



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

November 13, 2025

Mr. Jonathan Ludwig
Environmental Manager
W. G. Yates & Sons Construction Company
115 Main Street
Biloxi, MS 39530
Office (228) 386-4325
ludwig@wgyates.com

Dear Mr. Ludwig:

Re: W.G. Yates & Sons Construction Company
Lowndes County Mine Number 3 Expansion
Lowndes County
SAM-2024-00893-AMR
WQC2024067

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Mississippi Department of Environmental Quality (MDEQ) issues this Certification, after public notice and opportunity for public hearing, to W.G. Yates & Sons Construction Company dba Baldwin Sand and Gravel, an applicant for a Federal License or permit to conduct the following activity:

W.G. Yates & Sons Construction Company dba Baldwin Sand and Gravel, Lowndes County Mine #3 Expansion: Project to expand the existing sand and gravel mine, Lowndes County Mine #3, located in wetlands and unnamed tributaries of Bonny Slough west of Harrison Road in Lowndes County, Mississippi. As initially proposed, this expansion would result in the loss of 14.16 acres of palustrine scrub shrub wetlands and 1,538.71 linear feet (LF) of ephemeral stream. The project also included after the fact impacts to 80.19 LF of perennial stream and 730.64 LF of intermittent stream. Mitigation for unavoidable loss of waters of the United States will be accomplished through the purchase of credits from an approved mitigation bank.

OFFICE OF POLLUTION CONTROL
POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 •
www.mdeq.ms.gov
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During regulatory review, the amount and types of waters of the United States were reclassified. The ephemeral stream was reclassified to a wet drain, resulting in 14.16 acres of proposed impacts to scrub-shrub wetlands and 1.24 acres of proposed impacts to forested wetlands. After the fact impacts to 80.19 LF of perennial stream and 730.64 LF of intermittent stream remained unchanged. The project will require 9.57 wetland mitigation credits and 2706.32 stream mitigation credits. [SAM-2024-00893-AMR: WQC2024067].

MDEQ certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the following conditions:

1. The permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of mining activities. (Statement G) (11 Miss. Admin. Code Pt. 6, R 1.3.4 B (7))
2. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal: vertical) and shall be immediately seeded, stabilized, and maintained. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent avoided wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. Coverage under the Mining Storm Water Dewatering, and No Discharge General Permit (Mining Stormwater General Permit) must be obtained prior to the discharge of storm water associated with mining and mine dewatering activities into State waters and prior to the operation of a recirculation system with no discharge. The permittee must adhere to the approved Stormwater Pollution Prevention Plan in accordance with the Mining Stormwater General Permit. (Statement F) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (9))
5. Mitigation for the impacts on 15.4 acres of wetlands, 80.19 linear feet (LF) of perennial stream, and 730.64 LF of intermittent stream, shall be provided by the purchase of mitigation credits from an approved mitigation bank. The number of credits must be in accordance with banking prospectus and should be based upon that required for impacting 5.4 acres of wetlands, 80.19 linear feet (LF) of perennial stream, and 730.64 LF of intermittent stream. Written verification of credit purchase must be provided to MDEQ prior to the commencement of any

- work in the jurisdictional waters. (Statement E) (11 Miss. Admin. Code Pt. 6, R. 1.3.4 A (2))
6. A 150-foot buffer zone (natural or undisturbed greenbelt on the perimeter of a land disturbing activity) shall be maintained between the edge of the mining activity and the highest point of the top bank of Bonny Slough. The buffer zone shall not be disturbed by any mining activities. Mining activity includes, but is not limited to, extraction operations, stockpiling of overburden, fill dirt, or sand and gravel, and sedimentation ponds. (Statement E) (11 Miss. Admin. Code Pt. 6, R. 1.1.4.G(4).
 7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (Statement A) (11 Miss. Admin. Code Pt. 6, R.2.2.A.(3))
 8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3))

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

- (A) The proposed activity permanently alters the aquatic ecosystem such that water quality criteria are violated and/or it no longer supports its existing or classified uses. An example is the channelization of streams.
- (B) There is a feasible alternative to the activity which reduces adverse consequences on water quality and classified or existing uses of waters of the State.
- (C) The proposed activity adversely impacts waters containing State or federally recognized threatened or endangered species.
- (D) The proposed activity adversely impacts a special or unique aquatic habitat, such as National or State Wild and Scenic Rivers and/or State Outstanding Resource Waters.
- (E) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (F) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.

(G) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.

(H) The proposed activity results in significant environmental impacts which may adversely impact water quality.

MDEQ also certifies that there are no limitations under Section 302 nor standards under Sections 306 and 307 of the Federal Water Pollution Control Act which are applicable to the applicant's above-described activity.

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

Sincerely,



Becky Simonson
Chief, Environmental Permits Division

cc: Morgan White, MDEQ
James Matheny, MDEQ
Jevon Coleman, District Engineer, Mobile District
Clay Cromwell, Headwaters, Inc.
Jamie Becker, Environmental Protection Agency