ✓ [Cedar Grove](#)
- ✓ [Chickasaw Bayou Battlefield](#)
- ✓ [Christian and Brough Building](#)
- ✓ [Church of the Holy Trinity](#)
- ✓ [Confederate Avenue Brick Arch Bridge](#)
- ✓ [Craig-Flowers House](#)
- ✓ [Davis-Mitchell House](#)
- ✓ [Fairground Street Bridge](#)
- ✓ [Federal Fortifications Along Bear Creek](#)
- ✓ [Feld House](#)
- ✓ [Fitz-Hugh Hall](#)
- ✓ [Col. Charles C. Flowerree House](#)
- ✓ [Fonsylvania](#)
- ✓ [Fort St. Pierre Site](#)
- ✓ [The Galleries](#)
- ✓ [Gilland-Hudson House](#)
- ✓ [Glenwood-Vicklan Historic District](#)
- ✓ [Duff Green House](#)
- ✓ [Grove Street Houses](#)
- ✓ [Grove Street-Jackson Historic District](#)
- ✓ [Guider House](#)
- ✓ [P.M. Harding House](#)
- ✓ [Hotel Vicksburg](#)
- ✓ [Joel and Margaret Hullum House](#)
- ✓ [Jackson Street Missionary Baptist Church](#)
- ✓ [Fannie Willis Johnson House](#)
- ✓ [Dr. Isaac Cecil Knox House](#)
- ✓ [John Lane House](#)
- ✓ [W.W. Lassiter Wholesale Grocery Warehouse](#)
- ✓ [Lockett Compound](#)
- ✓ [The Mannlias](#)
- ✓ [Magruder-Morrissey House](#)
- ✓ [Main Street Historic District](#)
- ✓ [McDermott House](#)
- ✓ [McNutt House](#)
- ✓ [Mississippi River Bridge](#)
- ✓ [Old Courthouse, Warren County](#)
- ✓ [Pemberton's Headquarters](#)
- ✓ [Planters Hall](#)
- ✓ [Polk-Sherard-Hinman House](#)
- ✓ [Rolling Acres Historic District](#)
- ✓ [Adolph Rose Building](#)
- ✓ [St. Francis Xavier Convent](#)
- ✓ [Shlenker House](#)
- ✓ [Snyder's Bluff](#)
- ✓ [South Cherry Street Historic District](#)
- ✓ [South Drummond Street Neighborhood Historic District](#)
- ✓ [South Vicksburg Public School No. 200](#)
- ✓ [Tri-State Motor Coach Station](#)
- ✓ [Uptown Vicksburg Historic District](#)
- ✓ [U.S.S. "CAIRO"](#)
- ✓ [Vicksburg National Military Park](#)
- ✓ [Old Vicksburg Public Library](#)
- ✓ [Vicksburg Siege Cave](#)
- ✓ [Walnut Hills](#)
- ✓ [Waterways Experiment Station](#)
- ✓ [Yazoo And Mississippi Valley Depot](#)
- ✓ [Yokena Presbyterian Church](#)
- ✓ [Young-Bradfield House](#)

## **APPENDIX C. LARGE CONSTRUCTION NOTICE OF INTENT**

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AI: 86231

MSR109257



Rec'd via email:  
04/11/2024

MISSISSIPPI DEPARTMENT OF  
ENVIRONMENTAL QUALITY

## LARGE CONSTRUCTION NOTICE OF INTENT (LCNOI) FOR COVERAGE UNDER THE LARGE CONSTRUCTION STORM WATER GENERAL NPDES PERMIT

### INSTRUCTIONS

The Large Construction Notice of Intent (LCNOI) is for coverage under the Large Construction General Permit for land disturbing activities of five (5) acres or greater; or for land disturbing activities, which are part of a larger common plan of development or sale that are initially less than five (5) acres but will ultimately disturb five (5) or more acres. Applicant must be the owner or operator. For construction activities, the operator is typically the prime contractor. The owner(s) of the property and the prime contractor associated with regulated construction activity on the property have joint and severable responsibility for compliance with the Large Construction Storm Water General Permit MSR10.

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.

Completed LCNOIs should be filed at least thirty (30) days prior to the commencement of construction. Discharge of storm water from large construction activities without written notification of coverage is a violation of state law.

Submittals with this LCNOI must include:

- A site-specific Storm Water Pollution Prevention Plan (SWPPP) developed in accordance with ACT5 of the General Permit
- A detailed site-specific scaled drawing showing the property layout and the features outlined in ACT5 of the General Permit
- A United States Geological Survey (USGS) quadrangle map or photocopy, extending at least one-half mile beyond the facility property boundaries with the site location and outfalls outlined or highlighted. 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, if applicable:

- Appropriate Section 404 documentation from U.S. Army Corps of Engineers
- Appropriate documentation concerning future disposal of sanitary sewage and sewage collection system construction
- Appropriate documentation from the MDEQ Office of Land & Water concerning dam construction and low flow requirements
- Approval from County Utility Authority in Hancock, Harrison, Jackson, Pearl River and Stone Counties
- Antidegradation report for disturbance within Waters of the State

ALL QUESTIONS MUST BE ANSWERED (Answer "NA" if the question is not applicable)

O.C



MSR10 9257

(NUMBER TO BE ASSIGNED BY STATE)

APPLICANT IS THE:  OWNER  PRIME CONTRACTOR

**OWNER CONTACT INFORMATION**

OWNER CONTACT PERSON: Jeremy Kyser  
OWNER COMPANY LEGAL NAME: Ergon Refining, Inc.  
OWNER STREET OR P.O. BOX: 309  
OWNER CITY: Vicksburg STATE: MS ZIP: 39181  
OWNER PHONE #: (601) 638-4960 OWNER EMAIL: Jeremy.Kyser@ergon.com

**PREPARER CONTACT INFORMATION**

IF NOI WAS PREPARED BY SOMEONE OTHER THAN THE APPLICANT  
CONTACT PERSON: Slater Smith  
COMPANY LEGAL NAME: Trinity Consultants, Inc  
STREET OR P.O. BOX: 574 Highland Colony Pkwy, Ste 320R  
CITY: Ridgeland STATE: MS ZIP: 39157  
PHONE # ( ) (662) 415-6196 EMAIL: slater.smith@trinityconsultants.com

**PRIME CONTRACTOR CONTACT INFORMATION**

PRIME CONTRACTOR CONTACT PERSON: Mark Carter  
PRIME CONTRACTOR COMPANY LEGAL NAME: Alliant Construction  
PRIME CONTRACTOR STREET OR P.O. BOX: 911 Flynt Drive  
PRIME CONTRACTOR CITY: Flowood STATE: MS ZIP: 39232  
PRIME CONTRACTOR PHONE #: (601) 935-0154 PRIME CONTRACTOR EMAIL: mtcarter@alliantconstruction.com

**FACILITY SITE INFORMATION**

FACILITY SITE NAME: Ergon Biofuels, LLC  
FACILITY SITE ADDRESS (If the physical address is not available, please indicate the nearest named road. For linear projects indicate the beginning of the project and identify all counties the project traverses.)  
STREET: 1833 Haining Road  
CITY: Vicksburg STATE: MS COUNTY: Warren ZIP: 39183  
FACILITY SITE TRIBAL LAND ID (N/A If not applicable): \_\_\_\_\_  
LATITUDE: 32 degrees 23 minutes 28 seconds LONGITUDE: 90 degrees 53 minutes 37 seconds  
LAT & LONG DATA SOURCE (GPS (Please GPS Project Entrance/Start Point) or Map Interpolation): Map Interpolation  
TOTAL ACREAGE THAT WILL BE DISTURBED <sup>1</sup>: 25

IS THIS PART OF A LARGER COMMON PLAN OF DEVELOPMENT? YES  NO

IF YES, NAME OF LARGER COMMON PLAN OF DEVELOPMENT: \_\_\_\_\_  
 AND PERMIT COVERAGE NUMBER: MSR10 \_\_\_\_\_

ESTIMATED CONSTRUCTION PROJECT START DATE: \_\_\_\_\_  
 YYYY-MM-DD

ESTIMATED CONSTRUCTION PROJECT END DATE: \_\_\_\_\_  
 2024-07-20  
 YYYY-MM-DD

DESCRIPTION OF CONSTRUCTION ACTIVITY: Demoition of Ergon Biofuels, LLC

PROPOSED DESCRIPTION OF PROPERTY USE AFTER CONSTRUCTION HAS BEEN COMPLETED: \_\_\_\_\_

SIC Code: 2869 NAICS Code 325110

NEAREST NAMED RECEIVING STREAM: Yazoo River Diversion Canal

IS RECEIVING STREAM ON MISSISSIPPI'S 303(d) LIST OF IMPAIRED WATER BODIES? (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](http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section)) YES  NO

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

FOR WHICH POLLUTANT:

ARE THERE RECREATIONAL STREAMS, PRIVATE/PUBLIC PONDS OR LAKES WITHIN 1/2 MILE DOWNSTREAM OF PROJECT BOUNDRY THAT MAY BE IMPACTED BY THE CONSTRUCTION ACTIVITY? YES  NO

EXISTING DATA DESCRIBING THE SOIL (for linear projects please describe in SWPPP): \_\_\_\_\_

WILL FLOCCULANTS BE USED TO TREAT TURBIDITY IN STORM WATER? YES  NO

IF YES, INDICATE THE TYPE OF FLOCCULANT.  ANIONIC POLYACRYLIMIDE (PAM)  
 OTHER \_\_\_\_\_

IF YES, DOES THE SWPPP DESCRIBE THE METHOD OF INTRODUCTION, THE LOCATION OF INTRODUCTION AND THE LOCATION OF WHERE FLOCCULATED MATERIAL WILL SETTLE?

IS A SDS SHEET INCLUDED FOR THE FLOCCULATE? YES  NO

WILL THERE BE A 50 FT BUFFER BETWEEN THE PROJECT DISTURBANCE AND THE WATERS OF THE STATE? YES  NO

IF NOT, PROVIDE EQUIVALENT CONTROL MEASURES IN THE SWPPP.

<sup>1</sup> Acreage for subdivision development includes areas disturbed by construction of roads, utilities and drainage. Additionally, a housesite of at least 10,000 ft<sup>2</sup> per lot (entire lot, if smaller) shall be included in calculating acreage disturbed.

**DOCUMENTATION OF COMPLIANCE WITH OTHER REGULATIONS/REQUIREMENTS**  
 COVERAGE UNDER THIS PERMIT WILL NOT BE GRANTED UNTIL ALL OTHER REQUIRED  
 MDEQ PERMITS AND APPROVALS ARE SATISFACTORILY ADDRESSED

IS LCNOI FOR A FACILITY THAT WILL REQUIRE OTHER PERMITS?

YES  NO

IF YES, CHECK ALL THAT APPLY:  AIR  HAZARDOUS WASTE  PRETREATMENT  
 WATER STATE OPERATING  INDIVIDUAL NPDES  OTHER: \_\_\_\_\_

IS THE PROJECT REROUTING, FILLING OR CROSSING A WATER CONVEYANCE OF ANY KIND? (If yes, contact the U.S. Army Corps of Engineers' Regulatory Branch for permitting requirements.) YES  NO

IF THE PROJECT REQUIRES A CORPS OF ENGINEER SECTION 404 PERMIT, PROVIDE APPROPRIATE DOCUMENTATION THAT:

- The project 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

IS THE PROJECT REROUTING, FILLING OR CROSSING A STATE WATER CONVEYANCE OF ANY KIND? (If yes, please provide an antidegradation report.) YES  NO

IS A LAKE REQUIRING THE CONSTRUCTION OF A DAM BEING PROPOSED? (If yes, provide appropriate approval documentation from MDEQ Office of Land and Water, Dam Safety.) YES  NO

IF THE PROJECT IS A SUBDIVISION OR A COMMERCIAL DEVELOPMENT, HOW WILL SANITARY SEWAGE BE DISPOSED? Check one of the following and attach the pertinent documents.

- Existing Municipal or Commercial System. Please attach plans and specifications for the collection system and the associated "Information Regarding Proposed Wastewater Projects" form or approval from County Utility Authority in Hancock, Harrison, Jackson, Pearl River and Stone Counties. If the plans and specifications can not be provided at the time of LCNOI submittal, MDEQ will accept written acknowledgement from official(s) responsible for wastewater collection and treatment that the flows generated from the proposed project can and will be transported and treated properly. The letter must include the estimated flow.
- Collection and Treatment System will be Constructed. Please attach a copy of the cover of the NPDES discharge permit from MDEQ or indicate the date the application was submitted to MDEQ (Date: \_\_\_\_\_.)
- Individual Onsite Wastewater Disposal Systems for Subdivisions Less than 35 Lots. Please attach a copy of the Letter of General Acceptance from the Mississippi State Department of Health or certification from a registered professional engineer that the platted lots should support individual onsite wastewater disposal systems.
- Individual Onsite Wastewater Disposal Systems for Subdivisions Greater than 35 Lots. A determination of the feasibility of installing a central sewage collection and treatment system must be made by MDEQ. A copy of the response from MDEQ concerning the feasibility study must be attached. If a central collection and wastewater system is not feasible, then please attach a copy of the Letter of General Acceptance from the State Department of Health or certification from a registered professional engineer that the platted lots should support individual onsite wastewater disposal systems.

INDICATE ANY LOCAL STORM WATER ORDINANCE (I.E. MS4) WITH WHICH THE PROJECT MUST COMPLY:  
 \_\_\_\_\_  
 \_\_\_\_\_

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.



Signature of Applicant (owner or prime contractor)

04-10-2024

Date Signed

Jeremy Kysen

Printed Name<sup>1</sup>

V.P. REFINING

Title

<sup>1</sup>This application shall be signed 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 principal executive officer, mayor, or ranking elected official

Please submit the LCN01 form to:

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

Electronically:

<https://www.mdeq.ms.gov/construction-stormwater/>

Revised 3/23/22

## **APPENDIX D. PRIME CONTRACTOR FORM**

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# PRIME CONTRACTOR CERTIFICATION

## LARGE CONSTRUCTION GENERAL PERMIT

Coverage No. MSR10 \_\_\_\_\_ County Warren  
 (Fill in your Certificate of Coverage Number and County)



By completing and submitting this form to MDEQ, the prime contractor is certifying that (1) they have operational control over the erosion and sediment control specifications (including the ability to make modifications to such specifications) or (2) they have day-to-day operational control of those activities at the site necessary to ensure compliance with the SWPPP and applicable permit conditions.

The owner(s) of the property and the prime contractor associated with regulated construction activity on the property have joint and severable responsibility for compliance with the permit. Notwithstanding any permit condition to the contrary, the coverage recipient and any person who causes pollution of waters of the state or places waste in a location where they are likely to cause pollution of any waters of the state shall remain responsible under applicable federal and state laws and regulations and applicable permits.

### PRIME CONTRACTOR INFORMATION

PRIME CONTRACTOR CONTACT PERSON: Mark Carter PHONE NUMBER: ( ) 601-935-0154  
 PRIME CONTRACTOR COMPANY: Alliant Construction  
 PRIME CONTRACTOR STREET (P.O. BOX): 911 Flynt Drive  
 PRIME CONTRACTOR CITY: Flowood STATE: MS ZIP: 39232  
 E-MAIL ADDRESS: mtcarter@alliantconstruction.com

### OWNER INFORMATION

OWNER CONTACT PERSON: Paul Reed PHONE NUMBER: ( 601 ) 209-0663  
 OWNER COMPANY NAME: Ergon Refining, Inc.

### PROJECT INFORMATION

PROJECT NAME: ERI - Ergon Biofuels Demolition  
 DESCRIPTION OF CONSTRUCTION ACTIVITY: In two phases, ERI will demolish the former Ergon Biofuels structures and foundations.  
 PHYSICAL SITE ADDRESS (If the physical address is not available indicate the nearest named road. For linear projects, indicate the beginning of the project and identify all counties the project traverses.)  
 STREET: 1833 Haining Road  
 CITY: Vicksburg COUNTY: Warren

I certify that I am the prime contractor for this project and will comply with all the requirements in the above referenced general NPDES permit. I further 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.

*Mark T. Carter*  
 Prime Contractor Signature  
MARK T. CARTER  
 Printed Name<sup>1</sup>

4/11/2024  
 Date Signed  
SUPERINTENDENT  
 Title

<sup>1</sup>This application shall be signed 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 principal executive officer, mayor, or ranking elected official.

This Prime Contractors Certification form shall be submitted to:  
 Chief, Environmental Permits Division  
 MS Department of Environmental Quality, Office of Pollution Control  
 P.O. Box 2261  
 Jackson, Mississippi 39225

## **APPENDIX E. LCGP SITE INSPECTION AND CERTIFICATION FORM**

**Demolition Site Inspection Report Form (Page 1 of 3)**

Date: \_\_\_\_\_

Inspector/Title: \_\_\_\_\_

Weather information for the period since last inspection<sup>5</sup>:  
\_\_\_\_\_  
\_\_\_\_\_

Weather information and description of any discharges occurring at the time of the inspection:  
\_\_\_\_\_  
\_\_\_\_\_

<b>Erosion and Sediment Control Measure / BMP</b>	<b>Location</b>	<b>Satisfactory Yes/No</b>	<b>Comments</b>

5  
Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;



**Demolition Site Inspection Report Form (Page 2 of 3)**

Entrance(s): Clear of Mud, Dirt, Debris, or Tracking Yes \_\_\_ No \_\_\_

Corrective Action\_\_\_\_\_

Outfall Locations: BMPs are in place and working. Yes \_\_\_, No \_\_\_

Corrective Action\_\_\_\_\_

Disturbed Area(s): BMPs are in place and working. Yes \_\_\_, No \_\_\_

Corrective Action\_\_\_\_\_

Waste Storage Area(s): BMPs are in place and working. Yes \_\_\_, No \_\_\_

Corrective Action\_\_\_\_\_

**Summary of Findings:**

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**Non-Compliance Issues:**

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Site is in Compliance Yes \_\_\_ No \_\_\_

**Demolition Site Inspection Report Form (Page 3 of 3)**

Location(s) where additional BMPs are needed that did not exist at the time of inspection;

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Corrective Actions and Implementation Dates:

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*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 this 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 also certify that a storm water pollution prevention plan, including both construction (demolition) and post construction (post demolition) controls, has been prepared for the site in accordance with the permit and that such plan complies with approved State, Tribal and/or local sediment and erosion plans or permits and/or storm water management plans or permits. I am aware that signature and submittal of the NOI is deemed to constitute my determination of eligibility under one or more of the requirements of Permit MSR10. I am also aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

---

**Name and Title**

---

**Telephone Number**

---

**Signature**

---

**Date**

Keep a Copy Available at the Permitted Facility or Locally Available  
 Submit the Inspection Reports Only if Requested by the Mississippi Department of Environmental Quality (MDEQ)

**LARGE CONSTRUCTION GENERAL PERMIT  
 SITE INSPECTION AND CERTIFICATION FORM  
 COVERAGE NUMBER (MSR10 \_\_\_\_\_)**



**INSTRUCTIONS**

Results of construction storm water inspections required by ACT6 of this permit shall be recorded on this report form and kept with the Storm Water Pollution Prevention Plan (SWPPP) in accordance with the inspection documentation provisions of ACT9 of the this permit. Inspections shall be performed at least weekly for a minimum of four inspections per month. The coverage number must be listed at the top of all Inspection and Certification Forms.

**COVERAGE RECIPIENT INFORMATION**

OWNER/PRIME CONTRATOR NAME: Ergon Refining, Inc (ERI)  
 PROJECT NAME: ERI - Ergon Biofuels, LLC Demolition  
 PROJECT STREET ADDRESS: 1833 Haining Road  
 PROJECT CITY: Vicksburg PROJECT COUNTY: Warren  
 OWNER/PRIME CONTRACTOR MAILING ADDRESS: P.O. Box 309  
 MAILING CITY: Vicksburg STATE: MS ZIP: 39181  
 CONTACT PERSON: Paul Reed CONTACT PHONE NUMBER: (601) 630-8374  
 EMAIL ADDRESS: Paul.Reed@ergon.com

**INSPECTION DOCUMENTATION**

DATE (mo/day/yr)	TIME (hr:min AM/PM)	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"/>	

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 (SWPPP) and sound engineering practices as required by the above referenced permit. I further certify that the LCNOI and SWPPP information 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 \_\_\_\_\_

## **APPENDIX F. MDEQ EMPLOYEE TRAINING FORM**

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## **APPENDIX G. MS SOS CERTIFICATE OF GOOD STANDING**

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# Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

## Name History

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Name	Name Type
ERGON REFINING, INC.	Legal

## Business Information

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<b>Business Type:</b>	Profit Corporation
<b>Business ID:</b>	211014
<b>Status:</b>	Good Standing
<b>Effective Date:</b>	10/13/1977
<b>State of Incorporation:</b>	Mississippi
<b>Principal Office Address:</b>	2829 LAKELAND DRIVE Flowood, MS 39215-1639

## Registered Agent

---

<b>Name</b>	J. Kevin Watson
	2829 Lakeland Drive, Suite 1502
	Flowood, MS 39232

## Officers & Directors

---

Name	Title
Lance Puckett	President
2829 Lakeland Drive	



Flowood, MS 39232

Kirk Latson  
2829 Lakeland Drive  
Flowood, MS 39232

Vice President

Alan Wall  
2829 Lakeland Drive  
Flowood, MS 39232

Vice President, Chief Financial Officer

Paul Young  
2829 Lakeland Drive  
Flowood, MS 39232

Vice President

Lance Mazerov  
2829 Lakeland Drive  
Flowood, MS 39232

Assistant Secretary, Vice President

Houston Ezell  
2829 Lakeland Drive  
Flowood, MS 39232

Vice President

Jeremy Kyser  
2829 Lakeland Drive  
Flowood, MS 39232

Vice President

Justin Goldman  
2829 Lakeland Drive  
Flowood, MS 39232

Vice President

Kris Patrick  
2829 Lakeland Drive  
Flowood, MS 39232

Vice President

Chris Marquette  
2829 Lakeland Drive  
Flowood, MS 39232  
Vice President

George Threadgill  
2829 Lakeland Drive  
Flowood, MS 39232  
Vice President

Jay Coleman  
2829 Lakeland Drive  
Flowood, MS 39232  
Vice President

Gerardo Maldonado  
2829 Lakeland Drive  
Flowood, MS 39232  
Vice President

Nick White  
2829 Lakeland Drive  
Flowood, MS 39232  
Vice President

Rusty Sammons  
2829 Lakeland Drive  
Flowood, MS 39232  
Vice President

Kenneth E Hodges  
2829 Lakeland Drive  
Flowood, MS 39232  
Treasurer

Kathryn W Stone  
2829 Lakeland Drive  
Flowood, MS 39232  
Secretary

Lee C Lampton  
2829 Lakeland Drive  
Director

Flowood, MS 39232

Leslie B Lampton III  
2829 Lakeland Drive  
Flowood, MS 39232      Director

Robert H. Lampton  
2829 Lakeland Drive  
Flowood, MS 39232      Director

William W. Lampton  
2829 Lakeland Drive  
Flowood, MS 39232      Director

Timothy M Brown  
2829 Lakeland Drive  
Flowood, MS 39232      Vice President

## **APPENDIX H. MDEQ LARGE CONSTRUCTION GENERAL PERMIT**

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**State of Mississippi**  
**Mississippi Department of Environmental Quality (MDEQ)**



**LARGE CONSTRUCTION GENERAL PERMIT**  
**FOR LAND DISTURBING ACTIVITIES OF FIVE (5) OR MORE ACRES**

**THIS CERTIFIES THAT**

**PROJECTS ISSUED A CERTIFICATE OF COVERAGE UNDER THIS PERMIT ARE GRANTED PERMISSION TO DISCHARGE STORM WATER FROM REGULATED CONSTRUCTION ACTIVITIES INTO STATE WATERS**

in accordance with effluent limitations, inspection requirements and other conditions set forth in herein. This permit is issued in accordance with the provisions of the Mississippi Water Pollution Control Law (Section 49-17-1 et seq., Mississippi Code of 1972), and the regulations and standards adopted and promulgated thereunder, and under authority granted pursuant to Section 402(b) of the Federal Water Pollution Control Act.

**Mississippi Environmental Quality Permit Board**

*Kristal Rudolph*  
Authorized Signature

**Mississippi Department of Environmental Quality**

Permit No. MSR10

Issued: February 4, 2022

Expires: January 31, 2027

AI# 24066

Large Construction Storm Water General Permit

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Large Construction Storm Water General Permit

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**ACT1 (LCGP) Introduction:**

**Narrative Requirements:**

Condition No.	Condition
T-1	The Large Construction General Permit (LCGP) authorizes storm water discharges from construction activities five (5) acres or greater or less than five (5) acres if part of a "larger common plan of development or sale" (see Definitions). Storm water discharges that enter waters of the State or storm water conveyance systems leading to waters of the State are subject to regulation and compliance with the conditions set forth in this permit. This permit also authorizes storm water discharges from any other construction activity designated by the Executive Director based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to waters of the State. This permit replaces the previous Large Construction General Permit that expired on December 31, 2021. [11 Miss. Admin. Code Pt. 6, R. 1]

**ACT2 (LCGP) Permit Applicability and Coverage:**

**Narrative Requirements:**

Condition No.	Condition
T-1	<p>PERMIT AREA: The Large Construction General Permit covers all areas of the State of Mississippi. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-2	<p>ELIGIBILITY:                      (1) Discharges composed entirely of storm water and allowable non-storm water discharges (see ACT5, T-14 for additional requirements) from construction activity, including clearing, grading, grubbing, excavating and other land disturbing activities of five (5) or more acres or less than five (5) acres if part of a "larger common plan of development or sale" (see Definitions).                      (2) Allowable Non-Storm Water Discharges:                      (A) Discharges from actual fire-fighting activities                      (B) Fire hydrant flushing                      (C) Water used to control dust                      (D) Potable water sources including uncontaminated water line flushing                      (E) Routine external building wash down that does not use detergents                      (F) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used                      (G) Uncontaminated air conditioning or compressor condensate                      (H) Uncontaminated ground water or spring water                      (I) Foundation or footing drains where flows are not contaminated with process materials such as solvents                      (J) Landscape irrigation                      (K) Water used to wash vehicles, wheel wash water and other wash waters where detergents are not used.                      (L) Construction dewatering water discharged in accordance with ACT5, T-11. [11 Miss. Admin. Code Pt. 6, R. 1]</p>



**ACT2 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-3	<p data-bbox="613 1591 638 1892">ELIGIBILITY (continued):</p> <p data-bbox="672 1404 699 1892">(3) Prohibited Non-Storm Water Discharges:</p> <ul style="list-style-type: none"> <li data-bbox="734 968 761 1892">(A) Wastewater from washout of concrete (unless managed by an appropriate control)</li> <li data-bbox="764 501 792 1892">(B) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials</li> <li data-bbox="795 900 823 1892">(C) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance</li> <li data-bbox="826 1226 854 1892">(D) Soaps or solvents used in vehicle and equipment washing</li> <li data-bbox="857 1190 885 1892">(E) Wastewater from sanitary facilities, including portable toilets</li> <li data-bbox="888 1226 915 1892">(F) Contaminated discharge waters from dewatering activities</li> <li data-bbox="919 1209 946 1892">(G) Toxic or hazardous substances from a spill or other release.</li> </ul> <p data-bbox="980 123 1214 1892">(4) A project is eligible for coverage under this general permit for discharges of pollutants of concern to water bodies for which there is a Total Maximum Daily Load (TMDL) established or approved by the Environmental Protection Agency (EPA) if measures and controls are incorporated that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, the project must incorporate in the Storm Water Pollution Prevention Plan (SWPPP) and/or effluent limitation any conditions applicable to any discharge(s) necessary for consistency with the assumptions and requirements of such TMDL. If, after coverage issuance, a specific wasteload allocation is established that would apply to the project's discharge, the project owner/operator must determine and implement all of the steps necessary to meet that allocation within three (3) months from the final TMDL approval date. MDEQ's approved TMDL list may be found at the link listed in paragraph (5) below. In addition, MDEQ's Planning &amp; Design Manual for the Control of Erosion, Sediment and Storm Water identifies specific controls that may be used to address consistency with any applicable TMDLs. The manual can be found at: <a href="http://www.mdeq.ms.gov/construction-stormwater/">www.mdeq.ms.gov/construction-stormwater/</a></p> <p data-bbox="1248 123 1395 1892">(5) A project is eligible for coverage under this general permit for discharges of storm water to impaired water bodies on MDEQ's 303(d) list, provided best management practices (BMPs) are employed that prohibit further impairment of the designated and/or existing beneficial uses in the receiving water body. To be eligible for coverage under this general permit, the owner/operator must indicate on the LCNOI that the project discharges to a 303(d) listed receiving water and incorporate appropriate BMPs in its SWPPP. MDEQ's 303(d) list of impaired water bodies may be found on MDEQ's website at: <a href="https://opcgis.deq.state.ms.us/tmdlsl/">https://opcgis.deq.state.ms.us/tmdlsl/</a>. [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT2 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-4	<p><b>THIS PERMIT DOES NOT AUTHORIZE:</b></p> <p>(1) Discharges which result in violation of State Water Quality Standards. Whenever a discharge authorized under this permit is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, MDEQ will notify the regulated entity of such water quality violation(s) in writing and will provide the information used by MDEQ to make this determination. The regulated entity must take all necessary actions required to ensure future discharges do not cause or contribute to the violation of a water quality standard. If such violations remain or re-occur, then additional measures, such as the addition of Best Management Practices (BMPs) and modification of the SWPPP will be submitted to MDEQ for approval or the requirement to obtain an individual permit, may be required by the Permit Board. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act for the underlying violation.</p>
T-5	<p>(2) Activities that affect waters of the U.S., including wetlands, without obtaining the necessary U.S. Army Corps of Engineers (COE) approval. This may include a COE individual Section 404 permit or coverage under a COE nationwide or general permit. Appropriate documentation must be submitted with the Large Construction Notice of Intent (LCNOI). [11 Miss. Admin. Code Pt. 6, R. 1]</p> <p>(3) Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that is listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. Coverage under this permit is available only if the regulated entity's storm water discharges, allowable non-storm water discharges, and discharge-related activities are not likely to jeopardize the continued existence of any species that is listed as endangered or threatened ("listed") under the ESA or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"). Submission of a signed LCNOI, or County Utility Authority approval, if applicable, will be deemed to constitute the regulated entity's certification of eligibility. [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT3 (LCGP) Obtaining Coverage:**

**Submittal/Action Requirements:**

Condition No.	Condition
---------------	-----------

**S-1 OBTAINING AUTHORIZATION:**

(1) Owners and/or operators (see Definitions) desiring coverage associated with large construction activity under this permit must submit a Large Construction Notice of Intent (LCNOI) and other required submittals in accordance with the requirements of this permit. For construction activities, the operator is typically the Prime Contractor. However, if the prime contractor does not meet the definition of operator, then the owner must apply. The owner may submit the LCNOI and later, prior to actual construction, the operator may submit the Prime Contractor Certification accepting joint and severable responsibility for applicable permit conditions.

Where there are multiple operators associated with the same project, all operators must obtain permit coverage. Subcontractors generally are not considered operators for the purposes of this permit. The applicant shall identify the construction support activities for their project in the SWPPP. If the operator of a construction support activity is different than the operator of the main site, that operator must abide by the approved SWPPP. If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting separate approved MDEQ authorization forms for coverage under this permit. Unless receiving prior MDEQ approval, projects with multiply operators shall submit a group SWPPP covering all aspects of construction activities in accordance to ACT5 of this permit. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions.

Owners, developers and prime contractors that meet the definition of the operator shall apply for permit coverage on the same NOI, if possible. The division may accept separate NOI forms from different operators for the same construction site when warranted.

The owner(s) of the property and the operator(s) associated with the regulated construction activity on the property have joint and severable responsibility for compliance with the permit. Notwithstanding any permit condition to the contrary, the coverage recipient and any person who causes pollution of waters of the state or places waste in a location where they are likely to cause pollution, shall remain responsible under applicable federal and state laws and regulations, and applicable permits.

(2) Upon review of the LCNOI, the MDEQ staff may require additional information (including modification of the SWPPP, which could require the implementation

**ACT3 (LCGP) Obtaining Coverage:**

**Submittal/Action Requirements:**

Condition No.	Condition
---------------	-----------

of additional controls), recommend that coverage not be granted and/or that an alternate permit would be more appropriate. The MDEQ staff recommendations may be brought before the Mississippi Environmental Quality Permit Board (Permit Board) for review and consideration at a regularly scheduled meeting or at a special meeting at its discretion.

(3) Coverage under this permit will not be granted until all other required MDEQ permits, certifications and approvals are satisfactorily addressed.

(4) Owners or operators are authorized to discharge storm water associated with large construction activity under the terms and conditions of this permit only upon receipt of written notification of approval of coverage by the Permit Board staff. Discharge of storm water without written notification of coverage under this permit or issuance of an individual National Pollutant Discharge Elimination System (NPDES) Storm Water Permit is a violation of the Mississippi Air and Water Pollution Control Law 49-17-29(2)(b). [11 Miss. Admin. Code Pt. 6, R. 1]

**S-2 REQUIRING AN INDIVIDUAL PERMIT OR ALTERNATIVE GENERAL PERMIT:**

(1) The Permit Board may require any coverage recipient to apply for and obtain either an individual or an alternative general NPDES permit. Any interested person may petition the Permit Board to take action under this paragraph. The Permit Board may require any coverage recipient to apply for an individual NPDES permit only if the owner or operator has been notified in writing. Such notice shall include reasons for this decision, an application form and a filing deadline. The Permit Board may grant additional time at its discretion, upon request. If a coverage recipient fails to submit a requested application in a timely manner, coverage under this permit will automatically terminate at the end of the day specified for application submittal.

(2) Any coverage recipient may request to be excluded from permit coverage by applying for an individual permit or coverage under another general permit. The applicant shall submit an individual application (EPA Forms 1 and 2F along with the narrative requirements of 40 CFR 122.26(c)(1)(ii)) or the appropriate Notice of Intent.

(3) Coverage under this permit is automatically terminated on the issuance date of the respective alternative individual permit or general permit coverage. When the request for an alternative individual permit or general permit coverage is denied, coverage under this permit continues unless terminated by the Permit Board. [11 Miss. Admin. Code Pt. 6, R. 1]

**S-3 HOW TO OBTAIN RECOVERY UNDER THE REISSUED PERMIT:**

If issuance of this permit does not occur before its expiration date, continued coverage under this permit will be allowed until the effective date of the reissued general permit coverage. Once the Large Construction General Permit is reissued, active coverage recipients will receive a Recovery Form with a Letter of Instruction. If a coverage recipient wishes to be covered by the reissued Large Construction General Permit, the Recovery Form must be completed and returned to the MDEQ in accordance with the provisions of the Letter of Instruction. Resubmittal of the Storm Water Pollution Prevention Plan (SWPPP) is not required if

**ACT3 (LCGP) Obtaining Coverage:**

**Submittal/Action Requirements:**

Condition No.	Condition
---------------	-----------

the SWPPP is on-site or locally available, current and adequately addresses the sources of pollution at the facility. Some SWPPP's may require amendment to meet the conditions of the reissued general permit (e.g., deadline for initiating vegetative stabilization measures). [11 Miss. Admin. Code Pt. 6, R. 1]

**S-4 COMMERCIAL DEVELOPMENT - INDIVIDUAL LOTS OR PARCELS:**

Individual lots or parcels within a commercial development that are part of the "larger common plan of development or sale" (see Definitions) are regulated regardless of size or owner. If the owner or developer obtains construction permit coverage for a development then sells lots or parcels within that development, permit coverage must continue on those areas under new ownership. The original coverage recipient is responsible for all construction activities until individual lots or parcels within the development are sold to others and the new owner submits a LCNOI (regardless of size) and obtains coverage under Mississippi's Large Construction General Permit or applies for an individual permit. [11 Miss. Admin. Code Pt. 6, R. 1]

**S-5 RESIDENTIAL SUBDIVISION - INDIVIDUAL LOTS:**

Individual lots within a residential subdivision that are part of the "larger common plan of development or sale" (see Definitions) are regulated regardless of size or ownership. If the owner or developer obtains construction permit coverage for a residential development, then sells individual lots within that development, permit coverage shall continue on those lots under new ownership. The original coverage recipient may retain responsibility for permit compliance, or the new owner (purchaser) or operator shall satisfy authorization requirements by:

- (1) Completing and submitting the MDEQ Registration Form (see Large Construction Forms Package) and developing and implementing a sediment and erosion control plan for the specific lot(s), or
- (2) Completing and submitting for approval from the MDEQ, a LCNOI and required documents, or
- (3) Applying for an individual storm water permit.

The owner or developer (seller) is responsible for providing the new owner or operator (purchaser) with a copy of the MDEQ Registration Form and a copy of the Large Construction General Permit. These documents, as well as the individual application, may be found on MDEQ's website at [www.mdeq.ms.gov/construction-stormwater/](http://www.mdeq.ms.gov/construction-stormwater/) or by calling 601-961-5171. [11 Miss. Admin. Code Pt. 6, R. 1]

**S-6 RESIDENTIAL SUBDIVISION - EXPANSIONS:**

For subsequent phases, expansions and major modifications of subdivision development that are proposed but were not included in the original SWPPP, the

**ACT3 (continued):**

**Submittal/Action Requirements:**

Condition No.	Condition
S-7	coverage recipient shall submit to MDEQ the Major Modification Form (see Large Construction Forms Package). [11 Miss. Admin. Code Pt. 6, R. 1]
S-8	<p data-bbox="695 1108 727 1898"><b>RESIDENTIAL SUBDIVISION - NEW PHASES AND NEW OWNER:</b></p> <p data-bbox="760 130 824 1898">If an individual, other than the original developer (coverage recipient), proposes construction of a new phase of an existing subdivision and the proposed phase was not included in the initial submittal of the LCNOI, the new owner or operator must apply for separate permit coverage. [11 Miss. Admin. Code Pt. 6, R. 1]</p> <p data-bbox="841 210 873 1898"><b>APPLICABILITY OF REQUIREMENTS FOR INDIVIDUAL LOTS AND PARCELS IN A LARGER COMMON PLAN OF DEVELOPMENT OR SALE:</b></p> <p data-bbox="906 130 963 1898">The original coverage recipient remains responsible for compliance with this general permit until a new owner or operator satisfies the requirements of S-4 and S-5 of this ACT. [11 Miss. Admin. Code Pt. 6, R. 1]</p>



**ACT4 (LCGP) Large Construction Notice of Intent (LCNOI):**

**Submittal/Action Requirements:**

Condition No.	Condition
S-1	<p><b>NOTIFICATION REQUIREMENTS:</b></p> <p>Persons desiring coverage for a storm water discharge associated with construction activity under this general permit must submit a LCNOI Form with the required submittals. Discharge of storm water without written notification of coverage under this permit or issuance of an individual National Pollutant Discharge Elimination System (NPDES) Storm Water Permit is a violation of the Mississippi Air and Water Pollution Control Law 49-17-29(2)(b). [11 Miss. Admin. Code Pt. 6, R. 1]</p>
S-2	<p><b>REQUIRED SUBMITTALS WITH THE LCNOI:</b></p> <p>Submittals required with a completed LCNOI include a site-specific SWPPP associated with the construction activities, a United States Geological Survey (USGS) quad map, or color photocopy of the quad map, extending at least 1/2 mile beyond the facility property boundaries with the site location outlined or highlighted. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
S-3	<p><b>ADDITIONAL SUBMITTALS MAY INCLUDE THE FOLLOWING:</b></p> <ul style="list-style-type: none"><li>(1) Appropriate Section 404 documentation from U.S. Army Corps of Engineers,</li><li>(2) Appropriate documentation concerning future disposal of sanitary sewage and sewage collection system construction,</li><li>(3) Appropriate documentation from the MDEQ Office of Land &amp; Water concerning dam construction and low flow requirements, and/or</li><li>(4) Approval for wastewater for all residential and commercial subdivisions in the form of a signed certification by the official responsible for the wastewater treatment facility that will serve the proposed project.</li><li>(5) Appropriate plans for affecting waters of the State of Mississippi. [11 Miss. Admin. Code Pt. 6, R. 1]</li></ul>
S-4	<p><b>ADDITIONAL NOTIFICATION:</b></p>

The covered owner or operator must notify the Permit Board at least 30 days before any planned changes of ownership or whenever there are any changes in

**ACT4 (continued):**

**Submittal/Action Requirements:**

Condition No.	Condition
S-5	<p><b>MODIFICATION NOTIFICATION:</b></p> <p>The coverage recipient must notify the Permit Board at least 30 days before:</p> <ul style="list-style-type: none"> <li>(1) Any planned changes in project operations that may affect storm water discharges,</li> <li>(2) Any planned changes of ownership, or</li> <li>(3) Any changes in information previously submitted in the LCNOI. [11 Miss. Admin. Code Pt. 6, R. 1]</li> </ul>
S-6	<p><b>MAJOR MODIFICATION NOTIFICATION:</b></p> <ul style="list-style-type: none"> <li>(1) The following activities require the submittal of a Major Modification Form. This form can be found in the Large Construction Forms Package, which can be obtained from MDEQ at the address given in T-2 of this ACT or from the MDEQ website at <a href="http://www.mdeq.ms.gov/construction-stormwater/">www.mdeq.ms.gov/construction-stormwater/</a>.</li> <li>(A) SWPPP details have been developed and are ready for MDEQ review for subsequent phases of an existing, covered project.</li> <li>(B) Footprint identified in the original LCNOI is proposed to be enlarged (a modified SWPPP and an updated USGS topographic map must be submitted with the Major Modification Form).</li> <li>(2) Coverage recipients are authorized to implement the proposed modifications, under the conditions of the General Permit, only upon receipt of written notification of approval by the MDEQ.</li> <li>(3) Proposed changes may require termination of the General Permit coverage and/or application for an individual or alternative general permit. [11 Miss. Admin. Code Pt. 6, R. 1]</li> </ul>

**ACT4 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-1	<p><b>WHERE TO OBTAIN LCNOI FORMS:</b></p> <p>LCNOI Forms may be obtained from the MDEQ at the address shown below or by calling 601-961-5171. LCNOI Forms, as well as the general permit and guidance manual, may be found on the MDEQ web site at <a href="http://www.mdeq.ms.gov/construction-stormwater/">www.mdeq.ms.gov/construction-stormwater/</a>. Coverage under this permit will not be granted until all other required MDEQ permits, certifications and approvals are satisfactorily addressed. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-2	<p><b>WHERE TO SUBMIT THE LCNOI:</b></p> <p>Complete and appropriately signed LCNOI Forms must be submitted to:</p> <p>Chief, Environmental Permits Division                      Mississippi Department of Environmental Quality                      Office of Pollution Control                      P.O. Box 2261                      Jackson, Mississippi 39225</p> <p>For priority or overnight deliveries, the physical address is:</p> <p>515 East Amite Street                      Jackson, Mississippi 39201.</p>
T-3	<p><b>FAILURE TO NOTIFY:</b></p> <p>Persons who discharge storm water associated with Large Construction activity to waters of the State without an NPDES permit are in violation of the Mississippi Air and Water Pollution Control Law 49-17-29(2)(b). [11 Miss. Admin. Code Pt. 6, R. 1]</p>

In addition to mailing paper, electronic submittals are also recommended. Until December 21, 2025, a courtesy copy may be submitted electronically by: <https://www.mdeq.ms.gov/construction-stormwater/>. After December 21, 2025, these forms shall be submitted electronically using the above web address. [11 Miss. Admin. Code Pt. 6, R. 1]

**ACT5 (LCGP) Storm Water Pollution Prevention Plan (SWPPP):**

**Narrative Requirements:**

Condition No.	Condition
T-1	<p><b>SWPPP DEVELOPMENT:</b></p> <p>A site-specific SWPPP shall be developed requiring the design, installation, implementation and maintenance of effective pollution prevention measures by each owner or operator subject to this permit. A SWPPP shall be prepared in accordance with sound engineering practices and shall identify potential sources of pollution, which may reasonably be expected to affect the quality of storm water discharges associated with construction activity. The SWPPP shall describe and ensure the implementation of specific best management practices for the project site, which will reduce pollutants in storm water discharges and assure compliance with the terms and conditions of this permit. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-2	<p><b>SWPPP CONTENT:</b></p> <p>Erosion and Sediment Controls and Soil Stabilization Requirements:</p> <p>The SWPPP shall list and describe site-specific controls appropriate for the construction activities as well as the procedures for implementing such controls. Controls shall be designed to retain sediment on-site and to minimize the discharge of pollutants. If any of the below controls cannot be implemented on the project site, the SWPPP must include written justification as to why site-specific constraints and/or costs make the control(s) infeasible. At a minimum, such controls must be designed, installed and maintained to:</p> <ol style="list-style-type: none"> <li>(1) Control storm water volume and velocity within the site to minimize soil erosion;</li> <li>(2) Control storm water discharges, including both peak flow rates and total storm water volume, to minimize channel and stream bank erosion and scour in the immediate vicinity of discharge points;</li> <li>(3) Minimize the amount of soil exposed during construction activity;</li> <li>(4) Minimize the disturbance of steep slopes. [11 Miss. Admin. Code Pt. 6, R. 1]</li> </ol>

**ACT5 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-3	<p data-bbox="527 1543 560 1900"><b>SWPPP CONTENT (continued):</b></p> <p data-bbox="592 178 682 1900">(5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;</p> <p data-bbox="714 157 803 1900">(6) Provide and maintain a 50-foot undisturbed natural buffer around waters of the United States; or provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by additional erosion and sediment controls which in combination achieves the sediment load reduction equivalent to a 50-foot undisturbed natural buffer. Direct storm water to vegetated areas and maximize storm water infiltration to reduce pollutant discharges, unless infeasible; and</p> <p data-bbox="836 1144 868 1900">(7) Minimize soil compaction and, unless infeasible, preserve topsoil;</p> <p data-bbox="901 199 950 1900">(8) Direct storm water to vegetated areas, brush barriers, silt fences, check dams, etc. to aid in the filtration, infiltration, velocity reduction and diffusion of the discharge;</p> <p data-bbox="982 1102 1015 1900">(9) Transport runoff down steep slopes through lined channels or piping;</p> <p data-bbox="1047 1459 1079 1900">(10) Minimize the amount of cut and fill;</p> <p data-bbox="1112 1281 1144 1900">(11) Minimize off-site vehicle tracking of sediments; and</p> <p data-bbox="1177 210 1226 1900">(12) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, concrete wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.</p> <p data-bbox="1258 115 1323 1900">(13) Provide a description of any discharge associated with industrial activity other than construction stormwater that originates on site and the location of that activity and its permit number.</p> <p data-bbox="1356 115 1380 1900">(14) Provide a description of stormwater sources from areas other than construction and a description of controls and measures that will be implemented at those sites.</p>

**Narrative Requirements:**

Condition No.	Condition
T-4	<p>(15) When permanent or temporary structures will be placed in Waters of the State, MDEQ may require the applicant to address any issues related to Mississippi Antidegradation Plan in the SWPPP during the review of the LCNOI rather than requiring a separate LCNOI or other state required permits. This provision will only apply to activities that will not require a 404 permit or a 401 certification. [11 Miss. Admin. Code Pt. 6, R. 1]</p> <p>The number and type of BMPs included in the SWPPP must reflect the specific conditions of the construction site. An effective SWPPP includes a combination of BMPs that are designed to work together. A combination of BMPs is listed below and must be included as minimum components of a SWPPP. These controls must be in accordance with the design standards set forth in the most current edition of Mississippi's "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas" found at <a href="http://www.mdeq.ms.gov/construction-stormwater/">www.mdeq.ms.gov/construction-stormwater/</a> or other accredited and approved manual of design.</p> <p>(1) Vegetative Practices shall be designed to preserve existing vegetation where feasible and initiate vegetative stabilization measures after land disturbing activities. Such practices may include, but not limited to, temporary seeding, mulching, sod stabilization, vegetative buffer strips, tree protection and topsoil preservation.</p> <p>Soil stabilization-vegetative stabilization measures must be initiated whenever any clearing, grading, grubbing, excavating or other land disturbing activities have temporarily or permanently ceased on any portion of the site and will not resume for a period of fourteen (14) calendar days or more. The appropriate temporary or permanent vegetative practices shall be initiated immediately. For purposes of this permit, "immediately" is interpreted to mean no later than the next work day.</p> <p>If you are unable to meet the deadlines in the previous paragraph due to circumstances beyond your control, and you are using vegetative cover for temporary or permanent stabilization, you may comply with the following stabilization deadlines instead:</p> <p>(A) Immediately initiate, and within 14 calendar days complete, the installation of temporary non-vegetative stabilization measures to prevent erosion;</p> <p>(B) Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on the site; and,</p> <p>(C) Document the circumstances that prevent you from meeting the deadlines required and the schedule you will follow for initiating and completing stabilization.</p> <p>[11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT5 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-5	<p>Specific BMPs that must be included, unless infeasible (see Definitions) are:</p> <p>(A) Buffer zones (see Definitions) shall be maintained between land-disturbing activities and perennial water bodies. A minimum 150-foot buffer zone is recommended; however, if a 150-foot buffer zone cannot be met, the requirements outlined in ACT5, T-3(6) shall be followed.</p> <p>(B) Topsoil should be stockpiled and used in areas that will be re-vegetated. When final grade is reached it should be distributed to a minimum depth of 2 inches on 3:1 slopes and 4 inches on flatter slopes. The permittee shall locate the piles outside of any natural buffers established and away from any stormwater conveyances, drain inlets, and areas where stormwater flow is concentrated. The permittee shall install a sediment barrier along all downgradient perimeter areas. The permittee is prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any stormwater conveyance, storm drain inlet, or Waters of the State.</p> <p>(C) Heavy equipment use in areas to be re-vegetated should be avoided. If compaction cannot be avoided, the top 4 inches of the soil bed should be tilled before re-vegetation. Any necessary fertilizer or other soil amendments should be added during the tilling process.</p>
T-6	<p>The SWPPP must contain written justification as to why any of these specific controls were not deemed feasible. [11 Miss. Admin. Code Pt. 6, R. 1]</p> <p>(2) Structural practices shall divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas. Such practices may include, but are not limited to, construction entrance/exit, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drains, pipe slope drains, level spreaders, drain inlet protection, outlet protection, detention/retention basins, sediment traps, temporary sediment basins or equivalent sediment controls.</p> <p>Specific practices that must be included, unless infeasible, are:</p> <p>Sediment basins are to be situated outside waters of the State and any natural buffers to be established. Design the basin to avoid collecting water from wetlands. Use erosion controls and velocity dissipation devices to prevent erosion at the inlets and outlets.</p> <p>(A) For drainage locations (a drainage point at boundary of land disturbing activity) that serve an area with ten (10) or more disturbed acres at one time, a temporary (or permanent) sediment basin providing at least 3,600 cubic feet (133 cubic yards) of storage per acre drained shall be provided until final stabilization of the site. Sediment basins must be installed before initial site grading and utilize outlet structures that withdraw water from the surface and that are designed for a minimum 2-year, 24-hour storm event. If flocculants are being introduced, sediment basins must be downstream of the point of introduction and include baffles to increase sediment removal efficiency and turbidity reduction. The capacity of the sediment basin, acreage draining to sediment basin, location on the plan, as well as the diagram of outflow structure shall be provided.</p> <p>(B) Due to the unique characteristics of linear projects (see Definitions), such as the lack of space within project rights of way and having multiple, distributed</p>



**ACT5 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-7	<p>discharge points, sedimentation basins are not common practices. Therefore, MDEQ will not require the use of sedimentation basins for linear projects disturbing ten (10) or more acres at one time. Appropriate alternate structural practices, such as sediment traps and check dams, must be included in the SWPPP if sediment basins are deemed infeasible.</p> <p>(C) Design of temporary (or permanent) sediment basins, if used, shall provide at least 3600 cubic feet (133 cubic yards) of storage per acre drained and shall be provided until final stabilization of the site. Sediment basins must be installed before major site grading and utilize outlet structures that withdraw water from the surface. The capacity of the sediment basin, acreage draining to sediment basin, location on the plan, as well as the diagram of outflow structure shall be provided. [11 Miss. Admin. Code Pt. 6, R. 1]</p> <p>(D) Steep Slopes (see Definition) that cannot be avoided must have, at a minimum, silt fences or equivalent sediment controls for all down slope boundaries (and for those side slope boundaries deemed appropriate by individual site conditions), unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided.</p> <p>(E) Construction entrances/exits shall be installed wherever traffic will be leaving a construction site and moving directly onto a paved public road. Restrict vehicle to properly designed exit points. Use appropriate stabilization techniques at all points that exit onto paved roads. Implement additional track-out controls as necessary to ensure that sediment removal occurs prior to vehicle exit. Where sediment has been tracked-out from the site onto paved roads, sidewalks, or other paved areas outside the site, remove deposited sediment “immediately” by the end of the next work day. Remove the track-out by sweeping, shoveling, or vacuuming these surfaces, or by similarly effective means of sediment removal. Hosing or sweeping track-out sediment into any stormwater conveyance, storm drain inlet, of Waters of the State is prohibited.</p> <p>(F) Storm Drain Inlets-Inlets that could receive storm water from construction activities shall be protected by surrounding or covering with a filter material until final stabilization has been achieved. Clean, or remove and replace, the protection measure as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to inlet protection measure, remove the deposited sediment “immediately” by the end of the next work day. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-8	<p>(G) Perimeter Controls-Natural areas shall be maintained and supplemented with silt fence and fiber rolls around project perimeter. If not feasible to maintain natural areas, a silt fence or similar controls, such as fiber rolls, are sufficient.</p> <p>(H) Phasing-Schedule or sequence construction activities to concentrate work in certain areas to minimize the amount of soil that is exposed at one time. Construction shall be phased to keep the total disturbed area less than fifty (50) acres at one time, in order to minimize erosion and limit sedimentation. The permittee can have additional disturbance with provided justification and additional controls to minimize erosion and sedimentation. With written justification of demonstrating why the project requires fifty (50) acres or more of disturbed area and additional controls to minimize erosion and sedimentation, the permittee may be allowed to disturb additional areas.</p>

**ACT5 (continued):**  
**Narrative Requirements:**

Condition No.	Condition
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The SWPPP must contain written justification as to why any of these specific controls were not deemed feasible. [11 Miss. Admin. Code Pt. 6, R. 1]

- T-9 (3) Facilities discharging into impaired receiving waters (i.e., receiving stream segments, which are listed on MDEQ’s 303(d) List of Impaired Waters, or segments for which a Total Daily Maximum Load (TMDL) has been approved) must identify the pollutant of concern(s) for the receiving stream in the SWPPP. If applicable, the SWPPP shall describe how the selected BMPs will ensure that discharges from the site (if applicable) will not cause or contribute to exceedances of the water quality standards in the receiving stream. Additional controls may be required.
- (4) A description of any post-construction control measures should be installed as necessary, to control pollutants in storm water after construction is complete. Post-construction controls must be in accordance with the design standards set forth in the most current edition of Mississippi’s “Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas” found at: [www.mdeq.ms.gov/construction-stormwater/](http://www.mdeq.ms.gov/construction-stormwater/). These controls include, but are not limited to, one or more of the following: on-site infiltration of runoff, flow attenuation using open vegetated swales, exfiltration trenches and natural depressions, constructed wetlands and retention/detention structures. Where needed, velocity dissipation devices shall be placed at detention or retention pond outfalls and along the outfall channel to provide for a non-erosive flow. Restrict vehicle and equipment use in these locations to avoid soil compaction. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth. The permittee is encouraged to design the site, the erosion prevention measures, sediment control measures, and other site management practices with consideration of minimizing stormwater runoff, both during and following construction, including facilitating the use of low-impact development (LID) and green infrastructure.
- (5) Proposed responsible parties (original coverage recipient or new owner or operator) for individual lots or out-parcels that are part of a larger common plan of development or sale. If permit responsibility is retained by the original coverage recipient, a narrative description of sediment and erosion controls for subdivision lots is acceptable. Out-parcels in commercial developments must be included in the scaled site map referenced below. [11 Miss. Admin. Code Pt. 6, R. 1]
- T-10 Housekeeping Practices:
- The owner or operator shall design, install, implement and maintain practices appropriate to prevent pollutants from entering storm water from construction sites because of poor housekeeping. These practices must be listed in the SWPPP and located on the site map.
- The owner or operator shall: (1) minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater; (2) minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of

**ACT5 (continued):**

**Narrative Requirements:**

Condition No.	Condition
	<p>stormwater contamination (such as final products and materials intended for outdoor use); (3) minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.</p>
	<p>The owner or operator shall designate and report in the SWPPP areas for equipment maintenance and repair and concrete chute wash off; provide waste receptacles and regular collection of waste; provide adequately maintained sanitary facilities; provide protected storage areas for chemicals, paints, solvents, fertilizers, pesticides, herbicides, detergents and other potentially toxic materials; and implement spill and leak prevention practices and response procedures if spills and leaks do occur; minimize the exposure of building materials, building products, construction wastes, trash and landscape materials. These areas and specific potential pollutants shall be addressed in the SWPPP and located on the scaled site map.</p>
	<p>The owner or operator shall provide a description of procedures for:</p>
	<p>(A) Sweeping or removal of sediment and other debris that has been tracked from the site or deposited from the site onto streets and other paved surfaces;</p>
	<p>(B) Removal of sediment or other pollutants that have accumulated in or near any sediment control measures, storm water conveyance channels, storm drain inlets, or water course conveyance within the construction site, and;</p>
	<p>(C) Removal of accumulated sediment that has been trapped by sediment control measures at the site, in accordance with applicable maintenance requirements covered under this permit.</p>
	<p>The owner or operator shall also provide a description of the procedures for handling and disposing of wastes generated at the site, including, but not limited to, clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste. [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**T-11 CONSTRUCTION DEWATERING REQUIREMENTS**

Comply with the following requirements to minimize the discharge of pollutants in ground water or accumulated stormwater that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation. Dewatering discharge shall be managed by BMPs.

- (A) Treat dewatering discharges with controls to minimize discharges of pollutants with controls designed to prevent discharges with visual turbidity to minimize discharges of pollutants. (Appropriate controls include sediment basins or sediment traps, sediment socks, dewatering tanks, tube settlers, weir tanks, filtration systems (e.g., bag or sand filters), other appropriate approval controls, and passive treatment systems that are designed to remove sediment . Appropriate controls to use downstream of dewatering controls to minimize erosion include vegetated buffers, check dams, riprap, and grouted riprap at outlets or other appropriate approval controls.);
- (B) Do not discharge visible floating solids or foam;
- (C) Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water

**ACT5 (continued):**

**Narrative Requirements:**

Condition No.	Condition
	<p>is found to contain these materials; The discharge must not cause the formation of a visible sheen or visible hydrocarbon deposits on the bottom or shoreline of the receiving water.</p> <p>(D) To the extent feasible, use vegetated, upland areas of the site to infiltrate dewatering water before discharge. Using waters of the State as part of the treatment area is prohibited;</p> <p>(E) To prevent sediment discharge from causing erosion: (1) Use stable, erosion-resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextile underlayment) for the discharge from dewatering controls; (2) Do not place dewatering controls, such as pumped water filter bags, on steep slopes.</p> <p>(F) At all points where dewatering water is discharged, velocity dissipation BMPs must be implemented. The discharge must not cause re-suspension;</p> <p>(G) With backwash water, either haul it away for disposal or return it to the beginning of the treatment process; and</p> <p>(H) Replace and/or clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications.</p> <p>[11 Miss. Admin. Code Pt. 6, R. 1]</p>

T-12	<p><b>Flocculant Application:</b></p> <p>Flocculants, meeting the criteria contained in ACT8 and used in accordance with manufacturer's instructions, may be incorporated as part of an overall storm water management system. If flocculant application is proposed, the SWPPP must list the proposed flocculants to be used, describe the method, frequency and location of introduction, and identify the location of BMPs where flocculated material will settle. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
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**ACT5 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-13	<p>Prepare Scaled Site Map(s):</p> <p>The owner or operator shall prepare a scaled site map showing:</p> <ol style="list-style-type: none"> <li>(1) Boundaries of property and proposed construction activities, noting any phasing of construction activities,</li> <li>(2) Original and proposed contours (if feasible), with steep slopes identified,</li> <li>(3) North arrow,</li> <li>(4) Drainage pattern arrows,</li> <li>(5) Location of sensitive areas, such as wetlands, perennial streams and adjacent receiving water bodies (if the receiving waterbody is not depicted on the map, the name and direction shall be listed in text form on the map),</li> <li>(6) Location of any storm drain inlets and any receiving MS4,</li> <li>(7) All erosion and sediment controls (vegetative and structural),</li> <li>(8) Any post-construction control measures, and</li> <li>(9) Location of housekeeping practices.</li> <li>(10) Location of construction entrance, equipment maintenance and repair areas, concrete washout area, waste management area, laydown area, and material and chemical storage areas.</li> <li>(11) Location and size of the buffer zones.</li> </ol> <p>If flocculant application is proposed, the location(s) of the following items shall be marked and labeled on the site map.</p> <ol style="list-style-type: none"> <li>(1) Flocculant introduction point(s), and</li> <li>(2) BMPs where flocculated material will settle.</li> </ol>
T-14	<p>Implementation Sequence:</p>

The SWPPP shall outline an implementation sequence (including any phasing of construction activities), which coordinates the timing of all land-disturbing activities together with the necessary erosion and sedimentation control measures planned for the project. [11 Miss. Admin. Code Pt. 6, R. 1]

**ACT5 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-15	<p data-bbox="488 1593 513 1894">Implementation of Controls:</p> <p data-bbox="548 201 607 1894">The SWPPP shall require the owner or operator, in disturbing an area, to implement controls as needed to prevent erosion and adverse impacts to waters of the State. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-16	<p data-bbox="691 1486 716 1894">Maintenance and Weekly Inspections:</p> <p data-bbox="751 214 837 1894">The SWPPP shall describe procedures to maintain vegetation, erosion and sediment controls and other protective measures. Procedures shall provide that all controls and outfalls/discharge points are inspected after rain events that produce a discharge and at least weekly for a minimum of four inspections per month in accordance with ACT6, S-5.</p> <p data-bbox="873 155 959 1894">Any poorly functioning erosion controls or sediment controls, non-compliant discharges, or any other deficiencies observed during the inspections required under this permit shall be corrected as soon as possible, but not to exceed 24 hours of the inspection unless prevented by unsafe weather conditions as documented on the inspection form.</p> <p data-bbox="995 161 1081 1894">In the event of an unanticipated breach of a sediment basin/pond, temporary containment measures shall be taken within 24 hours after the inspection. Permanent corrective measures shall be implemented within five (5) days of the inspection; however, if permanent corrective measures cannot be implemented within the timeframes provided herein the owner or operator shall contact MDEQ. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-17	<p data-bbox="1105 1436 1130 1894">Non-Storm Water Discharge Management:</p> <p data-bbox="1166 149 1284 1894">The SWPPP must identify all allowable sources of non-storm water discharges listed in ACT2, T-2, except for flows from actual fire-fighting activities, which are combined with storm water discharges associated with large construction activity. Non-storm water discharges should be eliminated or reduced to the extent feasible. Wash waters must be treated in a sediment basin or alternate control that provides equivalent or better treatment prior to discharge. The SWPPP must identify and ensure the implementation of appropriate Best Management Practices (BMPs) for the non-storm water component of the discharge.</p> <p data-bbox="1320 149 1378 1894">The Permit Board staff will review the above discharges on a case-by-case basis and may require the coverage recipient to apply for and obtain either an individual or an alternative general NPDES permit as provided in ACT3, S-2. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-18	<p data-bbox="1403 1692 1427 1894">Final Stabilization:</p> <p data-bbox="1459 174 1489 1894">The SWPPP shall describe procedures to achieve final stabilization (See Definitions) of all disturbed areas of the project site. [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT5 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-19	<p>Example Storm Water Pollution Prevention Plans (SWPPPs):</p> <p>Example SWPPPs are included in the Mississippi Storm Water Pollution Prevention Plan Guidance Manual for Construction Activities as well as the MDEQ Registration Form for Individual Residential Lots</p> <p>The Mississippi Storm Water Pollution Prevention Plan Guidance Manual for Construction Activities is also available online at: <a href="http://www.mdeq.ms.gov/construction-stormwater/">www.mdeq.ms.gov/construction-stormwater/</a></p> <p>The MDEQ Registration Form for Individual Residential Lots is in the Large Construction Forms Package, which is available online at: <a href="http://www.mdeq.ms.gov/construction-stormwater/">www.mdeq.ms.gov/construction-stormwater/</a></p> <p>US EPA also lists example SWPPPs on their website at: <a href="http://cfpub.epa.gov/npdes/stormwater/swppp.cfm#model">http://cfpub.epa.gov/npdes/stormwater/swppp.cfm#model</a>. [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**T-20**

**STAFF TRAINING REQUIREMENTS**

Each operator, or group of multiple operators, must assemble a “stormwater team” to carry out compliance activities associated with the requirements in this permit. Prior to the commencement of construction activities, the permittee must ensure that the following personnel on the stormwater team understand the requirements of this permit and their specific responsibilities with respect to those requirements:

- (1) Personnel who are responsible for the design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls);
- (2) Personnel responsible for the application and storage of treatment chemicals (if applicable)
- (3) Personnel who are responsible for conducting inspections as required in ACT6, S-5; and
- (4) Personnel who are responsible for taking corrective actions as required in ACT6, S-2.

The permittee is responsible for ensuring that all activities on the site comply with the requirements of this permit. The permittee is not required to provide or document formal training for subcontractors or other outside service providers, but the permittee must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

At a minimum, members of the stormwater team must be trained to understand the following if related to the scope of their job duties (e.g., only personnel responsible for conducting inspections need to understand how to conduct inspections):

The permit deadlines associated with installation, maintenance, and removal of stormwater controls and with stabilization;



**ACT5 (continued):**

**Narrative Requirements:**

Condition No.	Condition
	<p>The location of all stormwater controls on the site required by this permit and how they are to be maintained; The proper procedures to follow with respect to the permit's pollution prevention requirements; and When and how to conduct inspections, record applicable findings, and take corrective actions.</p>
	<p>Each member of the stormwater team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of the SWPPP, and other relevant documents or information that must be kept with the SWPPP.</p>
I-21	<p><b>STAFF TRAINING DOCUMENTATION</b></p> <p>Staff Training conducted to meet the requirements of this ACT shall be documented. Training records shall include employee's name, date of training, brief content/nature of training, and the employee's signature acknowledging training was received. Staff training associated with this permit may be documented on the Employee Training Log that is provided on the MDEQ website at <a href="http://www.mdeq.ms.gov/construction-stormwater/">www.mdeq.ms.gov/construction-stormwater/</a>. The permittee may use an alternative form to record this information, so long as it includes all of the information on the above referenced form. Employee training documentation shall be maintained on-site with the SWPPP and made available to MDEQ personnel for inspection upon request.</p>

**ACT6 (LCGP) Implementation and Inspection Requirements:**

**Submittal/Action Requirements:**

Condition No.	Condition
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**S-1 IMPLEMENTATION REQUIREMENTS:**

The coverage recipient shall:

- (1) Implement the site-specific SWPPP. Failure to implement the SWPPP is a violation of permit requirements.
- (2) Install structural practices as described in ACT5, T-6 in accordance with the site-specific SWPPP.
- (3) Retain a copy of the SWPPP at the permitted site, and, if feasible, post a copy of the NOI onsite in a location available to the public (e.g., construction entrance, trailer, or model home). A copy of the SWPPP shall be made available to state or local inspectors upon request for review at the time of an on-site inspection. In cases where there is no office or shelter to maintain documents onsite, the SWPPP can be kept locally available (i.e., able to be produced within an hour of being requested by a state or local inspector).
- (4) Implement the following pre-construction activities:
  - (A) Mark off areas of "disturbance", "no disturbance", "sensitive areas" (e.g., delineate and clearly flag of mark off areas such as steep slopes, highly erodible soils or other sensitive areas),
  - (B) Preserve native topsoil on the site to the extent feasible, and
  - (C) Limit construction stream crossings to the minimum necessary to provide access for the construction project.
  - (5) Ensure that appropriate Best Management Practices (BMPs) are in place upon commencement of construction activities (see Definitions).
  - (6) Amend the SWPPP if notified at any time by the Executive Director of the MDEQ that the SWPPP does not meet the minimum requirements. Coverage recipient shall certify in writing to the Executive Director that the requested changes have been made. Unless otherwise provided, the requested changes shall be made within fifteen (15) days. [11 Miss. Admin. Code Pt. 6, R. 1]

**ACT6 (continued):**

**Submittal/Action Requirements:**

Condition No.	Condition
S-2	<p><b>IMPLEMENTATION REQUIREMENTS (continued):</b></p> <p>(7) Amend the SWPPP whenever there is a change in design, construction, operation, or maintenance that may potentially affect the discharge of pollutants to waters of the State; or the SWPPP proves to be ineffective in controlling storm water pollutants. The amended SWPPP shall be submitted within thirty (30) days of amendment. Coverage recipients shall submit to MDEQ the Major Modification Form (see Large Construction Forms Package) for subsequent phases, expansions and modifications of subdivision development that are proposed but were not included in the original SWPPP.</p> <p>(8) Install needed erosion controls even if they may be located in the way of subsequent activities, such as utility installation, grading or construction. It shall not be an acceptable defense that controls were not installed because subsequent activities would require their replacement or cause their destruction.</p> <p>(9) Install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site.</p> <p>(10) Comply with applicable State or local waste disposal, sanitary sewer or septic system regulations. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
S-3	<p><b>IMPLEMENTATION REQUIREMENTS (continued):</b></p> <p>(11) Erosion and sediment controls shall be maintained at all times. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach one-third to one-half the height of the control. For sediment basins, accumulated sediment shall be removed when the capacity has been reduced by 50%. All removed sediment deposits shall be properly disposed of in accordance with the approved SWPPP. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within twenty-four (24) hours of discovery or as soon as field conditions allow.</p> <p>(12) If, after coverage issuance, a specific wasteload allocation is established that would apply to the facility's discharge, the facility must implement steps necessary to meet that allocation. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
S-4	<p><b>COMPLIANCE WITH LOCAL STORM WATER ORDINANCES:</b></p> <p>(1) The SWPPP shall be in compliance with all local storm water ordinances.</p> <p>(2) When storm water discharges into an MS4 (municipal separate storm sewer system), the owner or operator shall make the SWPPP available to the local authority and/or allow site access, upon request. [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT6 (continued):**

**Submittal/Action Requirements:**

Condition No.	Condition
S-5	<p data-bbox="527 1512 560 1900"><b>INSPECTION REQUIREMENTS:</b></p> <p data-bbox="592 121 673 1900">Inspection of all receiving streams (if feasible), outfalls, erosion and sediment controls and other SWPPP requirements shall be performed during permit coverage using a copy of the form provided in the Large Construction Forms Package (or equivalent form), and inspections shall be performed by qualified personnel (see Definitions):</p> <ul data-bbox="706 121 836 1900" style="list-style-type: none"><li data-bbox="706 121 738 1900">(1) At least weekly for a minimum of four inspections per month; and</li><li data-bbox="771 121 836 1900">(2) As often as is necessary to ensure that appropriate erosion and sediment controls have been properly constructed and maintained and to determine if additional or alternative control measures are required.</li></ul> <p data-bbox="868 121 933 1900">Before conducting the site inspection, the inspector should review Chapter 4, Inspector's Checklist and Troubleshooting Chart found in MDEQ's Field Manual for Erosion and Sediment Control on Construction Sites in Mississippi.</p> <p data-bbox="966 121 1010 1900">MDEQ strongly recommends that coverage recipients perform a "walk through" inspection of the construction site daily to ensure controls are in place and will function properly. [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT7 (LCGP) Limitation Requirements:**

**Limitation Requirements:**

Condition No.	Parameter	Condition
L-1		<p><b>NON-NUMERIC LIMITATION REQUIREMENTS</b></p> <p>Storm water discharge shall be free from:</p> <ul style="list-style-type: none"><li>(1) Debris, oil, scum, and other floating materials other than in trace amounts,</li><li>(2) Eroded soils and other materials that will settle to form objectionable deposits in receiving waters,</li><li>(3) Suspended solids, turbidity and color at levels inconsistent with the receiving waters,</li><li>(4) Chemicals in concentrations that would cause violation of State Water Quality Criteria in the receiving waters. [11 Miss. Admin. Code Pt. 6, Ch. 2, R. 1]</li></ul>

**ACT8 (LCGP) Application of Flocculants:**

**Narrative Requirements:**

Condition No.	Condition
T-1	<p>Coverage recipients may need to supplement conventional storm water management systems with flocculants to meet state water quality standards. Flocculants meeting the criteria listed in (1) and (2) below and used in accordance with manufacturer's instructions are approved by this general permit.</p> <p>Any flocculant application, which deviates from the criteria specified below, must receive written approval from MDEQ prior to being implemented. Requests for approval must be in writing and shall describe the deviation, explain the justification for the deviation and provide supporting documentation demonstrating that such deviation will achieve equivalent performance to the criteria listed below. A SDS (Safety Data Sheet) of the flocculant shall be included with the request. The request shall include the dosage of the flocculant that will be used. Such requests may be submitted with the LCNNOI or under separate cover to the address listed on the LCNNOI.</p> <p>(1) Polymer flocculants for treating turbidity in construction site storm water discharges must meet the following minimum criteria.</p> <p>(A) Only anionic Polyacrylamide (PAM) polymer,</p> <p>(B) Polymer shall contain less than 0.05% free acrylamide,</p> <p>(C) Polymer shall be non-toxic to fish and other aquatic organisms, and</p> <p>(D) Polymer shall be selected for site-specific soil conditions (i.e., jar test).</p> <p>(2) Systems utilizing polymer flocculants to treat turbidity from construction site storm water discharges must meet the following minimum criteria.</p> <p>(A) Polymer shall be introduced through turbulent mixing into the storm water upstream of sedimentation BMPs,</p> <p>(B) Sedimentation basin shall be constructed in accordance with the criteria specified in ACT5, T-5 (2)(A),</p> <p>(C) Polymer shall be applied in accordance with manufacturer's instructions, and</p> <p>(D) There shall be no discharge of un-dissolved polymer, clumps of polymer and/or unsettled flocculant material. [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT9 (LCGP) Record Keeping and Reporting Requirements:**

**Record-Keeping Requirements:**

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Condition No.	Condition
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**R-1 RETENTION OF RECORDS:**

All records, reports, forms and information resulting from activities required by this permit shall be retained for a period of at least three (3) years from the date that the document(s) was generated. Any documents required by this permit may be kept electronically but must be readily available during site inspection or upon request. [11 Miss. Admin. Code Pt. 6, R. 1]



**ACT9 (continued):**

**Submittal/Action Requirements:**

Condition No.	Condition
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**Submittal/Action Requirements:**

S-1

**SUSPENSION OF WEEKLY INSPECTIONS AND MONTHLY RECORD KEEPING:**

Coverage recipients under this general permit may suspend weekly inspection and monthly record keeping requirements, if the coverage recipient certifies that:

- (1) Land-disturbing activities have temporarily ceased,
- (2) No further land-disturbing activities are planned for a period of at least six (6) months,
- (3) Areas that have been disturbed meet the definition of "final stabilization" (see Definitions), with no active erosion, and
- (4) Vegetative cover has been established.

Color photographs representative of the site must be submitted with the Inspection Suspension Form provided in the Large Construction Forms Package. The coverage recipient shall notify the MDEQ once construction activities are resumed and the weekly inspections shall commence immediately and as required in ACT6, S-5. The coverage recipient is still responsible for all permit conditions during the suspension period and nothing in this condition shall limit the rights of the MDEQ to take enforcement or other actions against the coverage recipient. [11 Miss. Admin. Code Pt. 6, R. 1]

S-2

The inspections described in ACT7, S-5 must be documented on copies of the Monthly Inspection Report and Certification Form provided in the Large Construction Forms Package (or equivalent form) and be kept with the SWPPP.

Submittals of the MDEQ Registration Form for residential lots are required. It is the responsibility of both the owner or developer (seller) and the new owner or operator (purchaser) to maintain a copy of the MDEQ Registration Form. The new owner or operator must maintain a copy of the MDEQ Registration Form at the site. In cases where there is no office or shelter to maintain documents onsite, the Registration Form can be kept locally available (i.e., able to be produced within an hour of being requested by state or local inspectors). [11 Miss. Admin. Code Pt. 6, R. 1]

**ACT10 (LCGP) Termination of Permit Coverage:**

**Submittal/Action Requirements:**

Condition No.	Condition
S-1	<p>Within thirty (30) days of final stabilization (see Definition of Final Stabilization (1)) for a covered project, a completed Request for Termination (RFT) of Coverage form (provided in the Large Construction Forms Package) and colored photographs of the stabilized site shall be submitted to the Permit Board. Upon receiving the completed RFT, the MDEQ staff may inspect the site. If no sediment and erosion control problems are identified and adequate permanent controls are established, the owner or operator will receive a termination letter. Coverage is not terminated until notified in writing by MDEQ. Failing to submit a RFT is a violation of permit conditions.</p> <p>The coverage recipient of a "larger common plan of development or sale" must submit a RFT within thirty (30) days after the following conditions are met:</p> <ul style="list-style-type: none"><li>(1) Final stabilization (see Definition of Final Stabilization (2)) has been achieved on all portions of the site for which the coverage recipient is responsible, and</li><li>(2) Other owner(s) or operator(s) have assumed control (by completing a LCNOI or MDEQ Registration Form) over all areas of the site that have not achieved final stabilization.</li></ul> <p>The coverage recipient of a residential "larger common plan of development or sale" must submit a copy of the MDEQ Registration Form for each lot sold with the RFT.</p> <p>Residential lot owners or operators that have completed the MDEQ Registration Forms are not required to submit a RFT, unless specifically requested by the MDEQ staff. The lot permit coverage is considered terminated upon "successful completion of all permanent erosion and sediment controls" (see Definitions).</p> <p>Beginning December 21, 2025, the RFT must be submitted electronically as required by 40 CFR 127.16. [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT11 (LCGP) Standard Requirements Applicable To All Water Permits:**

**Narrative Requirements:**

Condition No.	Condition
T-1	<p><b>DUTY TO COMPLY:</b></p> <p>The coverage recipient must comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for coverage termination, revocation and reissuance, or modifications; or denial of a renewal application. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-2	<p><b>DUTY TO MITIGATE:</b></p> <p>The owner or operator shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which is likely to adversely affect human health or the environment. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-3	<p><b>DUTY TO PROVIDE INFORMATION:</b></p> <p>The owner or operator shall furnish to the Permit Board, within a reasonable time, any information that the Permit Board may request to determine compliance with this permit. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-4	<p><b>PROPERTY RIGHTS:</b></p> <p>The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-5	<p><b>SEVERABILITY:</b></p> <p>The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstances, is challenged or held invalid, the validity of the remaining permit provisions and/or portions thereof or their application to other persons or sets of circumstances, shall not be affected thereby. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-6	<p><b>OIL AND HAZARDOUS SUBSTANCE LIABILITY:</b></p> <p>Nothing in this permit shall relieve the owner or operator from responsibilities, liabilities, or penalties under Section 311 of the CWA (33 U.S.C. Section 1321). [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT11 (continued):**

**Narrative Requirements:**

Condition No.	Condition
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**T-7 SIGNATORY REQUIREMENTS:**

All LCNOs and requests for recoverage shall be signed as follows:

(1) For a corporation by a responsible corporate officer. For this permit, a responsible corporate officer means:

(A) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

Note: MDEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in paragraph (1)(A) above. The Department will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Permit Board to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under paragraph (1)(B) above rather than to specific individuals.

(2) For a partnership or sole proprietorship by a general partner or the proprietor, respectively; or

(3) For a municipal, State, Federal, or other public agency by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(A) The chief executive officer of the agency, or

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. [11 Miss. Admin. Code Pt. 6, R. 1]

**ACT11 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-8	<p><b>DULY AUTHORIZED REPRESENTATIVE:</b></p> <p>All SWPPPs, reports required by this permit, certifications and other information requested by the Permit Board shall be signed by a person described in T-7 above, or by a duly authorized representative of that person. A person is a duly authorized representative when:</p> <ul style="list-style-type: none"><li>(1) The authorization is made in writing and submitted to the Permit Board by a person described in T-7 above.</li><li>(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity, such as: manager, operator of a well or well field, superintendent, person of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may be either a specified individual or position). [11 Miss. Admin. Code Pt. 6, R. 1]</li></ul>
T-9	<p><b>CHANGES TO AUTHORIZATION:</b></p> <p>If an authorization is no longer accurate because a different individual or position has permit responsibility, a new authorization satisfying the requirements of T-7 and T-8 above, must be submitted to the Permit Board prior to or together with any reports, information or applications signed by the representative. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-10	<p><b>CERTIFICATION:</b></p> <p>Any person signing documents under this section shall make the following certification:</p> <p>"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." [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT11 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-11	<p><b>PROPER OPERATION AND MAINTENANCE:</b></p> <p>The coverage recipient shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the coverage recipient to achieve compliance with the conditions of this permit including the Storm Water Pollution Prevention Plan. Proper operation and maintenance includes adequate laboratory controls with appropriate quality assurance procedures and requires the operation of backup or auxiliary facilities when necessary to achieve compliance with permit conditions. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-12	<p><b>MONITORING AND RECORDS:</b></p> <p>(1) Monitoring. Samples and measurements shall be representative of the monitored activity and must be conducted according to test procedures approved under 40 CFR Part 136.</p> <p>(2) Retention of Records. The owner or operator shall retain records of all required monitoring information for a period of at least three years from the date of the measurement, report, or application. This information includes all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit. This period may be extended by request of the Permit Board or its designee. Any documents required by this permit may be kept electronically but must be readily available during site inspection or upon request.</p> <p>(3) Record Contents. Records of monitoring information shall include:</p> <ul style="list-style-type: none"> <li>(A) The date, exact location, and time of sampling or measurements,</li> <li>(B) The initials or names of the individuals who performed the sampling or measurements,</li> <li>(C) The date(s) and time(s) analyses were performed,</li> <li>(D) The initials or names of the individuals who performed the analyses,</li> <li>(E) References and written procedures, when available, for the analytical techniques or methods used, and</li> <li>(F) The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results. [11 Miss. Admin. Code Pt. 6, R. 1]</li> </ul>

**ACT11 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-13	<p><b>BYPASS PROHIBITION:</b></p> <p>Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against an coverage recipient for a bypass, unless: a) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if the coverage recipient should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and c) The owner or operator submitted notices per T-17 of this ACT. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-14	<p><b>UPSET CONDITIONS:</b></p> <p>An upset (see 40 CFR 122.41(n)) constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if a coverage recipient shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:</p> <ol style="list-style-type: none"> <li data-bbox="919 871 943 1902">(1) An upset occurred and the coverage recipient can identify the specific cause(s) of the upset,</li> <li data-bbox="979 1056 1003 1902">(2) The permitted facility was at the time of the upset being properly operated,</li> <li data-bbox="1039 1131 1063 1902">(3) The coverage recipient submitted notices per T-17 of this ACT, and</li> <li data-bbox="1099 184 1187 1902">(4) The coverage recipient took remedial measures as required under T-2 of this ACT. In any enforcement proceeding, the coverage recipient has the burden of proof that an upset occurred. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance is initiated, will be considered a final administrative action subject to judicial review. [11 Miss. Admin. Code Pt. 6, R. 1]</li> </ol>



**ACT11 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-15	<p data-bbox="522 1570 555 1900"><b>INSPECTION AND ENTRY:</b></p> <p data-bbox="587 130 636 1900">The coverage recipient shall allow the Permit Board staff or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:</p> <ol data-bbox="669 130 945 1900" style="list-style-type: none"><li data-bbox="669 130 717 1900">(1) Enter upon the owner or operator's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit;</li><li data-bbox="734 130 782 1900">(2) Have access to and copy at reasonable times any records that must be kept under the conditions of this permit;</li><li data-bbox="799 130 847 1900">(3) Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and</li><li data-bbox="863 130 945 1900">(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location. [11 Miss. Admin. Code Pt. 6, R. 1]</li></ol>
T-16	<p data-bbox="961 1671 993 1900"><b>PERMIT ACTIONS:</b></p> <p data-bbox="1026 130 1122 1900">This permit may be modified, revoked and reissued, or terminated for cause. A request by the coverage recipient for permit or coverage modification, revocation and reissuance, or termination, or a certification of planned changes or anticipated noncompliance does not stay any permit condition. [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT11 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-17	<p><b>NONCOMPLIANCE REPORTING:</b></p> <p>(1) Anticipated Noncompliance. The coverage recipient shall give at least ten (10) days advance notice, if possible, before any planned noncompliance with permit requirements. Giving notice of planned or anticipated noncompliance does not immunize the coverage recipient from enforcement action for that noncompliance.</p> <p>(2) Unanticipated Noncompliance. The coverage recipient shall notify the MDEQ orally within twenty-four (24) hours from the time he or she becomes aware of unanticipated noncompliance, which may endanger health or the environment. A written report shall be provided to the MDEQ within five (5) working days of the time he or she becomes aware of the circumstances leading to the unanticipated noncompliance. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent reoccurrence and, if the noncompliance has not ceased, the anticipated time for correction. MDEQ may waive the written report on a case-by-case basis, if the oral report is received within 24 hours. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-18	<p><b>REOPENER CLAUSE:</b></p> <p>If there is evidence indicating potential or realized impacts on water quality due to large construction activities covered by this permit, the coverage recipient may be required to obtain individual permit or an alternative general permit in accordance with ACT3, S-2 or the permit may be modified to include different limitations and/or requirements. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-19	<p><b>PERMIT MODIFICATION:</b></p> <p>Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-20	<p><b>TRANSFERS:</b></p> <p>Coverage under this permit is not transferable to any person except after notice to and approval by the Permit Board. The Permit Board may require the coverage recipient to obtain another NPDES permit as stated in ACT3, S-2. Transfer of coverage requests shall be submitted to the Permit Board using the form provided in the Large Construction Forms Package. [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT11 (continued):**

**Narrative Requirements:**

Condition No.	Condition
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**T-21 CONTINUATION OF EXPIRED GENERAL PERMIT:**

If this permit is not reissued prior to the expiration date, it will be administratively continued and remain in force and effect. Permit coverage will remain until the earliest of:

- (1) Recovery under the reissued general permit;
- (2) Submittal of a Request for Termination and receipt of written concurrence;
- (3) Issuance of an individual permit for the project's discharge; or
- (4) A formal permit decision by the Permit Board to not reissue the general permit, at which time the coverage recipient must seek coverage under an alternative general permit or an individual permit. [11 Miss. Admin. Code Pt. 6, R. 1]

**T-22 FALSIFYING REPORTS:**

Any coverage recipient who falsifies any written report required by or in response to a permit condition shall be deemed to have violated a permit condition and shall be subject to the penalties provided for a violation of a permit condition pursuant to Section 49-17-43 of the Mississippi Water Pollution Control Law (Mississippi Code Ann. Sections 49-17-1 et seq.). [11 Miss. Admin. Code Pt. 6, R. 1]

**T-23 CIVIL AND CRIMINAL LIABILITY:**

- (1) Any person who violates a term, condition or schedule of compliance contained within this permit or the Mississippi Air and Water Pollution Control Law is subject to the actions defined by the Mississippi Air and Water Pollution Control Law.
- (2) Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the coverage recipient from civil or criminal penalties for noncompliance.
- (3) It shall not be the defense of the coverage recipient in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [11 Miss. Admin. Code Pt. 6, R. 1]

**ACT12 (LCGP) Definitions:**

**Narrative Requirements:**

Condition No.	Condition
T-1	BEST MANAGEMENT PRACTICES (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [11 Miss. Admin. Code Pt. 6, R. 1]
T-2	BUFFER ZONE, as used in this permit, means a strip of dense undisturbed perennial vegetation, either original or reestablished, that borders perennial streams and rivers, ponds and lakes and wetlands. Buffer zones are established for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the upland area and reaching surface waters. Buffer zones are most effective when storm water runoff is flowing into and through the buffer zone as shallow sheet flow, rather than in concentrated form such as in channels, gullies, or wet weather conveyances. Therefore, it is critical that the design of any development include management practices, to the maximum extent practical, that will result in storm water runoff flowing into and through the buffer zone as shallow sheet flow. [11 Miss. Admin. Code Pt. 6, R. 1]
T-3	CFR means the Code of Federal Regulations. [11 Miss. Admin. Code Pt. 6, R. 1]
T-4	CLEAN WATER ACT (CWA) refers to the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq. [11 Miss. Admin. Code Pt. 6, R. 1]
T-5	COMMENCEMENT OF CONSTRUCTION ACTIVITIES means the initial disturbance of soils associated with clearing, grading, grubbing, or excavating activities or other construction-related activities. [11 Miss. Admin. Code Pt. 6, R. 1]
T-6	COMMISSION means the Mississippi Commission on Environmental Quality. [11 Miss. Admin. Code Pt. 6, R. 1]
T-7	COMPACTION means the process by which the soil grains are rearranged to decrease void space and bring the grains into closer contact with one another and thereby increase the weight of solid material per cubic foot. [11 Miss. Admin. Code Pt. 6, R. 1]
T-8	CONSTRUCTION ACTIVITY as used in this permit, includes construction activity as defined in 40 CFR part 122.26(b)(14)(x). This includes a disturbance to the land that results in the change in topography, existing soil cover (both vegetative and non-vegetative), or the existing topography that may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, grubbing, filling and excavating. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site. [11 Miss. Admin. Code Pt. 6, R. 1]
T-9	CONSTRUCTION SUPPORT ACTIVITY a construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas. [11 Miss. Admin. Code Pt. 6, R. 1]

**ACT12 (LCGP) Definitions:**

**Narrative Requirements:**

Condition No.	Condition
T-10	CONTROL MEASURE as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the United States. [11 Miss. Admin. Code Pt. 6, R. 1]
T-11	DAILY DISCHARGE means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily average" is calculated as the average measurement of the discharge of the pollutant over the day. [11 Miss. Admin. Code Pt. 6, R. 1]
T-12	DEWATERING means the act of draining rainwater and/or ground water from building foundations, vaults, and trenches. [11 Miss. Admin. Code Pt. 6, R. 1]
T-13	DROUGHT-STRICKEN AREA means for the purposes of this permit an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See <a href="http://www.epc.ncep.noaa.gov/products/expert_assessment/season_drought.gif">http://www.epc.ncep.noaa.gov/products/expert_assessment/season_drought.gif</a> . [11 Miss. Admin. Code Pt. 6, R. 1]
T-14	EXECUTIVE DIRECTOR means the Executive Director of the Department of Environmental Quality. [11 Miss. Admin. Code Pt. 6, R. 1]
T-15	FACILITY or ACTIVITY means any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [11 Miss. Admin. Code Pt. 6, R. 1]
T-16	FINAL STABILIZATION means that either: <ul style="list-style-type: none"> <li data-bbox="1154 161 1211 1902">(1) All soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of at least 70% for the area has been established or equivalent measures (e.g., concrete or asphalt paving, rip rap, etc.) have been employed; or</li> <li data-bbox="1243 495 1268 1902">(2) For individual lots part of a larger common plan of development or sale in residential or commercial developments, that either:                             <ul style="list-style-type: none"> <li data-bbox="1300 947 1325 1902">(A) The coverage recipient has completed final stabilization as specified in (1) above, or</li> <li data-bbox="1357 161 1459 1902">(B) The coverage recipient has established temporary stabilization before another property owner assumes operational control for the property AND the coverage recipient for the larger common plan of development has provided the appropriate Notice of Intent or Registration form, the appropriate Construction General Permit, and guidance documents to the new property owner and the new owner assumes control by completing the appropriate NOI or Registration Form.</li> </ul> </li> </ul>

**ACT12 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-17	<p>INFEASIBLE means not technologically possible, or not economically practicable and achievable in light of best industry practices. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-18	<p>LARGE CONSTRUCTION ACTIVITY includes clearing, grading, grubbing, and excavating resulting in a land disturbance that will disturb equal to or greater than five (5) acres of land or will disturb less than five (5) acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five (5) acres. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-19	<p>LARGER COMMON PLAN OF DEVELOPMENT OR SALE means a contiguous area where multiple separate and distinct construction activities are occurring under one plan. The plan in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.), indicating that construction activities may occur on a specific plot. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-20	<p>LINEAR PROJECT includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-21	<p>MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, (ii) Designed or used for collecting or conveying storm water, (iii) Which is not a combined sewer, and (iv) Which is not part of a Publicly Owned Treatment Works (POTW). [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-22	<p>NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the regulations under the Clean Water Act that prohibits discharge of pollutants into waters of the United States unless a special permit is issued. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-23	<p>NOI is an acronym for "Notice of Intent" to be covered by this permit and is the mechanism used to apply for coverage under a general permit. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-24	<p>NORMAL WORKING HOURS, for the purpose of this permit, means the hours that personnel are typically working at the project site (e.g., daylight hours, Monday through Friday, except recognized holidays). [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT12 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-25	<p>OWNER or OPERATOR for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:</p> <p>(1) The party has operational control over construction plans, specifications, and installation of BMPs including the ability to make modifications to those plans and specifications; or</p> <p>(2) The party has day to day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform coverage recipients of MDEQ's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of storm water associated with construction activity. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-26	<p>PERMIT BOARD means the Mississippi Environmental Quality Permit Board established pursuant to Miss. Code Ann. 49-17-28. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-27	<p>POLLUTANT is defined at 40 CFR 122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, sediment, silt, cellar dirt, and industrial or municipal waste. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-28	<p>POLYMER FLOCCULANT, for the purpose of this permit, is a chemical that when added to storm water containing small suspended particles (e.g., fine silts and clays) causes the particles to stick together and fall out of suspension, reducing the overall turbidity of the storm water discharge. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-29	<p>QUALIFIED PERSONNEL means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-30	<p>STATE LAW means The Mississippi Air and Water Pollution Control Law, specifically, Miss. Code Ann 49-17-1 through 49-17-43, and any subsequent amendments. [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-31	<p>STEEP SLOPES, as used in this permit, means slopes or grades steeper than (3:1). [11 Miss. Admin. Code Pt. 6, R. 1]</p>

**ACT12 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-32	STORM WATER means rainfall runoff, snowmelt runoff, and surface runoff. [11 Miss. Admin. Code Pt. 6, R. 1]
T-33	STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY as used in this permit, refers to a discharge of pollutants in storm water from areas where soil disturbing activities (e.g., clearing, grading, grubbing, or excavation), construction materials or equipment storage or maintenance (e.g., stock piles, borrow area, concrete truck chute wash down, fueling) are located. [11 Miss. Admin. Code Pt. 6, R. 1]
T-34	STORM WATER POLLUTION PREVENTION PLAN (SWPPP) means a plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants. [11 Miss. Admin. Code Pt. 6, R. 1]
T-35	SUBMITTED means the document is postmarked on or before the applicable deadline, except as otherwise specified. [11 Miss. Admin. Code Pt. 6, R. 1]
T-36	SUCCESSFUL COMPLETION OF ALL PERMANENT EROSION AND SEDIMENT CONTROLS means when land disturbing construction activities have been completed and disturbed areas have been stabilized with no significant erosion occurring. [11 Miss. Admin. Code Pt. 6, R. 1]
T-37	TEMPORARY STABILIZATION means practices such as seeding, mulching and erosion control blankets or mats that are used to stabilize exposed areas in which construction activity has been temporarily suspended. [11 Miss. Admin. Code Pt. 6, R. 1]
T-38	TOPSOIL means the top layer of undisturbed soil, consisting of a high percentage of organic matter, which is conducive to plant growth. [11 Miss. Admin. Code Pt. 6, R. 1]
T-39	TOTAL MAXIMUM DAILY LOAD (TMDL) means the maximum daily amount of a pollutant that can enter a water body so that the water body will meet and continue to meet state water quality standards. [11 Miss. Admin. Code Pt. 6, R. 1]
T-40	TURBIDITY is an expression of the optical property that causes light to be scattered and absorbed rather than transmitted with no change in direction of flux level through the sample caused by suspended and colloidal matter such as clay, silt, finely divided organic and inorganic matter and plankton and other microscopic organisms. [11 Miss. Admin. Code Pt. 6, R. 1]
T-41	UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the coverage recipient. An upset does not include noncompliance to the extent caused by operational error, improperly



**ACT12 (continued):**

**Narrative Requirements:**

Condition No.	Condition
T-42	<p>designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. [11 Miss. Admin. Code Pt. 6, R. 1]</p> <p>WATERS OF THE STATE means all waters within the jurisdiction of this State, including all streams, lakes, ponds, wetlands, impounding reservoirs, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, situated wholly or partly within or bordering upon the State, and such coastal waters as are within the jurisdiction of the State, except lakes, ponds, or other surface waters which are wholly landlocked and privately owned, and which are not regulated under the Federal Clean Water Act (33 U.S.C.1251 et seq.). [11 Miss. Admin. Code Pt. 6, R. 1]</p>
T-43	<p>11 Miss. Admin. Code Pt. 6, R. 1 means the State of Mississippi's Wastewater Regulations for National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certifications. [11 Miss. Admin. Code Pt. 6, R. 1]</p>