



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, EXECUTIVE DIRECTOR

August 8, 2023

Mr. Michael Lloyd
Huber Engineered Woods, LLC
1446 Highway 334
Commerce, Georgia 30530

Dear Mr. Lloyd:

Re: Huber Engineered Woods, LLC
Project Flyway
Noxubee County
COE No. SAM-2022-01183-JDC
WQC No. WQC2023009

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Mississippi Department of Environmental Quality (Department) issues this Certification, after public notice and opportunity for public hearing, to Huber Engineered Woods, LLC (HEW), an applicant for a Federal License or permit to conduct the following activity:

Huber Engineered Woods, LLC, Project Flyway: On March 3, 2023, Huber Engineered Woods, LLC (HEW) applied to the Mississippi Department of Environmental Quality (Department) for a Section 401 Clean Water Act (33 U.S.C. § 1341) Water Quality Certification (WQC) to conduct regulated activities in waters of the state on an approximately 542-acre site situated along the west side of MS Highway 145, east of the Kansas City Railway (KCS) railroad, and north of the Town of Shuqualak, Noxubee County, Mississippi. The proposed project, Project Flyway, includes the construction of a new approximately 400,000 square foot Oriented Strand Board (OSB) manufacturing facility. The project will also include related access roads, rail line extension, water/sewer/gas infrastructure, and an electrical power substation. HEW's purpose and intent of the project is to construct a new OSB manufacturing facility with a capacity of producing approximately 725 million square feet of OSB product per year utilizing the sustainable forest resources available within a 60-to-100-mile radius of Starkville, Mississippi.

The application for Section 401 WQC is the Joint Public Notice, which began on March 3, 2023, and includes all subsequent revisions. As outlined in the public notice, HEW proposed to fill a total of 1,491.07 linear feet of stream and 14.62 acres of wetlands and other waters of the United States to accomplish the

construction of the proposed project. The U.S. Army Corps of Engineers, Mobile District (USACE) provided updates to the amount and types of jurisdictional waters found on the site as a result of their site visit conducted on July 27, 2023. The USACE confirmed the presence of 2,161.47 linear feet of ephemeral stream, 7,749.12 linear feet of intermittent stream, 107.66 linear feet of perennial stream, 7.28 acres of emergent wetlands, 0.39 acres of forested wetlands, and 11.36 acres of open water pond.

Further, as a result of the applicant's efforts to avoid and minimize impacts, the project design was modified and proposed impacts include filling of a total of 1,045.34 linear feet of stream and 14.36 acres of wetlands and other waters and the avoiding a total of 8,972.91 linear feet of stream and 6.67 acres of wetlands and other waters. To compensate for the loss of wetland and stream functions, the applicant proposes to purchase a combination of wetland and stream credits from an approved mitigation bank [SAM-2022-01183-JDC, WQC2023009].

The Department 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 development shall connect to a Department approved wastewater collection and treatment system. All wastewater, including process wastewater, shall be properly treated and disposed in accordance with 11 Mississippi Administrative code Part 6, Chapter 1. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
2. For construction activities, 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 offsite and into adjacent avoided wetland areas and adjacent waters. 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.)
3. For construction projects five (5) acres or greater of total ground disturbances including clearing, grading, excavating, or other construction activities shall follow the conditions and limitations of the Large Construction General Permit. **No construction activities shall begin until the necessary approvals and/or permits have been obtained.** Construction activities include 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 stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. (Statement E) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)

4. Personnel or an assigned subcontractor, having the authority to stop work on the project, shall visit the site daily on each day that work is occurring to observe work activity and permit compliance. Should a violation of certification conditions occur, the Department shall immediately be notified, and corrective actions should be outlined as required. (Statement A) (11 Miss. Admin. Code Pt. 6, R.1.1.1.A(55))
5. Other approvals from the Department may be necessary for the construction and operation of the proposed facilities. All necessary permits and authorizations as required by the Department prior to the start of the specific regulated activity must be obtained. This certification does not alleviate the need for other permit requirements and/or responsibilities. (Statement G) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
6. Mitigation for the impacts of 4.35 acres of emergent wetlands, 466.91 feet of intermittent streams, 578.43 feet of ephemeral streams, and 10.01 acres of open water 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 4.35 acres of emergent wetlands, 466.91 feet of intermittent streams, 578.43 feet of ephemeral streams, and 10.01 acres of open water. Written verification of credit purchase must be provided to the Department prior to the commencement of any work in the wetland or stream areas. (Statement E) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
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.)
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 the Department 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.

The Department 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,



Krystal Rudolph, P.E., BCEE
Chief, Environmental Permits Division

KR: chb

cc: Angela Rangel, U.S. Army Corps of Engineers, Mobile District
Jamie Becker, Environmental Protection Agency
Joel Little, Headwaters, Inc.