



P.O. Box 356, Sherman, MS 38869 / P 662.840.5945 / trinityconsultants.com

May 19, 2025

Ms. Carrie Barefoot, P.E.
Manager, 401/Stormwater Branch
Environmental Permits Division
Mississippi Department of Environmental Quality
P.O. Box 2261
Jackson, MS 39225

Re: **Major Modification Form for Mining General Permit and Updated Storm Water Pollution Prevention Plan**
EP Engineered Clays Corporation, Fowlkes Mine
10430 Darracott Road
Aberdeen, MS 39730 (Monroe County)

Dear Ms. Barefoot:

EP Engineered Clays Corporation, Fowlkes Mine, has retained the services of Trinity Consultants to prepare a Major Modification Form for Mining General Permit and update the Storm Water Pollution Prevention Plan (SWPPP) to reflect current exposed materials, outfalls, personnel, and mine dewatering at EP Engineered Clays Corporation, Fowlkes Mine located in Aberdeen, Mississippi. Signed hard copies of these documents are being submitted as well.

If you have any questions or concerns regarding the enclosed documents, please feel free to contact me at (662) 840-5945 or Frank Lambert at (601) 948-3966.

Sincerely,

A handwritten signature in black ink, appearing to read "Caleb James", written in a cursive style.

Caleb James
Senior Consultant

Cc: Frank Lambert (EP Engineered Clays Corporation, Fowlkes Mine)

Attachment 1: Major Modification Form for Mining General Permit
Attachment 2: Revised Stormwater Pollution Prevention Plan

ATTACHMENT 1

Major Modification Form for Mining General Permit

AI: 10674

Rec'd via email:
05/29/2025

MAJOR MODIFICATION FORM FOR MINING GENERAL PERMIT

Coverage No. MSR32 0 1 7 7 County Monroe



INSTRUCTIONS

Coverage recipients shall notify the Mississippi Department of Environmental Quality of plans to expand the acreage or "footprint" of an existing mining activity or modify the existing mining operation. This form must be submitted when (check all that apply):

- ☐ SWPPP details have been developed and are ready for MDEQ review for subsequent phases of an existing, covered mining activity
- ☐ "Footprint" identified in the original MNOI is proposed to be enlarged (a modified SWPPP and an updated USGS topographic map must be submitted)
- ☒ Mine dewatering is proposed ☐ Mine dewatering has been discontinued
- ☐ Closed loop wash operations are proposed ☐ Closed loop wash operations have been discontinued

This form must be signed by the original coverage recipient under Mississippi's Mining General Permit. A different operator must have general permit coverage transferred prior to coverage being modified. Coverage recipients are authorized to discharge storm water associated with proposed expansions of dewater pits or operate a recirculation system with no discharge, under the conditions of the General Permit, only upon receipt of written notification of approval by the MDEQ. If mining activities change which will incorporate a hydraulic dredging operation or a discharge of process wastewaters to State waters additional permitting actions shall be required.

COVERAGE RECIPIENT INFORMATION

COVERAGE RECIPIENT CONTACT PERSON: Frank Lambert

COMPANY NAME: EP Engineered Clays Corporation, Fowlkes Mine

STREET OR P.O. BOX: 10430 Darracott Road

CITY: Aberdeen STATE: Mississippi ZIP: 39730

PHONE NUMBER : (601) 948-3966 EMAIL ADDRESS: frank.lambert@ussilica.com

PROJECT INFORMATION

FORMER ACREAGE: 484.02 ADDITIONAL ACREAGE TO BE DISTURBED: 0.0

TOTAL ACREAGE: 484.02 MINE NAME: Fowlkes Mine

GEOLOGY APPLICATION/PERMIT NO. _____ CITY: Aberdeen COUNTY: Monroe

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.

Frank Lambert
Signature (must be signed by coverage recipient)

5/28/2025
Date

Frank Lambert
Printed Name

Plant Manager
Title

Please submit this form to:

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

O.C

ATTACHMENT 2

Revised Storm Water Pollution Prevention Plan

MINING STORM WATER POLLUTION PREVENTION PLAN (SWPPP)



EP Engineered Clays Corporation, Fowlkes Mine
10430 Darracott Road
Aberdeen, Mississippi 39730

Post Office Box 356 | Sherman, Mississippi 38869
Office: (662) 840-5945 | Fax: (662) 840-5965
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FIGURES:

- Figure 1: Site Location Map
Figure 2: Aerial Site Map
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APPENDICES:

Appendix A:	Routine Visual Inspection Form
Appendix B:	Personnel Training Record Form
Appendix C:	Annual Storm Water Site Inspection Report Form
Appendix D:	Mine Dewatering Monitoring Log
Appendix E:	Mining Storm Water, Dewatering, and No Discharge General Permit

RECORD OF REVISIONS

Revision Date	Reason for Revision	Revised Pages, Tables, Figures, or Appendices	Person(s) Responsible for Revisions
7/6/2017	Last SWPPP Update.	N/A	Geoff Johnson
5/19/2025	Updated SWPPP to reflect current exposed materials, outfalls, personnel, and mine dewatering.	Entire Document	Caleb James Brian Ketchum, P.E.

1.0 STORM WATER POLLUTION PREVENTION PLAN (SWPPP) CERTIFICATION

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.

Frank Lambert
Signature

5/28/2025
Date

Frank Lambert
Name (Printed)

Plant Manager
Title

EP Engineered Clays Corporation,
Fowlkes Mine
Company

The Storm Water Pollution Prevention Plan (SWPPP) was prepared in accordance with the Mississippi Department of Environmental Quality SWPPP Format and Guidance. The information presented herein constitutes a true and accurate representation of the information, findings, and observations made during the site investigation and preparation of the plan.

Brian Ketchum

Brian Ketchum, P.E.
Principal Consultant
Trinity Consultants

5/19/2025
Date

State of Mississippi
Registration No. 13372
(Seal)



2.0 STORM WATER POLLUTION PREVENTION PLAN OVERVIEW

2.1 Introduction

Federal Regulations codified in 40 CFR 122, 123, and 124 require facilities with storm water discharges associated with certain industrial activities to apply for permit coverage in accordance with the National Pollutant Discharge Elimination System (NPDES). EP Engineered Clays Corporation, Fowlkes Mine (Fowlkes Mine) is located at 10430 Darracott Road, Aberdeen, MS 39730. Facility operations are classified under Standard Classification Code (SIC) 1459 - Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified, which is identified for coverage in the above-cited federal regulations.

The facility has prepared a Storm Water Pollution Prevention Plan (SWPPP) for exposed operations at the facility. The SWPPP was developed and will be implemented in accordance with the requirements of the Mississippi Department of Environmental Quality (MDEQ) Mining Storm Water, Dewatering, and No Discharge General Permit (hereafter referred to as General Permit) under the NPDES Wastewater Program. The SWPPP identifies potential sources of pollution that may affect the quality of storm water discharges associated with industrial activity, evaluates the risk of storm water discharges from these sources, and presents the management practices that will be used at the facility for minimization of pollutants in storm water discharges.

All reports and certifications required by the General Permit will be signed by a responsible corporate officer (RO) or duly authorized representative (DAR) who has responsibility for the overall facility operations and environmental matters. The SWPPP will be retained on-site at all times and made available upon request to an authorized representative of MDEQ and United States Environmental Protection Agency (USEPA). The SWPPP will be amended whenever there is a change in construction, operation, or maintenance that may affect the discharge of storm water from the site.

2.2 General Information

Site Name:		EP Engineered Clays Corporation, Fowlkes Mine			
Mailing and Physical Address:		10430 Darracott Road, Aberdeen, Mississippi 39730			
Location (GPS):		Latitude:	33° 44' 18.91" N	Longitude:	88° 31' 58.72" W
SWPPP Contact:		Nick Hill, Mine Manager			
Office:	N/A	Cell:	(601) 715-9878	Email:	Nixon.Hill@ussilica.com
Storm Water Outfalls:					
SW001	Latitude:	33° 45' 0.42" N	Longitude:	88° 31' 31.23" W	
SW002	Latitude:	33° 44' 34.29" N	Longitude:	88° 31' 31.41" W	
SW003	Latitude:	33° 43' 59.99" N	Longitude:	88° 31' 38.28" W	
SW004	Latitude:	33° 43' 53.69" N	Longitude:	88° 31' 47.32" W	
Closest Water Body and Route of Entry:		South via unnamed tributaries to Cane Creek and east via unnamed			

	tributaries to Tombigbee River.		
Is the receiving stream identified on the Section 303(d) List of Impaired Water Bodies?	No	Has a TMDL been completed for the receiving stream?	N/A
Discharge to Municipal Separate Storm Sewer System (MS4)?	No	If yes, name MS4:	N/A

2.3 SWPPP Objectives

The EPA published regulations in November 1990 under the NPDES program with the objective of controlling water pollution associated with storm water discharges. The goal of the storm water program was to improve water quality by reducing the amount of pollutants contained in storm water runoff from industrial sites. Mining facilities subject to the requirements of a NPDES storm water discharge permit must prepare and implement a SWPPP. The objectives of the SWPPP are to:

- ❑ Identify potential sources of pollution and associated risk, which may affect the quality of storm water discharges;
- ❑ Describe best management practices (BMPs) and control measures intended to minimize pollutants in the facility's runoff; and
- ❑ Provide practical guidance for implementing the SWPPP and complying with the terms and conditions of the General Permit.

2.4 SWPPP Elements

In order to meet the requirements of the General Permit, the subsequent sections of the SWPPP contain the following elements:

- ❑ **Section 3.0: Facility Information** - Describes site characteristics, process description, site security, site drainage, allowable non-storm water discharges, and storm water outfalls.
- ❑ **Section 4.0: Description of Potential Storm Water Pollutant Sources** - Existing industrial activities and significant materials exposed to storm water are identified and described, as well as, management practices and structural and nonstructural controls, and a list of significant spills or leaks.
- ❑ **Section 5.0: Storm Water Management Measures and Erosion and Sediment Controls** - Identifies management measures and controls, inspections, training designed to address conditions and operations present at the facility to reduce pollutants in storm water runoff, recordkeeping and internal reporting procedures, sediment and erosion controls measures, and storm water discharge limitations.
- ❑ **Section 6.0: Monitoring, Recordkeeping, and Reporting** - Procedures are outlined for conducting the routine site inspections, maintaining records of inspections, monitoring of discharges, implementing updates, and reporting to MDEQ.
- ❑ **Figures:** Includes a Site Location Map, Aerial Site Map, and Facility Diagram with site boundaries, buildings, process and storage areas, storm water outfall locations, and flow directions.
- ❑ **Appendices:** Includes the Routine Visual Inspection Form, a Personnel Training Record Form, Annual Storm Water Site Inspection Report Form, and the General Permit.

3.0 FACILITY INFORMATION

3.1 Site Characteristics

The Fowlkes Mine is located at 10430 Darracott Road in Aberdeen, Mississippi and consists of five (5) clay surface mines (Mining Permits P92-071T, P86-015T, P05-004T, P88-013T, and P99-042AAT). Mines P88-013T, P86-015T, and P92-071T have been reclaimed. Vegetation is established in these areas. Mines P99-042AAT and P05-004T are active. The Fowlkes Mine property includes haul roads, vegetative areas, active mining pits, inactive mining areas, sedimentation ponds, aggregate stockpiles, a small office building, a clay shed, and a maintenance shop. Corners of the mines will be marked with permanent vertical posts that are painted to denote the mine boundaries. The boundaries of Fowlkes Mine are shown on **Figure 1 – Site Location Map**.

Soils in these general areas consist primarily of sandy loam. This type of soil typically produces a medium to high amount of runoff. The topography of the property varies, but generally consists of gullied land. The adjacent properties are used for residential and undeveloped. **Figure 1** is a topographic map showing the area in which the sites are located. This map shows the property boundaries of the mine and extends at least one-half mile beyond the property boundary. An aerial site map is provided as **Figure 2 - Aerial Site Map**. **Figure 3 – Facility Diagram** shows the extents of the mines, including the boundaries, storm water outfall locations, and storm water flow directions.

3.2 Process Description

The Fowlkes Mine consists of five (5) open pit mines where approximately the top one hundred (100) feet of overburden has been or is removed and stored on-site until needed. Diesel fuel, oil, and used oil are stored on-site under cover in bulk storage containers. Equipment maintenance is conducted inside the maintenance shop. A portable toilet is located outside the south side of the Clay Shed. A clay shredder is located inside the Clay Shed where clay is transported via dump trucks to be shredded and then transported offsite via dump trucks. Other operations at this facility include mine dewatering of the mine pit so that normal operations are not interrupted by the collection of stormwater into the mining pit. Three (3) mobile diesel pumps are utilized for the purpose of mine dewatering. Figure 3 – Facility Diagram identifies a location for the discharge for mine dewatering and the best management practices (i.e., diversion berms and vegetative buffers) that are used to prevent erosion at the discharge location. However, it should be noted that the location of the mobile diesel pumps may change over time as mining at the site progresses.

3.3 Site Drainage and Storm Water Outfalls

The site is not located within the 100-year flood zone. Surface grading of the mine is designed so that surface runoff flows offsite either through sheet flow, or it is directed to sedimentation ponds before exiting an outfall. Storm Water runoff exits the site at four (4) outfall locations, which are shown on **Figure 3**, and the outfalls are further detailed below:

Outfall	Mine Number	Drainage Area	Drainage Type & Direction	Receiving Body
SW001	P88-013T P86-015T P92-071T	Entire area of the mines, which have been reclaimed.	Sheet flow east to a pond in the east portion of the mine properties.	Tombigbee River
SW002	P99-042AAT	Entire area of P99-042AAT, which is being reclaimed.	Sheet flow and flow through ditches to a drainage ditch on the east side of the property.	Tombigbee River
SW003	P05-004T	East and central portions of P05-004T.	Sheet flow and flow through ditches to a drainage ditch on the southeast side of the property.	Cane Creek
SW004	P05-004T	West portion of P05-004T.	Sheet flow and flow through ditches to a drainage ditch on the south side of the property.	Cane Creek

3.4 Allowable Non-Storm Water Discharges

The General Permit contains provisions for allowable non-storm water discharges. The mining activities by Fowlkes Mine typically do not generate non-storm water discharges. No equipment or activities are present at the mine locations that would generate such discharges. The table below lists non-storm water discharges allowed by the General Permit and those discharges that the facility may have routinely or on occasion.

ALLOWABLE NON-STORM WATER DISCHARGES		
Non-storm water discharges allowed by the General Permit	Expected	
Discharges or flows from fire-fighting activities	Yes ☐	No ☒
Fire hydrant flushings	Yes ☐	No ☒
Water line flushing	Yes ☐	No ☒
Water used to control dust	Yes ☒	No ☐
Discharges from potable water sources	Yes ☐	No ☒
Uncontaminated air conditioning or compressor condensate	Yes ☒	No ☐
Uncontaminated pumped ground water	Yes ☐	No ☒
Footing drains	Yes ☐	No ☒
Diverted stream flows	Yes ☐	No ☒

ALLOWABLE NON-STORM WATER DISCHARGES		
Non-storm water discharges allowed by the General Permit	Expected	
Landscape irrigation	Yes ☐	No ☒
Water used to wash vehicles or external building cleaning where detergents are not used	Yes ☐	No ☒
Flows from riparian habitats and wetlands	Yes ☐	No ☒

4.0 DESCRIPTION OF POTENTIAL STORM WATER POLLUTANT SOURCES

4.1 Narrative Description of Significant Materials

Below is an inventory of significant materials potentially exposed to storm water:

ID No.	Exposed Materials	Best Management Practices (BMPs) Implemented
1	Earth Moving Equipment (Excavator, Bulldozer)	Conduct routine maintenance and visual observations of equipment to ensure no fuel, oil, antifreeze, etc. has leaked.
2	Portable Toilet	Conduct routine visual observations to ensure there are no leaks of sanitary waste. The portable toilet is cleaned weekly by outside contractors.
3	Sedimentation Pond(s)	Conduct routine visual observations to prevent erosion of dikes; proper operation of pump; adequate freeboard; erosion of outlet area.
4	Drainage Ditches, Culverts, Receiving Ditch or Creek	Conduct routine visual observations to prevent erosion of banks; turbidity or sediment escaping from sedimentation pond; riprap for culvert inlet/outlet protection where necessary.
5	General Housekeeping	Conduct routine visual observations of materials (e.g., buckets and drums) stored or handled that could cause release to storm water; leaks, spills, and distressed vegetation.
6	Mobile Diesel Pumps	Conduct routine visual observations of equipment to ensure no fuel, oil, antifreeze, etc. has leaked and regular preventive maintenance program.
7	Employee and Work Vehicles	Conduct routine visual observations to ensure no fuel, oil, antifreeze, etc. has leaked.
8	Waste Receptacle	Waste receptacle is emptied weekly. Routine storm water inspections are conducted.
9	Scrap Metal Container	Scrap metal trailer is routinely emptied. Routine storm water inspections are conducted.
10	Covered Secondary Containment Area (i.e., Diesel Storage Tanks, Used Oil Storage Tanks, Diesel Exhaust Fluid (DEF) Totes) and Associated Loading/Unloading Area	Containers are covered and located in concrete diked containment. Spill kits are maintained in the area for minor spills during loading/unloading operations. Routine storm water inspections are conducted.
11	Mobile Refueler	Conduct routine maintenance and visual observations of equipment to ensure no fuel, oil, antifreeze, etc. has leaked.

4.2 Management Practices and Structural and Nonstructural Controls

Existing management practices employed to minimize contact of significant materials to storm water are listed below:

- ☐ Regular inspections are conducted on earth moving equipment.
- ☐ Annual storm water training is provided.

- ☐ Routine facility housekeeping is performed to cleanup miscellaneous debris.

Existing structural and nonstructural storm water controls utilized to minimize effects on storm water runoff are listed below:

- ☐ Leaks and spills will be contained using containment structures and/or absorbent materials (i.e., native soil) and will be cleaned up as soon as practical.
- ☐ When a disturbed area not actively being mined will be left undisturbed for 30 days or more, the appropriate temporary or permanent vegetative practices will be implemented within seven (7) calendar days.
- ☐ Soil outside the boundary of the active mine area is left intact with native grasses to prevent potential erosion.
- ☐ Drainage ditches and culverts are maintained to provide adequate storm water flow without erosion or plugging.
- ☐ The site is excavated, graded, and contoured in a way to minimize erosion from storm water and direct storm water to the sedimentation ponds.
- ☐ Sedimentation ponds are installed to minimize erosion and allow soil to deposit prior to leaving the site. Dense vegetation will be utilized to ensure erosion does not occur at the drainage pipe outlet.

4.3 List of Significant Spills or Leaks

Significant spills or leaks are defined by federal regulations as a release within a 24-hour period of a hazardous substance or oil in an amount equal to, or in excess of, a reportable quantity listed in 40 CFR Part 117 and 40 CFR Part 302.

SITE SPILL HISTORY	YES	NO
Have any materials been spilled, leaked, or otherwise accidentally released in significant quantities to storm water drains or ditches in the past five years?	☐	☒
Other than incidental spills, there have been no significant spills or releases from the facility.		

4.4 Storm Water Discharge Limitations

Non-numeric limitations of the permit require storm water discharges to be free from the following:

- ☐ Debris, oil scum, and other floating materials other than trace amounts;
- ☐ Eroded soils and other materials that will settle to form objectionable deposits in receiving waters;
- ☐ Suspended solids, turbidity and color at levels inconsistent with receiving streams; and
- ☐ Chemicals in concentrations that would cause a violation of the State Water Quality Criteria in receiving streams.

Dewatering discharges will be sampled once per year for pH as required by the General Permit. No other constituents are analyzed from the storm water outfalls. Records of sampling will be kept for a minimum of three (3) years from the date that the document was generated.

5.0 STORM WATER MANAGEMENT MEASURES AND EROSION AND SEDIMENT CONTROLS

5.1 Implementation of SWPPP

Before ground disturbing activities begin, any necessary erosion and sedimentation storm water controls will be planned and implemented. During the life of the project, the need for different or additional erosion and sedimentation controls may arise due to a failure of a control or a change in ground disturbing activities. The site operator is responsible for implementing all necessary erosion and sedimentation controls to minimize the impact on receiving waters. As required by the Mining General Permit, the permittee will:

- ☐ Implement the SWPPP and retain a copy of the SWPPP at the permitted site. Failure to implement the SWPPP is a violation of permit requirements. A copy of the SWPPP must be made available to the MDEQ inspectors for review at the time of an on-site inspection.
- ☐ Ensure that appropriate Best Management Practices (BMPs) are in place.
- ☐ Amend the SWPPP if notified at any time by the Executive Director of MDEQ that the SWPPP does not meet the minimum requirements. A written certification must also be submitted to the Executive Director stating that the requested changes have been made. Unless otherwise provided, the requested changes shall be made within fifteen (15) days.
- ☐ Amend the SWPPP whenever there is a change in design, construction, operation, or maintenance which may potentially affect the discharge of pollutants to waters of the State or if the SWPPP proves to be ineffective in controlling storm water pollutants. The amended SWPPP shall be submitted to MDEQ within thirty (30) days of amendment.
- ☐ Submit to MDEQ the Major Modification Form (see Mining Forms Package) for subsequent phases, expansions and modifications of mining development that are proposed but were not included in the original SWPPP. An expansion causing the operation to exceed 4 acres will require a permit from the Office of Geology.
- ☐ Install needed erosion controls, even if they may be located in the way of subsequent activities. It shall not be an acceptable defense that controls were not installed because subsequent activities would require their replacement or cause their destruction.
- ☐ Install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site.
- ☐ Minimize off-site vehicle tracking of sediments.
- ☐ Comply with applicable State and local waste disposal, sanitary sewer or septic system regulations.
- ☐ Maintain all erosion controls. 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. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within 24 hours of discovery or as soon as field conditions allow.
- ☐ Implement steps necessary to meet a specific wasteload allocation established subsequent to coverage issuance.

5.2 Good Housekeeping

Good housekeeping practices are intended to maintain areas in a clean and orderly manner. General housekeeping and cleaning activities are performed daily. These practices generally involve limiting the exposure of potential pollution sources to storm water by removing or covering the source, and by conducting daily cleanup. The following are part of the good housekeeping program:

- ❑ **Equipment Maintenance:** No cleaning, washing, or degreasing by the utilization of water and chemicals of any type shall be performed in outside areas where the drainage could conceivably reach a storm water system. All equipment maintenance is conducted at the maintenance building. Limited cleaning and washing with only water (no chemicals) is allowed.
- ❑ **Outdoor Material Storage:** No materials that could contaminate storm water are stored outside without containment (e.g., fuel).
- ❑ **Drainage System Maintenance:** Drainage ditches, storm water controls, and outfalls will be routinely inspected for visible sheen or other signs of contamination.
- ❑ **Erosion Control:** The site will be routinely inspected for signs of erosion, and eroding areas will be stabilized by necessary means.
- ❑ **Sanitary and Solid Waste:** Portable toilet is provided near the entrance. This unit is serviced by a third party. Solid waste receptacles will be placed at convenient locations and regular collection of waste will occur. Waste containers are inspected for leaks and overfilling and emptied when necessary.

5.3 Preventive Maintenance

Preventive maintenance inspections are performed in conjunction with the storm water inspections and are conducted at least monthly. Records of inspections and maintenance are maintained onsite. The facility preventive maintenance program includes inspection, testing, and maintenance of equipment that could fail or leak, resulting in the discharge of pollutants to storm water. Examples include inspections of mobile equipment and inspections of the portable toilet. In addition, facility grounds are routinely inspected for solid waste disposal, erosion, and other signs of potential storm water contamination.

5.4 Spill Prevention and Response

Potential pollution sources are inspected on a regular basis. Based on current facility processes and the lack of chemicals stored at the mines, a significant spill or release of a hazardous substance is unlikely. However, if a release occurs, corrective actions will be taken immediately to contain and cleanup the release. Safety Data Sheets (SDS) will be used as the guide for spill response. Spills will be contained at the mine site using native soils. Contaminated soils, debris, or other material generated during clean-up activities will be promptly removed and disposed of in accordance with Federal, State, and Local requirements. All affected employees will be informed of their responsibilities for responding to releases.

Staff with cleanup responsibilities are trained to respond to emergency events and provide continuous coverage while the plant is in operation. Fowlkes Mine's Spill Prevention, Control, and Countermeasures (SPCC) plan includes procedures for responding to a release, response contact information, and notification requirements. At a minimum, the following steps must be completed if a release occurs which discharges from the mine site into adjacent streams or drainage areas:

1. The facility will notify the National Response Center at **(800) 424-8802** as soon as facility personnel first become aware of the discharge. The facility will also notify MDEQ within 24 hours of discovery of the discharge.
2. A written submission, including a description of the event; the cause; the date and time; the duration of the event; whether or not the problem has been corrected and the steps taken or planned to reduce, eliminate and prevent recurrence, will be submitted to the MDEQ within five (5) working days of the time the facility first became aware of the circumstances (use Discharge Notification Form in above referenced Plans).
3. This SWPPP will be amended within 30 calendar days of knowledge of the release if existing BMPs are deemed ineffective in controlling the release of pollutants. The amendment will include a description of the incident, as well as, new BMPs to minimize the potential of the incident recurring, if possible.

If a significant release does occur, Nick Hill, the Mining Manager, or his designee is responsible for ensuring that these requirements are satisfied.

5.5 Employee Training

Effective management of storm water pollution will require all applicable site personnel to be familiar with conditions that may cause pollution. Furthermore, day-to-day use of BMPs by all employees is essential for the success of the SWPPP. Employees who have received storm water training will be responsible for implementation of the guidelines established in the General Permit and the SWPPP. Training will address the following objectives:

- ☐ Good housekeeping practices;
- ☐ Spill prevention and response;
- ☐ Material management practices;
- ☐ Procedures for monitoring compliance with mine dewatering requirements;
- ☐ Overview of the SWPPP and established BMP installation and maintenance;
- ☐ Procedures for monitoring; and
- ☐ Reporting, recordkeeping, and record retention requirements.

Training is required to be conducted on an **annual** basis. Newly hired employees will be trained in the responsibilities of storm water management prior to performing such duties. Regular feedback regarding the implementation and maintenance of the SWPPP is encouraged from all site personnel. A training documentation form is included as **Appendix B**.

5.6 Sediment and Erosion Controls

The Mining General Permit requires that the SWPPP include site-specific controls for mining/construction activities, as well as procedures for implementing such controls. The controls will be designed, installed, and maintained to retain sediment on-site and to minimize the discharge of pollutants. If any of the below controls cannot be implemented on the 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:

- ❑ Control storm water volume and velocity within the site to minimize soil erosion;
- ❑ Control storm water discharges, including both peak flow rates and total storm water volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;
- ❑ Minimize the amount of soil exposed during mining activity;
- ❑ Minimize the disturbance of steep slopes;
- ❑ 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;
- ❑ Provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration, unless infeasible;
- ❑ Minimize soil compaction and, unless infeasible, preserve topsoil;
- ❑ Direct storm water to vegetated areas, brush barriers, silt fences, hay bales, etc. to aid in the filtration, infiltration, velocity reduction and diffusion of the discharge;
- ❑ Transport runoff down steep slopes through lined channels or piping; and
- ❑ Minimize off-site vehicle tracking of sediments.

Controls are utilized to minimize the potential release of pollutants into storm water that is discharged from the mine sites. The controls utilized by Fowlkes Mine are designed to be compliant with standards set forth in the most recent edition of Mississippi's "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas. Good vegetative cover is maintained in non-disturbed areas surrounding the active mine areas to minimize erosion potential and runoff contamination from sediment erosion. Slopes within mining sites are maintained at a gradient sufficient to minimize the erosion potential of the exposed soils.

Mine entrances are graveled to meet construction entrance requirements in order to reduce the tracking of sediment onto Darracott Road. The mine is constructed in such a way that steep slopes are mostly avoided. Erosion is minimized by maintaining the mine site on a gradual slope.

5.7 Structural Practices

Structural practices will divert flows from exposed soils and otherwise limit runoff from exposed areas. Such practices may primarily include the utilization of vegetative barriers and earthen berms, and in severe cases the utilization of silt fencing. Site grading at minimum slopes will produce sheet flow with minimum runoff and erosion potential. Due to the permeable and granular characteristics of the soils at this site, there are no sedimentation basins as no significant runoff is expected to occur from the site.

- ❑ **Vegetative Barriers** are maintained around the perimeter of the site to increase sediment removal and maximize storm water infiltration, unless infeasible.
- ❑ **Earthen Berms** are utilized upgradient of stockpile areas to route stormwater runoff around and minimize potential for sediment to leave the site.
- ❑ **Gravel** is used to reduce erosion at entrances/exits, roads, and/or parking surfaces.
- ❑ **Perimeter Controls** include natural, undisturbed areas that are maintained and supplemented with silt fence around the project perimeter.

5.8 Vegetative Practices

Good vegetative cover will be maintained in non-disturbed areas surrounding the active mine site to minimize erosion potential and runoff contamination from sediment erosion. Effort will be made to preserve existing vegetation where possible and re-vegetate disturbed areas as soon as practicable after clearing, grading, excavating or other land disturbing activities. Vegetative practices at this site may include, but are not limited to, temporary seeding, permanent seeding, buffer zones, topsoil preservation, and careful dewatering practices.

- ❑ **Temporary Seeding:** When a disturbed area not actively being mined will be left undisturbed for 30 days or more, the appropriate temporary or permanent vegetative practices will be implemented within seven (7) calendar days.
- ❑ **Permanent Seeding:** When a disturbed area not actively being mined will be left undisturbed for 30 days or more, the appropriate temporary or permanent vegetative practices will be implemented within seven (7) calendar days
- ❑ **Buffer Zones:** Dense undisturbed perennial vegetation, either original or reestablished, will make up the buffer zones where feasible for the purpose of minimizing the risk of any potential nutrients or pollutants from leaving the site. Storm water will flow through the buffer zones as sheet flow.
- ❑ **Topsoil:** Any topsoil removed from the site will be stockpiled on the site for use in reclamation activities.
- ❑ **Mine Dewatering Discharge:** Mine dewatering water will be discharged to well-vegetated and/or stabilized areas to prevent erosion of materials and soils into surface waters. Further, the intake of dewatering devices will draw from the upper third of the water column to minimize solids in the discharge.

6.0 MONITORING, RECORDKEEPING, AND REPORTING

6.1 Routine Monitoring and Inspections

Routine (monthly) inspections will be conducted to check for proper operation of the mines and adequate protection of the receiving streams from excessive sediment discharges. All areas contributing to storm water discharges associated with mining activity will be inspected. The following areas will be inspected:

- ☐ Earth moving equipment;
- ☐ Discharges from outfalls;
- ☐ Areas around portable toilet; and
- ☐ Perimeter of active mine areas for erosion that could release storm water runoff.

Routine visual site inspections will be performed as often as needed but no less than once monthly. If feasible, the inspections will be conducted during or after storm events. An inspection will always be conducted within 24 hours after commencement of a rainfall event equal to or greater than a 2-year, 24-hour storm event (approximately 4 inches).

A record of all routine visual site inspections will be maintained onsite with the SWPPP and will contain the following information:

- ☐ Date of inspection;
- ☐ Name and signature of inspector;
- ☐ Observations of exposed industrial activities and equipment;
- ☐ Observations of facility drainage, storm water controls, and outfalls;
- ☐ Description of concerns or problem conditions observed; and
- ☐ Description of corrective actions needed, personnel responsible for implementing corrective action, anticipated time frame for implementing corrective actions, and date corrective actions were implemented.

Inspection details will be recorded in a format similar to the **Routine Visual Inspection Form** provided in **Appendix A**. The results of all inspections and associated corrective actions will be documented on the **Annual Storm Water Site Inspection Report Form** provided in **Appendix C** and kept with the SWPPP. Records from these inspections, monitoring records, and records of spill responses will be retained on-site for at least three (3) years from the date that the document was generated. The SWPPP and records retained in accordance with the SWPPP and the General Permit will be made available, upon request, to USEPA and MDEQ representatives.

Monitoring of mine dewatering discharges will be conducted as required by the General Permit and described below:

- ❑ **Frequency and Location of Monitoring:** The coverage recipient will monitor the effluent for pH by collecting grab samples at least once every twelve (12) months after permit issuance. Samples will be collected at the nearest point after discharge, but prior to mixing with any non-mine water or mixing with the receiving stream.
- ❑ **Representative Sampling:** Samples and measurements taken as required will be representative of the volume and nature of the monitored wastewater.
- ❑ **Test Procedures:** Sampling test procedures will be in accordance with the methods set forth in 40 CFR Part 136.
- ❑ **pH Limitations:** pH values will be limited by the General Permit to a range of 6.0 to 9.0.
- ❑ **Reporting:** Analytical results of monitoring conducted must be submitted annually by the 28th of January, and Daily Monitoring Reports (DMR) will be submitted electronically using the MDEQ NetDMR system.

6.2 Annual Storm Water Site Inspection Report Form

The Annual Storm Water Site Inspection Report Form will consist of the results of all monthly site inspections. The results of the inspections will be documented each month on this form, including date, time, inspector's name, deficiencies found, if any, and any corrective actions necessary. A copy of the **Annual Storm Water Site Inspection Report Form** is provided in **Appendix C**. This form will be retained on-site for a period of at least three (3) years from the date the document was generated.

6.3 Recordkeeping

Routine (monthly) storm water inspection reports, monitoring records, daily logs, and records of spill responses will be retained on-site for at least three (3) years from the date that the document was generated. The SWPPP and records retained in accordance with the SWPPP and the General Permit will be made available to the MDEQ inspectors for review at the time of an on-site inspection.

Records of mine dewatering monitoring must be documented on the Mine Dewatering Monitoring Log located in Appendix D. This form should be completed for each measurement or sample taken of mine dewatering discharge as required by the permit and must include:

- ❑ The exact place, date and time of sampling;
- ❑ The dates and times the analyses were performed;
- ❑ The person(s) who performed the analyses;
- ❑ The analytical techniques, procedures or methods used; and
- ❑ The results of all required analyses.

If the coverage recipient monitors any pollutant as prescribed in the permit more frequently than required by the permit using test procedures approved under 40 CFR Part 136, the results of this monitoring shall

be recorded according to the above provisions and included in any determinations of facility compliance status.

6.4 SWPPP Update

The SWPPP will be updated to include potential sources of storm water contamination identified during the inspections and not already included in the plan, as well as, any additional BMPs or control measures needed to control new or existing sources of storm water contamination, or a planned change in the size, design, operation, or maintenance of the facility. Any change to the size, design, operation, or maintenance of the facility shall not be made until MDEQ has approved a revised SWPPP and has transmitted this approval to the facility in writing. The SWPPP will also be updated if the facility is notified by the Executive Director of MDEQ that the SWPPP does not meet minimum requirements. The update will be submitted within thirty (30) days of the notification by MDEQ, along with a certification that the requested changes have been made.

6.5 Non-Compliance Reporting

In the event of anticipated, or unanticipated, non-compliance with the General Permit the following procedures will be followed:

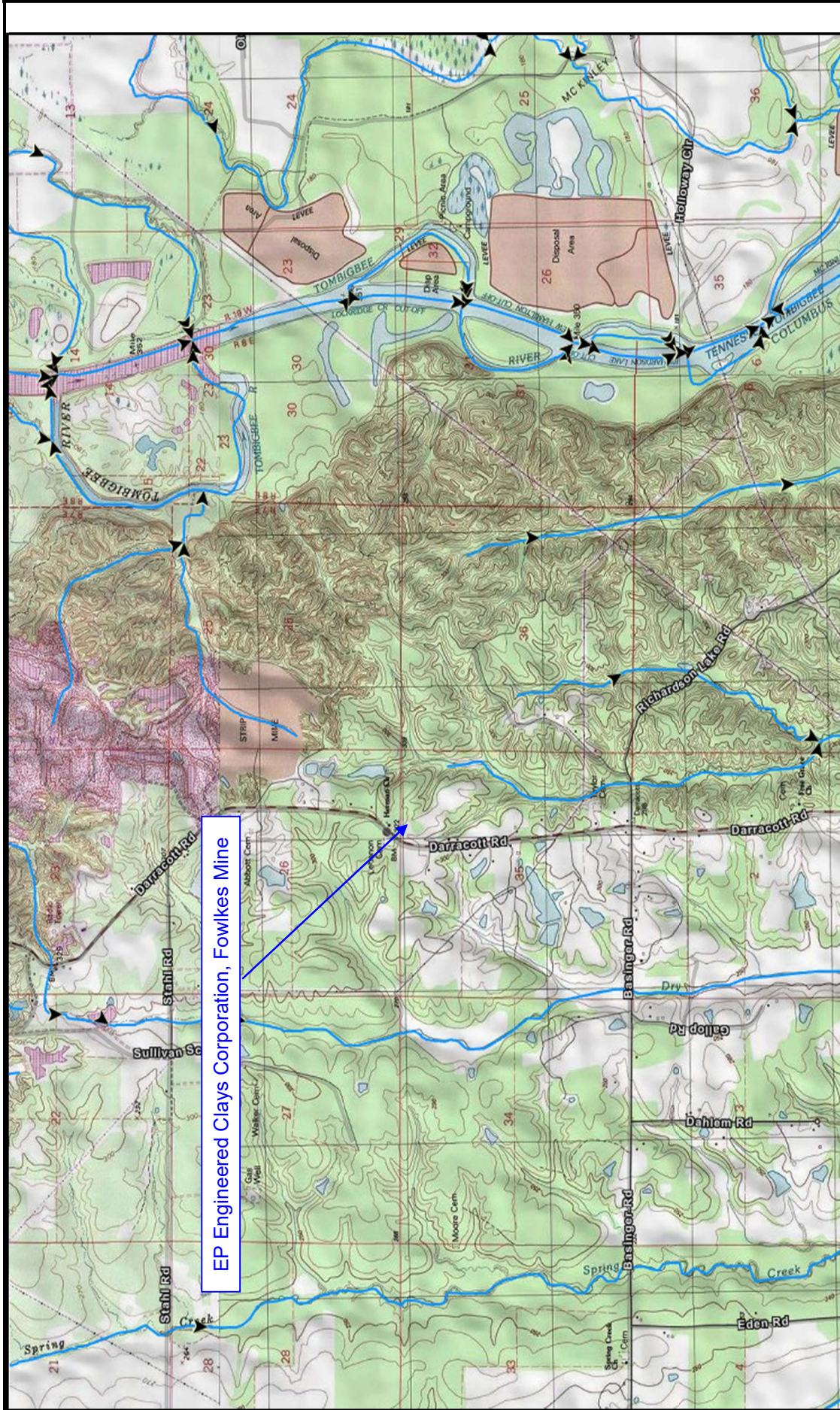
Unanticipated Noncompliance – The coverage recipient will notify MDEQ orally within twenty-four (24) hours from the time that he, or she, becomes aware of unanticipated noncompliance followed by a written notice to the MDEQ within five (5) working days. The written report must describe the cause; exact dates and times; steps taken or planned to reduce, eliminate, or prevent recurrence of the noncompliance and if noncompliance has not ceased, the anticipated time for correction.

Anticipated Noncompliance – The coverage recipient will give at least ten (10) days advance notice to MDEQ, if possible, before any planned noncompliance with the permit.

FIGURES

FIGURE 1

SITE LOCATION MAP



EP Engineered Clays Corporation, Fowlkes Mine



Trinity
Consultants

PO Box 356
Sherman, MS 38869

Date: 5/12/2025

Drawn By/Checked By: CAJ

EP Engineered Clays Corporation, Fowlkes Mine
10430 Darracott Road
Aberdeen, MS 39730

Figure 1: Site Location Map

Source:
epa.maps.arcgis.com

Legend:
N/A

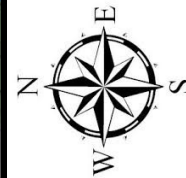


FIGURE 2

AERIAL SITE MAP



Legend: N/A

Source: maps.apple.com

Drawn/Checked By: CAJ

Date: 5/12/2025

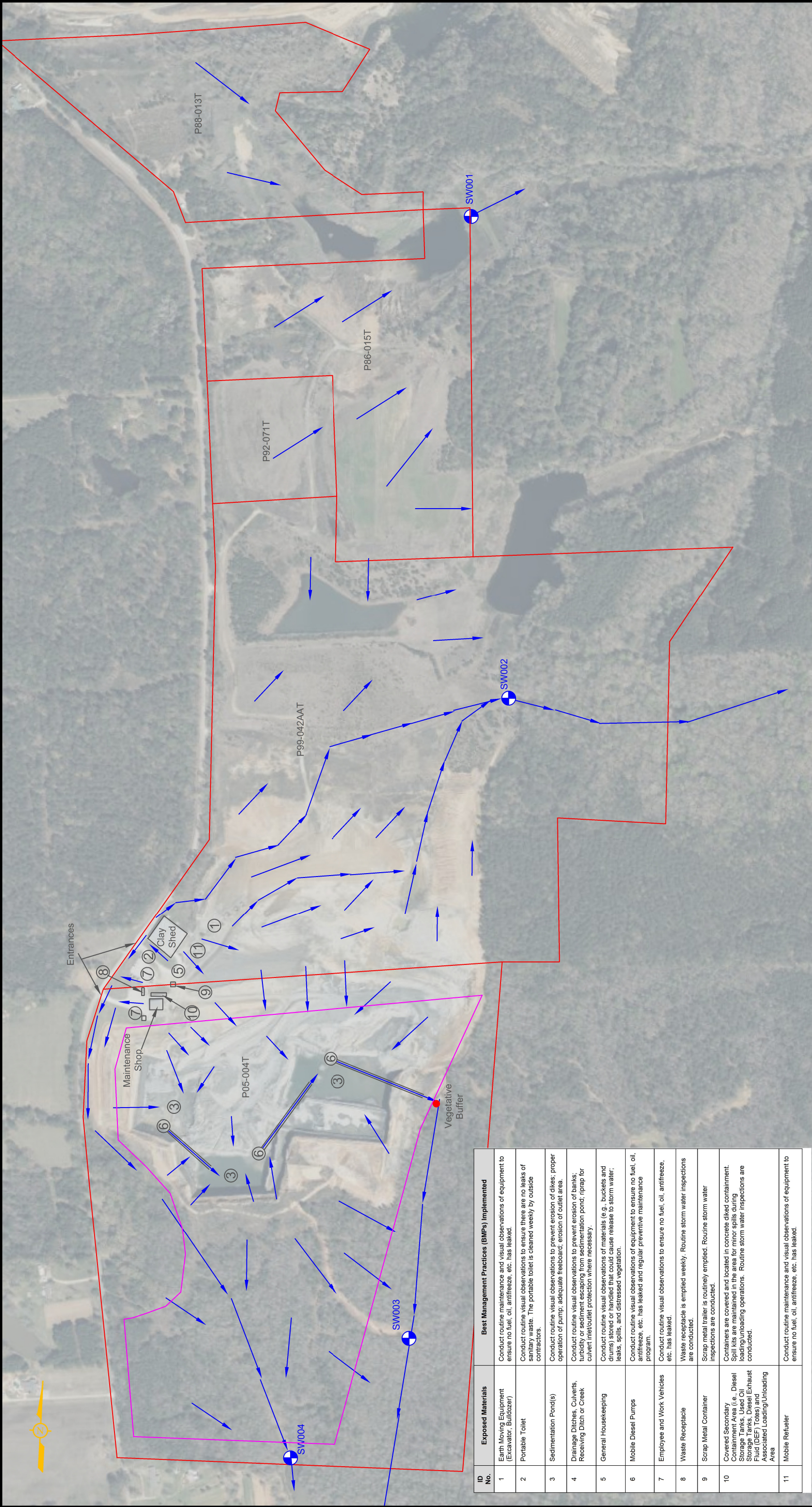
EP Engineered Clays Corporation, Fowlkes Mine
10430 Darracott Road
Aberdeen, MS 39730

Figure 2: Aerial Site Map



FIGURE 3

FACILITY DIAGRAM



ID No.	Exposed Materials	Best Management Practices (BMPs) Implemented
1	Earth Moving Equipment (Excavator, Bulldozer)	Conduct routine maintenance and visual observations of equipment to ensure no fuel, oil, antifreeze, etc. has leaked.
2	Portable Toilet	Conduct routine visual observations to ensure there are no leaks of sanitary waste. The portable toilet is cleaned weekly by outside contractors.
3	Sedimentation Pond(s)	Conduct routine visual observations to prevent erosion of dikes; proper operation of pump; adequate freeboard; erosion of outlet area.
4	Drainage Ditches, Culverts, Receiving Ditch or Creek	Conduct routine visual observations to prevent erosion of banks; turbidity or sediment escaping from sedimentation pond; riprap for culvert inlet/outlet protection where necessary.
5	General Housekeeping	Conduct routine visual observations of materials (e.g., buckets and leams) stored or handled that could cause release to storm water, leaks, spills, and distressed vegetation.
6	Mobile Diesel Pumps	Conduct routine visual observations of equipment to ensure no fuel, oil, antifreeze, etc. has leaked and regular preventive maintenance program.
7	Employee and Work Vehicles	Conduct routine visual observations to ensure no fuel, oil, antifreeze, etc. has leaked.
8	Waste Receptacle	Waste receptacle is emptied weekly. Routine storm water inspections are conducted.
9	Scrap Metal Container	Scrap metal trailer is routinely emptied. Routine storm water inspections are conducted.
10	Covered Secondary Containment Area (i.e., Diesel Storage Tanks, Used Oil Storage Tanks, Diesel Exhaust Fluid (DEF) Tanks, and Associated Loading/Unloading Area)	Containers are covered and located in concrete diked containment. Spill kits are maintained in the area for minor spills during loading/unloading operations. Routine storm water inspections are conducted.
11	Mobile Refueler	Conduct routine maintenance and visual observations of equipment to ensure no fuel, oil, antifreeze, etc. has leaked.





P.O. Box 356
Sherman, MS 38869
(662) 840-5945

EP Engineered Clays Corporation, Fowlkes Mine
10430 Darracott Road
Aberdeen, Mississippi 39730

Legend:

Mine Boundary

Permit Boundary

Surface Drainage

Outfall

Mine Dewatering Discharge Area

Drawn By: CAJ
Date: 4/29/2025

Figure 3
Facility Diagram

APPENDICES

APPENDIX A

ROUTINE VISUAL INSPECTION FORMS

ROUTINE VISUAL INSPECTION FORM

Note: Complete this form at least monthly to document results of the required visual inspection. If feasible, the inspections will be conducted during or after storm events. An inspection will always be conducted within 24 hours after commencement of a rainfall event equal to or greater than a 2-year, 24-hour storm event (approximately 4 inches)

Inspection Date: _____

Inspector(s): _____

Inspection Time: _____

Exposed Area		Potential Concerns	Issues Present?	
			Yes	No
1.	Earth Moving Equipment (Excavator, Bulldozer)	Conduct routine maintenance and visual observations of equipment to ensure no fuel, oil, antifreeze, etc. has leaked.	☐	☐
2.	Portable Toilet	Conduct routine visual observations to ensure there are no leaks of sanitary waste. The portable toilet is cleaned weekly by outside contractors.	☐	☐
3.	Sedimentation Pond(s)	Conduct routine visual observations to prevent erosion of dikes; proper operation of pump; adequate freeboard; erosion of outlet area.	☐	☐
4.	Drainage Ditches, Culverts, Receiving Ditch or Creek	Conduct routine visual observations to prevent erosion of banks; turbidity or sediment escaping from sedimentation pond; riprap for culvert inlet/outlet protection where necessary.	☐	☐
5.	General Housekeeping	Conduct routine visual observations of materials (e.g., buckets and drums) stored or handled that could cause release to storm water; leaks, spills, and distressed vegetation.	☐	☐
6.	Mobile Diesel Pumps	Conduct routine visual observations of equipment to ensure no fuel, oil, antifreeze, etc. has leaked and regular preventive maintenance program.	☐	☐
7.	Employee and Work Vehicles	Conduct routine visual observations to ensure no fuel, oil, antifreeze, etc. has leaked.	☐	☐
8.	Waste Receptacle	Waste receptacle is emptied weekly. Routine storm water inspections are conducted.	☐	☐
9.	Scrap Metal Container	Scrap metal trailer is routinely emptied. Routine storm water inspections are conducted.	☐	☐
10.	Covered Secondary Containment Area (i.e., Diesel Storage Tanks, Used Oil Storage Tanks, Diesel Exhaust Fluid (DEF) Totes) and Associated Loading/Unloading Area	Containers are covered and located in concrete diked containment. Spill kits are maintained in the area for minor spills during loading/unloading operations. Routine storm water inspections are conducted.	☐	☐
11.	Mobile Refueler	Conduct routine maintenance and visual observations of equipment to ensure no fuel, oil, antifreeze, etc. has leaked.	☐	☐
Significant Spills & Leaks				
Has a significant spill or leak of a toxic or hazardous pollutant occurred since the last Routine Visual Inspection?			Yes ☐	No ☐
If yes , review the reporting requirements in Section 5.3 of the SWPPP.				
Description of Concerns or Problems Observed				

Description of Corrective Actions Needed, Personnel Required, Estimated Time for Corrections, Date Corrections Completed

APPENDIX B

PERSONNEL TRAINING RECORD FORM

**EP Engineered Clays Corporation, Fowlkes Mine
10430 Darracott Road
Aberdeen, Mississippi 39730**

PERSONNEL TRAINING RECORD FORM

Contents of Training/Class Description:					
Date:					
	Name	ID #	Initial	Refresher	Signature
1			☐	☐	
2			☐	☐	
3			☐	☐	
4			☐	☐	
5			☐	☐	
6			☐	☐	
7			☐	☐	
8			☐	☐	
9			☐	☐	
10			☐	☐	
11			☐	☐	
12			☐	☐	
13			☐	☐	
14			☐	☐	
15			☐	☐	
16			☐	☐	
17			☐	☐	
18			☐	☐	
19			☐	☐	
20			☐	☐	
21			☐	☐	
22			☐	☐	
23			☐	☐	
24			☐	☐	

APPENDIX C

ANNUAL STORM WATER SITE INSPECTION REPORT FORM

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



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

COVERAGE RECIPIENT INFORMATION

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

INSPECTION DOCUMENTATION

DATE (mm/dd/yy)	TIME (hh:mm AM/PM)	AFTER 2-YEAR, 24- HOUR STORM EVENT? (CHECK IF YES)	ANY DEFICIENCIES? (CHECK IF YES)	INSPECTOR(S)
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	
		☐	☐	

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

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

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

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Authorized Signature

Date

Printed Name

Title

APPENDIX D

MINE DEWATERING MONITORING LOG

MINE DEWATERING MONITORING LOG

The Mining Storm Water, Dewatering, and No Discharge General Permit requires monitoring of mine dewatering discharges. Samples must be collected at least once every twelve (12) months and should be collected at the nearest point after discharge, but prior to mixing with any non-mine water or mixing with the receiving stream.

Recordkeeping Procedure: This form should be completed for each measurement or sample taken of mine dewatering discharge as required by the permit. Maintain a copy on file for at least three (3) years.

[illegible]

APPENDIX E

MINING STORM WATER, DEWATERING, AND NO DISCHARGE GENERAL PERMIT



*State of Mississippi
Department of Environmental Quality
Office of Pollution Control*

Certificate of Permit Coverage

under Mississippi's Mining Storm Water General NPDES Permit

Be it known

**EP Engineered Clays Corporation
Aberdeen, Mississippi**

having submitted an acceptable Mining Notice of Intent, is hereby granted this Certificate of Permit Coverage in order to discharge storm water in association with the operation of

**EP Engineered Clays Corporation, Fowlkes Mine
Receiving Stream: Tombigbee River
Monroe County**

Coverage No: **MSR320177**
Date of Coverage: **May 07, 2018**
Date General Permit Expires: **March 31, 2023**

Kristel Rudolph
Chief, Environmental Permits Division



State of Mississippi
Mississippi Department of Environmental Quality (MDEQ)



**MINING STORM WATER, DEWATERING, and
NO DISCHARGE GENERAL PERMIT**

THIS CERTIFIES THAT

FACILITIES OR PROJECTS ISSUED A CERTIFICATE OF PERMIT COVERAGE UNDER THIS PERMIT ARE GRANTED PERMISSION TO DISCHARGE STORM WATER ASSOCIATED WITH MINING AND MINE DEWATERING ACTIVITIES INTO STATE WATERS IN ACCORDANCE WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES); IN ADDITION RECIRCULATION SYSTEMS WITH NO DISCHARGE ARE ALSO AUTHORIZED

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

Issued: APR 03 2018

Expires: MAR 31 2023

Permit No. MSR32

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ACT1 (Mining) Introduction:

Narrative Requirements:

Condition No.	Condition
T-1	INTRODUCTION: Subject to regulation and compliance with the conditions set forth, this Mining Storm Water, Dewatering, and No Discharge General Permit (Mining General permit) authorizes mining storm water and dewatering discharges and operation of wastewater recirculation systems with no discharge. This permit also authorizes storm water discharges from other mining activities, 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. National Pollutant Discharge Elimination System (NPDES) storm water discharge permits will be required for discharges associated with mining activities, listed in 40 CFR 122.26 (b) (14) (iii), that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw materials, intermediate products, finished products, byproducts or waste products located on the site. 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 replaces the previous Mining Storm Water General Permit that expired on August 31, 2017. Dewatering discharges include the pumping, draining or removing of water that is impounded or that collects in the mine. If such impounded water is commingled with process generated wastewater, the mixture shall be managed and permitted as process generated wastewater. Wastewater recirculation systems with no discharge include wash operations with closed loop recirculation systems with no discharge of wastewater and hydraulic dredge operations with closed loop recirculation systems with no discharge of dredge wastewater. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	SURFACE MINING AND RECLAMATION APPLICABILITY: Application for coverage under this permit may also serve as notification that the proposed mining is an "Exempt Operation" as defined by Mississippi's Surface Mining and Reclamation Rules and Regulations. Non-exempt surface mining operations shall require an Office of Geology Mining Permit, issued in accordance with the Mississippi Surface Mining and Reclamation Rules and Regulations. Mining operations shall be subject to the prohibitions on mining in certain areas, known as Lands Unsuitable for Surface Mining, contained in Miss. Code Ann. Sections 53-7-49 and 53-7-51 and Chapter 4 of the Mississippi Surface Mining and Reclamation Rules and Regulations In addition to the requirements of this permit, any person engaging in mining operations in the State of Mississippi shall be required to conform to and comply with all applicable provisions of the Mississippi Surface Mining and Reclamation Rules and Regulations under the Authority of Miss. Code Ann Section 53-7-11, et seq. The definitions and provisions contained in the Mississippi Surface Mining and Reclamation Rules and Regulations (February 2010) and the 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 Certification shall be applied in interpreting any provision of this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1. and 11 Miss. Admin. Code Pt. 8, Ch. 1.]

ACT2 (Mining) Permit Applicability and Coverage:

Narrative Requirements:

Condition No.	Condition
T-1	PERMIT AREA: The Mining General Permit covers all areas of the State of Mississippi. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	ELIGIBILITY: (1) This permit may cover discharges composed of storm water, impounded water (mine dewatering) from active and inactive mining operations, and wastewater recirculation systems with no discharge. This permit may cover all new, existing, and abandoned mining facilities in the State of Mississippi, which include, but are not limited to, Standard Industrial Classifications (SIC) 1442-Construction Sand and Gravel, (SIC) 1453-Fire Clay-Manufacturing, (SIC) 1455-Kaolin and Ball Clay, or (SIC) 1459-Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified. (2) ACTs 1 through 9 and 13 through 16 of this permit apply to all covered discharges. The ACTs listed below are applicable to specific mining activities and must be followed in addition to the requirements of ACTs 1 through 9 and 13 through 16 of this permit. ACT10 - Mining Activities Considered "Exempt Operations" ACT11 - Wastewater Recirculation Systems with No Discharge ACT12 - Mine Dewatering (3) A facility is eligible for coverage under this permit for discharges of pollutants of concern to water bodies for which there is a Total Maximum Daily Load (TMDL) established or approved by 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 permit, the facility must incorporate in the 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 waste load allocation is established that would apply to the facility's discharge, the facility must implement 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 (4) below. In addition, MDEQ's "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes)" identifies specific controls that may be used to address consistency with any applicable TMDLs. The manual can be found at: http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT2 (continued):

Narrative Requirements:

Condition No.	Condition
T-3	(4) 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 MNOI 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: http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section. (5) Allowable Non-Storm Water Discharges: - Water line flushing - Landscape irrigation - Diverted stream flows - Uncontaminated pumped ground water - Discharges from potable water sources - Uncontaminated air conditioning or compressor condensate and coil wash water with no detergents or additives - Footing drains - Flows from riparian habitats and wetlands - Dust suppression water - Discharges or flows from fire fighting activities - Fire hydrant flushings - External building or vehicle wash downs which do not use detergents

As noted in ACT5, T-5, the above non-storm water discharges should be eliminated or reduced to the extent feasible. 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, Ch. 1.]

ACT2 (continued):

Narrative Requirements:

Condition No.	Condition
T-4	THIS PERMIT DOES NOT AUTHORIZE: (1) Discharges which result in violation of State Water Quality Standards. (2) Discharges which include mine process generated wastewater or wastewater associated with dredging and/or washing operations are not covered under this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (3) Activities that affect waters of the State, 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 Mining Notice of Intent (MNOI). (4) 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 and dewatering 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 MNOI, 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, Ch. 1.]
T-5	Mining operations that collect all the storm water that has come in contact with any overburden, raw material, intermediate products, finished products, byproducts or waste products and does not discharge that storm water shall not be required to submit an MNOI. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT3 (Mining) Obtaining Coverage:

Submittal/Action Requirements:

Condition No.	Condition
S-1	OBTAINING AUTHORIZATION: (1) Owners and/or operators desiring coverage associated with mining activity under this permit must submit a Mining Notice of Intent (MNOI) and other required submittals in accordance with the requirements of this permit. Beginning December 21, 2020, applicants must submit the MNOI electronically as required by 40 CFR 127.16. (2) Upon review of the Mining Notice of Intent (MNOI), MDEQ staff may recommend that coverage not be granted, modifications to the SWPPP be made, and/or 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 and impounded water associated with mining or operate a wastewater recirculation system with no discharge under the terms and conditions of this permit only upon receipt of written notification of approval of coverage by the Permit Board staff. Discharges without written notification of coverage under this permit, issuance of an individual National Pollutant Discharge Elimination System (NPDES) Permit, or a State No Discharge Permit constitutes a violation of the Mississippi Air and Water Pollution Control Law (Miss. Code Ann. Section 49-17-29(2)(b)). [11 Miss. Admin. Code Pt. 6, Ch. 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 the Permit Board's 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 2D for new discharges, EPA Forms 1 and 2C for existing discharges, EPA Forms 1 and 2F for storm water discharges) or appropriate general permit Notice of Intent Form. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT3 (continued):
 Submittal/Action Requirements:

Condition No.	Condition
S-3	(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, Ch. 1.]
S-4	HOW TO OBTAIN RECOVERY UNDER THE REISSUED PERMIT: If reissuance 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 Mining 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 Mining 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 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 (i.e., modification of sediment basin outfall design). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT4 (Mining) Mining Notice of Intent (MNOI):

Submittal/Action Requirements:

Condition No.	Condition
S-1	MNOI SUBMITTAL: Owners or operators desiring coverage under this permit must submit a Mining Notice of Intent (MNOI) Form with the required submittals at least 30 days prior to the anticipated commencement of regulated activities. The form can be submitted at least 15 days prior to the anticipated commencement of activities if the owner or operator has a previously approved Storm Water Pollution Prevention Plan on file with MDEQ and mine dewatering is not proposed. The appropriate section of the MNOI must be completed if the applicant proposes to discharge impounded mine water and/or operate a wastewater recirculation system with no discharge. Unless these specific sections are completed in full, general permit coverage is for the discharge of storm water only. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-2	REQUIRED SUBMITTALS WITH THE MNOI: Submittals required with a completed MNOI include a site-specific Storm Water Pollution Prevention Plan, developed in accordance with ACT5 of this permit and a United States Geological Survey (USGS) quadrangle map or color photocopy, extending at least one-half mile beyond the facility property boundaries with the site location and outfalls outlined, highlighted, or otherwise indicated. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT4 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-3	FACILITY EXPANSION AND/OR MODIFICATION NOTIFICATION: (1) Proposed facility or project expansion, production increases, process modifications, changes in discharge volume or location, or other changes in operations or conditions of the covered facility which may result in a new or increased discharge, which does not violate the limitations specified in the permit, shall be reported to the Permit Board by submitting a notice of new or increased discharge. This submission should be at least 30 days prior to the anticipated discharge. New or increased discharges shall not occur without written notification from MDEQ. (2) The following activities require the submittal of a "Major Modification Form for Mining General Permit " Form (see Mining Forms Package). -SWPPP details have been developed for subsequent phases of an existing coverage -Footprint identified in the original MNOI is proposed to be enlarged -Mine dewatering is proposed -Mine dewatering has been discontinued -Closed loop wash operations are proposed -Closed loop wash operations have been discontinued (3) Proposed expansion of an "Exempt Operation" beyond a total of four (4) acres being mined requires the filing of a Mining Permit Application Form (MRD-3) with the Office of Geology, Mining and Reclamation Division. (4) Proposed changes may require termination of the General Permit coverage or application for an individual permit. [11 Miss. Admin. Code Pt. 6, Ch. 1. and 11 Miss. Admin. Code Pt. 8, Ch. 1.]
S-4	ADDITIONAL NOTIFICATION: The coverage recipient must notify the Permit Board at least 30 days before any planned changes of ownership or whenever there are any changes in information and/or methods of operation described in a previous MNOI or Major Modification Form submittal. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT4 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-5	ADDITIONAL SUBMITTALS REQUIRED WITH THE MNOI MAY INCLUDE: (1) Appropriate Section 404 documentation from U.S. Army Corps of Engineers, (2) Appropriate documentation from the Office of Land & Water concerning dam construction and low flow requirements, and/or (3) A "Notice of Exempt Operations" Form must be submitted for new mining operations affecting four (4) acres or less and which are greater than 1320 feet from another mine. If this form has already been submitted to the Office of Geology, then include proof of submission with the MNOI. Notice of Exempt Operations Forms are contained in the Mining Forms Package or may be obtained from MDEQ at the address given in T-2 of this Activity, or from the MDEQ website at www.deq.state.ms.us. [11 Miss. Admin. Code Pt. 6, Ch. 1. and 11 Miss. Admin. Code Pt. 8, Ch. 1.]

ACT4 (continued):

Narrative Requirements:

Condition No.	Condition
T-1	WHERE TO OBTAIN THE MNOI FORMS: MNOI forms are contained in the Mining Forms Package or may be obtained from the MDEQ at the address shown below or by calling 601-961-5171. MNOI forms, as well as the general permit, may also be found on the MDEQ web site at http://www.deq.state.ms.us/MDEQ.nsf/pdf/epd_MiningFormsPackage. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	WHERE TO SUBMIT THE MNOI: Complete and appropriately signed MNOI Forms must be submitted to: Chief, Environmental Permits Division Mississippi Department of Environmental Quality Office of Pollution Control P.O. Box 2261 Jackson, Mississippi 39225 For priority or overnight deliveries, the physical address is: 515 East Amite Street Jackson, Mississippi 39201 [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-3	FAILURE TO NOTIFY: Persons who discharge storm water, impounded water or process wastewater associated with mining activity to waters of the State without an NPDES permit or who operate a wastewater recirculation system with no discharge without a State No Discharge permit are in violation of the Mississippi Air and Water Pollution Control Law (Miss. Code Ann. Section 49-17-29(2)(b)). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT5 (Mining) Storm Water Pollution Prevention Plan (SWPPP) Development and Content:

Narrative Requirements:

Condition No.	Condition
T-1	SWPPP DEVELOPMENT: The owner or operator of a mining operation shall develop and implement a site-specific storm water pollution prevention plan (SWPPP). The SWPPP shall be developed with sound engineering and best management practices. The SWPPP shall identify all potential pollution sources that may affect the quality of storm water associated with mining. The SWPPP shall describe and ensure the implementation of best management practices, which will reduce pollutants in storm water discharges and assure compliance with the terms and conditions of this permit. The plan shall: (1) Be signed per ACT 15, T-4. (2) Be located at the mining site for which it was approved or locally available. (3) Provide for compliance with the terms of the plan upon commencement of mining activities. (4) Be submitted to the appropriate municipal or county authority upon request, if storm water from the mining site discharges into a municipal separate storm sewer system. (5) Be modified by the owner or operator if MDEQ staff determines it does not meet the requirements of this permit or it has been determined that the plan does not adequately protect waters of the State after commencement of mining operations. The owner or operator shall have thirty (30) days to modify the SWPPP and submit it to MDEQ after having been notified. The modified SWPPP shall be implemented after MDEQ notifies the owner or operator that the revised SWPPP is acceptable or coverage has been issued. (6) Be amended thirty (30) days prior to a change in the size, design, construction, operation, or maintenance of the mining facility. Any change to the size, design, construction, operation, or maintenance of the mining facility will be allowed only after the amended SWPPP has been approved and the owner or operator has been notified in writing by MDEQ. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT5 (continued):

Narrative Requirements:

Condition No.	Condition
T-2	EROSION AND SEDIMENT CONTROLS: The owner or operator shall design, install, and maintain controls in accordance with the standards set forth in the most recent edition of Mississippi's "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes)," other recognized manuals for storm water controls design, or provide a design that has been certified by a Mississippi registered professional engineer. "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes)" can be accessed at http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral. These controls shall be appropriate for the mining activities, which may include but not be limited to removing, stockpiling, and restoring any overburden; removing, processing, stockpiling and shipping mined material; and storing or disposing of any waste product generated during the mining activity. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-3	The SWPPP shall list and describe site-specific controls appropriate for the mining/construction activities as well as the procedures for implementing such controls. Controls shall be designed, installed, and maintained to retain sediment on-site and to minimize the discharge of pollutants. If any of the below controls cannot be implemented on the 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: (1) Control storm water volume and velocity within the site to minimize soil erosion; (2) Control storm water discharges, including both peak flow rates and total storm water volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion; (3) Minimize the amount of soil exposed during mining activity; (4) Minimize the disturbance of steep slopes; (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; (6) Provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration, unless infeasible (see buffer zone requirements in ACT9); (7) Minimize soil compaction and, unless infeasible, preserve topsoil; (8) Direct storm water to vegetated areas, brush barriers, silt fences, hay bales, etc. to aid in the filtration, infiltration, velocity reduction and diffusion of the discharge; (9) Transport runoff down steep slopes through lined channels or piping; (10) Minimize off-site vehicle tracking of sediments. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

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

Condition No.	Condition
T-4	As a minimum, the controls must be in accordance with the standards set forth in the most current edition of the "Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas (Three Volumes)" or other recognized manual of design. The SWPPP shall address the following minimum components. (1) A scaled site map shall be prepared showing boundaries of property and proposed mining site, buffer zone compliance, original and proposed contours (if practicable), drainage patterns, adjacent receiving water bodies, north arrow, all erosion and sediment controls (vegetative and structural), and the location of housekeeping practices. (2) Vegetative practices shall be designed to preserve existing vegetation where possible and re-vegetate disturbed areas as soon as practicable after clearing, grading, excavating or other land disturbing activities. Such practices may include, but are not limited to, surface roughening, temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, and topsoil preservation. When a disturbed area not actively being mined will be left undisturbed for 30 days or more, the appropriate temporary or permanent vegetative practices shall be implemented within seven (7) calendar days. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (3) 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. Because mining is generally of long duration, temporary measures such as hay bales will not, as a stand alone practice, be accepted to satisfy structural requirements due to their associated high maintenance frequency. However, they may be used in conjunction with other structural practices, such as strengthening silt fences. (4) Construction exits (see Definition) shall be installed wherever traffic will be leaving a mining site and moving directly onto a paved public road. (5) 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. (6) A description of post-mining control measures for "Exempt Operations." Post-mining control measures shall be installed to control pollutants in storm water after mining is complete. 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 and natural depressions, constructed wetlands, lakes, ponds and retention/detention structures. Velocity dissipation devices shall be placed at detention or retention pond outfalls and along the outfall channel to provide for a non-erosive flow. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT5 (continued):

Narrative Requirements:

Condition No.	Condition
T-5	NON-STORM WATER DISCHARGE MANAGEMENT: The SWPPP must identify any allowable non-storm water discharges, identified in ACT 2, T-3, except for flows from actual fire fighting, which are combined with storm water discharges associated with mining activity at the site. Non-storm water discharges should be eliminated or reduced to the extent feasible. The SWPPP must identify and ensure the implementation of appropriate Best Management Practices (BMPs) for the non-storm water component of the discharge. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-6	IMPLEMENTATION OF CONTROLS: The SWPPP shall require the owner/operator during mining preparation (e.g. clearing and grubbing) to implement controls necessary to mitigate erosion and adverse impacts to offsite areas and receiving streams. During and after mining, vegetative and structural practices shall be maintained as set forth in the approved SWPPP. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-7	IMPLEMENTATION SEQUENCE: The owner or operator shall prepare an implementation sequence which coordinates the timing of all major land-disturbing activities together with the necessary erosion and sedimentation control measures planned for the project. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-8	MAINTENANCE AND MONTHLY INSPECTIONS: The SWPPP shall describe procedures to maintain vegetation, erosion and sediment controls and other protective measures. Procedures shall provide that all erosion controls and outfalls/discharge points are inspected a minimum of once per month and after rain events in accordance with ACT7, S-1. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT5 (continued):

Narrative Requirements:

Condition No.	Condition
T-9	HOUSEKEEPING PRACTICES: The owner or operator shall describe and list practices appropriate to prevent pollutants from entering storm water from mining sites due to poor housekeeping. The owner or operator shall: (1) Designate areas for equipment maintenance and repair (2) Provide waste receptacles at convenient locations (3) Provide regular collection of waste (4) Provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials (5) Provide adequately maintained sanitary facilities (6) Provide secondary containment around on-site fuel tanks (7) Implement spill and leak prevention practices and response procedures if spills and leaks do occur (8) Minimize the exposure of mining/construction materials and equipment Releases into the environment of hazardous substances, oil, pollutants or contaminants which pose a threat to applicable water quality standards, or causes a film sheen or discoloration of waters of the State, shall be reported to the:

Mississippi Emergency Management Agency (601) 352-9100 or National Response Center 1-800-424-8802. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT6 (Mining) SWPPP Implementation Requirements:
 Submittal/Action Requirements:

Condition No.	Condition
S-1	SWPPP IMPLEMENTATION REQUIREMENTS: The coverage recipient shall: (1) Implement the SWPPP and retain a copy of the SWPPP at the permitted site or locally available (see Definition). Failure to implement the SWPPP is a violation of permit requirements. A copy of the SWPPP must be made available to the MDEQ inspectors for review at the time of an on-site inspection. (2) Ensure that appropriate Best Management Practices (BMPs) are in place upon commencement of mining operations. (3) Amend the SWPPP if notified at any time by the Executive Director of MDEQ that the SWPPP does not meet the minimum requirements. A written certification must also be submitted to the Executive Director stating that the requested changes have been made. Unless otherwise provided, the requested changes shall be made within 15 days. (4) Amend the SWPPP whenever there is a change in design, construction, operation, or maintenance which may potentially affect the discharge of pollutants to waters of the State or if the SWPPP proves to be ineffective in controlling storm water pollutants. The amended SWPPP shall be submitted to MDEQ within 30 days of amendment. (5) Submit to MDEQ the Major Modification Form (see Mining Forms Package) for subsequent phases, expansions and modifications of mining development that are proposed but were not included in the original SWPPP. (6) Install needed erosion controls, even if they may be located in the way of subsequent activities. It shall not be an acceptable defense that controls were not installed because subsequent activities would require their replacement or cause their destruction. [11 Miss. Admin. Code Pt. 6, Ch. 1.] (7) Install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site. (8) Minimize off-site vehicle tracking of sediments. (9) Comply with applicable State and local waste disposal, sanitary sewer or septic system regulations. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT6 (continued):

Submittal/Action Requirements:

Condition No.	Condition
S-2	(10) Maintain all erosion controls. 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. Non-functioning controls shall be repaired, replaced or supplemented with functional controls within 24 hours of discovery or as soon as field conditions allow. (11) Implement steps necessary to meet a specific wasteload allocation established subsequent to coverage issuance. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-3	REQUIREMENT TO IDENTIFY MINE BOUNDARIES: Boundaries of areas issued a Certificate of Coverage under this permit shall be marked and durable posts shall be placed at the corners of the coverage area. The posts shall be painted or flagged to be readily visible during the life of the operation. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-4	SWPPP COMPLIANCE WITH LOCAL STORM WATER ORDINANCES: (1) The SWPPP shall be in compliance with all local storm water ordinances. (2) When storm water discharges into a Municipal Separate Storm Sewer System (MS4), the coverage recipient shall make the SWPPP available to the local authority upon request. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT7 (Mining) Site Inspection and SWPPP Evaluation:
Submittal/Action Requirements:

Condition No.	Condition
S-1	INSPECTION REQUIREMENTS: The coverage recipient shall perform inspections of all receiving streams (if feasible), outfalls, erosion and sediment controls, and other SWPPP requirements upon receipt of coverage and throughout permit coverage: (1) At least monthly (2) Within 24 hours after commencement of a rainfall event equal to or greater than a 2-year, 24-hour storm event (approximately 6-inches on the Gulf Coast to 4 inches at the Mississippi-Tennessee State Line) (3) As necessary to ensure that erosion controls have been constructed, maintained, and function adequately to satisfy the requirements of this permit and to ensure that pollutants are not leaving the site. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT8 (Mining) Recordkeeping Requirements:

Recordkeeping Requirements:

Condition No.	Condition
R-1	RECORDS RETENTION: 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 (were) generated. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
R-2	MONTHLY INSPECTION DOCUMENTATION: Monthly inspections, as described in ACT 7, shall be documented on copies of the Site Inspection Report and Certification Form provided in the Mining Forms Package (or equivalent form) and be kept with the SWPPP. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT9 (Mining) Water Quality and Buffer Zone Requirements:

Limitation Requirements:

Condition No.	Condition
L-1	NON-NUMERIC LIMITATION REQUIREMENTS: Storm water discharges shall be free from: (1) Debris, oil, scum, and other floating materials other than in trace amounts, (2) Eroded soils and other materials that will settle to form objectionable deposits in receiving waters, (3) Suspended solids, turbidity, and color at levels inconsistent with the receiving waters, (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.]
L-2	BUFFER ZONE REQUIREMENTS FOR MINING ACTIVITIES: When a mining activity is adjacent to a stream, a 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 the stream. 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. The buffer zone requirements for mining activity adjacent to streams are as follows: (1) Intermittent Streams. Mining activities adjacent to intermittent streams shall normally have a 50-foot buffer zone. Intermittent streams will generally be indicated by a broken blue line on the latest version of the United States Department of the Interior Geological Survey Quadrangle Map (Scale 1:24,000, 7.5 minute series). (2) Perennial Streams. Mining activities adjacent to perennial streams shall normally have a 150-foot buffer zone. Perennial streams will generally be indicated by a solid blue line on the latest version of the United States Department of the Interior Geological Survey Quadrangle Map (Scale 1:24,000, 7.5 minute series). When a perennial stream is also classified as a navigable waterway, the requirements regarding navigable waterways shall be applied. (3) Navigable Waterways. Mining activities adjacent to navigable waterways shall normally have a 300-foot buffer zone. Navigable waterways are defined and designated by the U. S. Army Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT10 (Mining) Mining Activities Considered "Exempt Operations":

Narrative Requirements:

Condition No.	Condition
T-1	WHERE TO OBTAIN THE "NOTICE OF EXEMPT OPERATIONS" FORM: The form may be found in the Mining Forms Package or may be obtained by calling 601-961-5171. It may also be found on the MDEQ web site at http://www.deq.state.ms.us/mdeq.nsf/pdf/epd_MiningFormsPackage. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	Mining operations that are considered exempt from obtaining an Office of Geology Surface Mining Permit must submit a "Notice of Exempt Operations" with the MNOI or proof of previous submittal to the Office of Geology. To be considered an "Exempt Operation" under the Mississippi Surface Mining Reclamation Rules and Regulations, the operation must meet the following definition: A mining operation with an area equal to or less than four (4) acres and is greater than one thousand three hundred and twenty (1320) feet from any other affected area if: (1) The operation began before July 1, 2002, and the operator notified the Department of the commencement, expansion or resumption of the operation before July 1, 2002; or (2) The operation commenced after July 1, 2002, and the operator notified the Department at least seven (7) calendar days before commencement or expansion of the operation. The seven day notice prior to mining requirement shall be waived and the operator may begin mining immediately after notifying the Department [if all applicable permits and permit coverages have been obtained] and if: (A) The operator agrees, in the notification, to reclaim the mine site in accordance with the minimum standards adopted by the Mississippi Commission on Environmental Quality (Commission); or (B) The exempted operation is conducted for Mississippi Department of Transportation (MDOT) projects or state aid road construction projects funded in whole or in part by public funds. [11 Miss. Admin. Code Pt. 8, Ch. 1.]

ACT11 (Mining) Wastewater Recirculation Systems with No Discharge to Surface Waters:

Narrative Requirements:

Condition No.	Condition
T-1	ELIGIBILITY: Mining activities that operate one of the following processes are subject to the requirements listed below, in addition to the applicable requirements of ACTs 1 through 9 and 13 through 16 of this permit: (1) Wash operations with closed loop recirculation system and no discharge of wash wastewater (2) Hydraulic dredge operation with closed loop recirculation system and no discharge of dredge wastewater (3) Combination of processes (1) and (2) above. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	REMOVED SUBSTANCES: Solids, sludges, filter backwash, or other residuals removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent such materials from entering waters of the State and in a manner consistent with the Mississippi Solid Waste Disposal Act, the Federal Resource Conservation and Recovery Act, and the Mississippi Water Pollution Control Act. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-3	POWER FAILURES: If electric power is required to maintain compliance with the conditions and prohibitions of the permit, the coverage recipient shall either: (1) Provide an alternative power source to operate the wastewater control facilities; or (2) Halt, reduce, or otherwise control production and/or all wastewater flows upon reduction, loss, or failure of the primary source of power to the wastewater control facilities. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT11 (continued):

Narrative Requirements:

Condition No.	Condition
T-4	STRUCTURAL INTEGRITY: (1) Any lagoon, sedimentation pond, or dredge pit must have an emergency discharge structure installed at least 24 inches above the normal operating fluid level, with said discharge structure being at least 24 inches below the lowest point on the top of the containment dike. (2) Dikes, levees and any other appurtenant structures must be constructed utilizing good engineering designs, standards, methodologies and materials. A professional engineer, registered in the State of Mississippi, shall certify the adequacy of construction. (3) Dikes or levees shall be maintained in good working order at all times. There shall be no leaks through dikes and any damaged dike shall be replaced or repaired immediately upon discovering any deficiency. All earthen dikes shall be maintained with adequate cover, such that the effects of erosion are minimized. (4) Dams and levees must be constructed within the guidelines of the Dam Safety Regulations, 11 Miss. Admin. Code Pt. 7, Ch. 3. unless the dam meets the exemption criteria as outlined in Rule 3.2.B(2)(a)-(c) of said regulations. Prior to coverage being granted under this permit, authorization to construct must be issued for dams or levees not meeting the exemption criteria. Please be aware that a dam or levee meeting the exemption criteria but having the potential to threaten downstream lives or man-made structures must also contact the Dam Safety Division. (5) The coverage recipient shall develop and maintain a daily inspection log for this facility. This log should include but not be limited to the following; (A) Condition of all dikes or levees (B) Observance of the area around the dike to indicate any water pollution problems (C) Volume of wastewater accumulating within the impoundment (D) Date, time and person making the inspection (E) An indication that: -Follow-up action is required -No Follow-up action is required. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT12 (Mining) Mine Dewatering:

Submittal/Action Requirements:

Condition No.	Condition
S-1	REPORTING: The coverage recipient shall submit analytical results of monitoring conducted according to the provisions of T-3 of this ACT on a Discharge Monitoring Report (DMR) due annually by the 28th of January. DMRs shall be submitted electronically using the MDEQ NetDMR system (ref. NPDES Electronic Reporting Rule promulgated at 40 CFR 127 on October 22, 2015). Instructions for NetDMR registration can be found on MDEQ's website at: http://www.deq.state.ms.us/MDEQ.nsf/page/NetDMR_NetDMRClassroomTraining. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

Narrative Requirements:

Condition No.	Condition
T-1	ELIGIBILITY: This permit allows discharges of "mine dewatering", as defined in ACT16, subject to the following conditions and the applicable requirements of ACTs 1 through 9 and 13 through 16 of this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	EROSION AND SEDIMENT CONTROLS: All water shall be discharged to well-vegetated and/or stabilized areas in a manner to prevent erosion of materials and soils into surface waters. This BMP shall be located on the site map required by ACT5, T-4. The intake of dewatering devices should draw from the upper third of the water column to minimize solids in the discharge. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT12 (continued):

Narrative Requirements:

Condition No.	Condition
T-3	MONITORING REQUIREMENTS FOR MINE DEWATERING: (1) Frequency and Location of Monitoring. The coverage recipient shall monitor the effluent for pH in accordance with Table 1 in this ACT by collecting grab samples at least once every 12 months after permit issuance. Samples should be collected at the nearest point after discharge, but prior to mixing with any non-mine water or mixing with the receiving stream. (2) Representative Sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored wastewater. (3) Test Procedures. Sampling test procedures shall be in accordance with the methods set forth in 40 CFR Part 136. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

Recordkeeping Requirements:

Condition No.	Condition
R-1	RECORDKEEPING REQUIREMENTS FOR MINE DEWATERING: Recording of Results. For each measurement or sample taken pursuant to the requirements of this permit, the coverage recipient shall retain records for a minimum of three (3) years of all information obtained from such monitoring including: (1) The exact place, date and time of sampling (2) The dates and times the analyses were performed (3) The person(s) who performed the analyses (4) The analytical techniques, procedures or methods used (5) The results of all required analyses If the coverage recipient monitors any pollutant as prescribed in the permit more frequently than required by the permit using test procedures approved under 40 CFR Part 136, the results of this monitoring shall be recorded according to the above provisions and included in any determinations of facility compliance status. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

Table 1: Limitations and Monitoring Requirements for Mine Dewatering

RPNT0000000001: Mining

Such discharges shall be limited and monitored by the coverage recipient as specified below:

Parameter	Discharge Limitations						Monitoring Requirements			
	Quantity / Loading Average	Quantity / Loading Maximum	Quantity / Loading Units	Conc. / Quality Minimum	Conc. / Quality Average	Conc. / Quality Maximum	Conc. / Quality Units	Frequency	Sample Type	Which Months
pH Effluent	*****	*****	*****	6.0 Minimum	*****	9.0 Maximum	SU	Annually	Grab Sampling	Jan-Dec

ACT13 (Mining) Personnel Training Requirements:

Submittal/Action Requirements:

Condition No.	Condition
S-1	TRAINING DOCUMENTATION: Personnel training conducted to meet the requirements of this ACT shall be documented. Training records shall include employee's name, worker identification number, date of training, contents of training, and the employee's signature acknowledging that training was received. All training records shall be maintained for at least three years from the date of training. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
S-2	TRAINING PROGRAM REQUIREMENTS: The coverage recipient shall develop and implement a program for initial and periodic refresher training of personnel that are responsible for implementing and/or complying with the requirements of this permit. Initial training for all personnel that are responsible for implementing and/or complying with the requirements of this permit shall be performed within twelve (12) months of issuance of coverage or recovery under this permit. Newly hired employees responsible for implementing and/or complying with the requirements of this permit shall receive initial training prior to performing such responsibilities. Training shall at a minimum address, but not be limited to, the following elements: (1) SWPPP goals and plan components identified in ACTs 5 through 7 of this permit, including: (A) Housekeeping and pollution prevention requirements, (B) Spill prevention and response procedures, (C) Installation, maintenance and inspection of erosion and sediment controls Best Management Practices (BMPs). (2) Procedures for monitoring compliance with mine dewatering requirements as prescribed in ACT 12 (if applicable); (3) Procedures to ensure compliance with the “no discharge” requirement of ACT11 (if applicable); (4) Recordkeeping, reporting and record retention requirements (includes understanding the records filing system and being able to produce the required permit documentation during an MDEQ on-site inspection). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT14 (Mining) Termination of Permit Coverage:
Submittal/Action Requirements:

Condition No.	Condition
S-1	TERMINATION OF COVERAGE: Coverage shall be terminated at the request of the coverage recipient only after mining activities have permanently stopped, vegetation has been successfully established, and any permanent controls are stable. Inspections must continue until such time the coverage recipient has received written notice of coverage termination by MDEQ. (1) For non-exempt mining operations, a complete Request For Termination (RFT) of Coverage Form (see Mining Forms Package) and a copy of the Permit Board Order, authorizing 90% or final release of the mining performance bond, shall be submitted to MDEQ. (2) For exempt mining operations, within 30 days of final stabilization (see Definition of Final Stabilization in ACT16) for a covered site, a completed Request For Termination (RFT) of Coverage Form (provided in the Mining Forms Package) shall be submitted to the Permit Board. Upon receiving the completed RFT, the MDEQ staff will 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. Beginning December 21, 2020, the RFT must be submitted electronically as required by 40 CFR 127.16. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT15 (Mining) Standard Requirements Applicable to All Water Permits:

Narrative Requirements:

Condition No.	Condition
T-1	DUTY TO COMPLY: The coverage recipient must comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action, coverage termination, revocation and reissuance, or modification, or denial of a renewal application. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-2	DUTY TO MITIGATE: 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, Ch. 1.]
T-3	DUTY TO PROVIDE INFORMATION: The owner or operator shall furnish to the Permit Board, within a reasonable time, any relevant information which the Permit Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage, or to determine compliance with this permit. The owner or operator shall also furnish to the Permit Board, upon request, copies of records required to be kept by this permit. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT15 (continued):

Narrative Requirements:

Condition No.	Condition
T-4	SIGNATORY REQUIREMENTS: All MNOIs, Requests for Recoverage, Major Modification Forms, Requests for Termination 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, Ch. 1.]

ACT15 (continued):

Narrative Requirements:

Condition No.	Condition
T-5	DULY AUTHORIZED REPRESENTATIVE: All SWPPPs, reports required by this permit, certifications, and other information requested by the Permit Board shall be signed by a person described in ACT 15, T-4 above, or by a duly authorized representative of that person. A person is a duly authorized representative when: (1) The authorization is made in writing and submitted to the Permit Board by a person described in ACT 15, T-4 above. (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, Ch. 1.]
T-6	CHANGES IN AUTHORIZATION: If an authorization is no longer accurate because a different individual or position has permit responsibility, a new authorization satisfying the requirements of ACT 15, T-4 and T-5 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, Ch. 1.]
T-7	CERTIFICATION: Any person signing documents under this section shall make the following certification: "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, Ch. 1.]
T-8	OIL AND HAZARDOUS SUBSTANCE LIABILITY: Nothing in this permit shall relieve the owner or operator from responsibilities, liabilities, or penalties under Section 311 of the Federal Clean Water Act (33 U.S.C. Section 1321). [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT15 (continued):

Narrative Requirements

Condition No.	Condition
T-9	PROPERTY RIGHTS: 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, Ch. 1.]
T-10	SEVERABILITY: The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, 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, Ch. 1.]
T-11	TRANSFERS: 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. Transfer of coverage requests shall be submitted to the Permit Board using the form provided in the Mining Forms Package. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-12	PROPER OPERATION AND MAINTENANCE: The owner or operator 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 owner or operator 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, Ch. 1.]

ACT15 (continued):
Narrative Requirements:

Condition No.	Condition
T-13	BYPASS PROHIBITION: Bypass (see 40 CFR 122.41(m)) is prohibited and enforcement action may be taken against an owner or operator 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 owner or operator 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 ACT 15, T-17 and/or T-18. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-14	UPSET CONDITIONS: 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: 1) an upset occurred and the coverage recipient can identify the specific cause(s) of the upset; 2) the permitted facility was at the time being properly operated at the time of the upset; 3) the coverage recipient submitted notices per ACT 15, T-17 and/or T-18; and 4) the coverage recipient took remedial measures as required under ACT 15, T-2. 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, Ch. 1.]
T-15	INSPECTION AND ENTRY: The owner or operator 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: (1) Enter upon the owner's or operator's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit; (2) Have access to and copy at reasonable times any records that must be kept under the conditions of this permit; and (3) Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and (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, Ch. 1.]

ACT15 (continued):

Narrative Requirements:

Condition No.	Condition
T-16	PERMIT ACTIONS: This permit may be modified, revoked and reissued, or terminated for cause. A request by the owner or operator 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, Ch. 1.]
T-17	ANTICIPATED NONCOMPLIANCE: The owner or operator shall give at least 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. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-18	UNANTICIPATED NONCOMPLIANCE: The owner or operator shall notify MDEQ orally within 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 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, Ch. 1.]
T-19	REOPENER CLAUSE: If there is evidence indicating potential or realized impacts on water quality due to discharges covered by this permit, the owner or operator may be required to obtain an individual permit or an alternative general permit in accordance with ACT 3, S-2, or the permit may be modified to include different limitations and/or requirements. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-20	PERMIT MODIFICATION: 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, Ch. 1.]

ACT15 (continued):

Narrative Requirements:

Condition No.	Condition
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) Recoverage 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, Ch. 1]
T-22	FALSIFYING REPORTS: Any coverage recipient who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the Permit Board to be maintained as a condition in a permit, or who alters or falsifies the results obtained by such devices or methods and/or 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 Miss. Code Ann. Section 49-17-43. [11 Miss. Admin. Code Pt. 6, Ch. 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 (Miss. Code Ann. Sections 49-17-1 through 49-17-43). (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, Ch. 1.]

ACT16 (Mining) 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 site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [11 Miss. Admin. Code Pt. 6, Ch. 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, Ch. 1]
T-3	BYPASS means the intentional diversion of wastestreams from any portion of the coverage recipient's treatment facility. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-4	CFR means the Code of Federal Regulations. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-5	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, Ch. 1.]
T-6	COMMISSION means the Mississippi Commission on Environmental Quality. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-7	CONSTRUCTION EXIT is a stone-base pad designed to provide a buffer area where mud-and caked-soil can be removed from the tires of vehicles to avoid transporting it onto public roads. This practice applies anywhere traffic will be leaving a mining site and moving directly onto a paved public road or street. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-8	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, Ch. 1.]
T-9	EXECUTIVE DIRECTOR means the Executive Director of the Department of Environmental Quality. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT16 (continued):

Narrative Requirements:

Condition No.	Condition
T-10	EXEMPT OPERATIONS (as provided by Mississippi's Surface Mining and Reclamation Rules and Regulations) mean a mining operation with an area equal to or less than four (4) acres and is greater than one thousand three hundred and twenty (1320) feet from any other affected area if: (1) The operation began before July 1, 2002, and the operator notified the Department of the commencement, expansion or resumption of the operation before July 1, 2002; or (2) The operation commenced after July 1, 2002, and the operator notified the Department at least seven (7) calendar days before commencement or expansion of the operation. The seven day notice prior to mining requirement shall be waived and the operator may begin mining immediately after notifying the Department if: (A) The operator agrees, in the notification, to reclaim the mine site in accordance with the minimum standards adopted by the Commission on Environmental Quality (Commission); or (B) The exempted operation is conducted for Mississippi Department of Transportation (MDOT) projects or state aid road construction projects funded in whole or in part by public funds. [11 Miss. Admin. Code Pt. 8, Ch. 1.]
T-11	FACILITY, ACTIVITY or OPERATIONS means any NPDES "point source" or "No Discharge" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program or State No Discharge Requirements. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-12	FINAL STABILIZATION means 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 have been employed. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-13	INACTIVE MINING OPERATIONS means mining sites that are not being actively mined, but have an identifiable owner/operator. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-14	INFEASIBLE means not technologically possible, or not economically practicable and achievable in light of best industry practices. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-15	LOCALLY AVAILABLE means that the SWPPP is able to be produced within an hour of being requested by an inspector. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT16 (continued):

Narrative Requirements:

Condition No.	Condition
T-16	MINE DEWATERING means any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. For sand and gravel mines, this term shall also include wet pit overflows caused solely by direct rainfall and ground water seepage. However, if a mine is also used for treatment of process generated wastewater, discharges of commingled water from the facilities shall be deemed discharges of process generated wastewater. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-17	MINE PROCESS GENERATED WASTEWATER means any wastewater used in the slurry transport of mined material, wastewater generated from the dredging and/or washing of mined material, air emissions control (excluding water used for dust suppression on roads which is evaporated or absorbed by soils such that no runoff to a receiving stream occurs), or processing exclusive of mining. The term shall also include any other water that becomes commingled with such wastewater in a pit, pond, lagoon, mine or other facility used for treatment of such wastewater. The term does not include wastewater used for the suction dredging of deposits in a body of water and returned directly to the body of water without being used for other purposes or combined with other wastewater. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-18	MINING OPERATIONS include clearing, grading, excavating and other land disturbing activities. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-19	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, Ch. 1.]
T-20	NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) means the regulations under the Clean Water Act which prohibits discharge of pollutants into waters of the United States unless a special permit is issued. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-21	OFFICE OF GEOLOGY, MINING AND RECLAMATION DIVISION means the state agency regulating all surface mines in Mississippi in accordance with the provisions of the Mississippi Surface Mining and Reclamation Law (Miss. Code Ann. Section 53-7-1 et seq.). [11 Miss. Admin. Code Pt. 8, Ch. 1.]
T-22	PERMIT BOARD means the Mississippi Environmental Quality Permit Board established pursuant to Miss. Code Ann. Section 49-17-28. [11 Miss. Admin. Code Pt. 6, Ch. 1.]

ACT16 (continued):

Narrative Requirements:

Condition No.	Condition
T-23	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, Ch. 1.]
T-24	STEEP SLOPES, as used in this permit, means slopes or grades steeper than (3:1). [11 Miss. Admin. Code Pt. 6, Ch. 1]
T-25	STORM WATER means rainfall runoff, snowmelt runoff, and surface runoff. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-26	STORM WATER POLLUTION PREVENTION PLAN (SWPPP) means a plan that includes site map(s), an identification of mining-related 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, Ch. 1.]
T-27	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, Ch. 1.]
T-28	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 designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-29	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. Section 1251 et seq.). [11 Miss. Admin. Code Pt. 6, Ch. 1.]
T-30	11 Miss. Admin. Code Pt. 6, Ch. 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, Ch. 1.]
T-31	11 MISS. ADMIN. CODE PT. 8, CH. 1. means the regulations promulgated by the Commission pursuant to the Mississippi Surface Mining and Reclamation Act (Miss. Code Ann. Section 53-7-1 et seq.). [11 Miss. Admin. Code Pt. 8, Ch. 1.]