



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, EXECUTIVE DIRECTOR

December 22, 2020

APAC Mississippi, Inc.
Attn: Mr. Nathan Killingsworth
APAC Mississippi, Inc.
P.O. Box 24508
Jackson, MS 39925

Dear Mr. Killingsworth:

Re: APAC-Mississippi Inc, Shannon Plant
Lee County
COE No. SAM-2020-00314-CMS
WQC No. WQC2020024

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Office of Pollution Control (OPC) issues this Certification, after public notice and opportunity for public hearing, APAC Mississippi, Inc. , an applicant for a Federal License or permit to conduct the following activity:

APAC-Mississippi Inc, Shannon Plant: The applicant is requesting after-the-fact authorization to retain the unauthorized discharge fill material into waters of the United States (U.S.) in association with the construction of a hot mix asphalt plant. The discharge of fill material resulted in unavoidable impacts to 8.17 acres of forested wetlands. The applicant is requesting to fill in the ditch bisecting the property, which is included in the 8.17 acres of impact. To mitigate the impacts, applicant proposes to purchase mitigation credits from an approved mitigation bank. [SAM-2020-00314-CMS, WQC2020024].

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

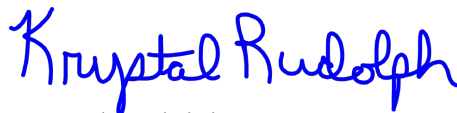
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1. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal: vertical) and shall be immediately seeded, stabilized and maintained.
2. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent avoided wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately.
3. Mitigation credits must be purchased from an approved mitigation bank to mitigate the permanent impacts to 8.17 acres of forested wetlands.
4. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
5. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

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

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

Sincerely,



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

KR: doa

cc: Courtney Shea, U.S. Army Corps of Engineers, Mobile District
Willa Brantley, Department of Marine Resources
Molly Martin, Environmental Protection Agency
Ms. Janet Riddell, Office of Budget & Fund Management
Cullen Dendy, Headwaters, Inc.
Clay Cromwell, Headwaters, Inc.