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OCT 7 2021

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MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

**MINING NOTICE OF INTENT (MNOI)
FOR COVERAGE UNDER
MINING STORM WATER, DEWATERING AND NO DISCHARGE
GENERAL PERMIT MSR322954**

(Number to be assigned by State)

File at least 30 days prior to the commencement of mining; 15 days if a Storm Water Pollution Prevention Plan (SWPPP) is already on file and mine dewatering is not proposed. Lateral expansion of an existing mine that has general permit coverage requires the submittal of the Major Modification Form, not a new MNOI (modification of the existing SWPPP to include the expansion is required). Discharge of storm water or impounded water associated with mining or the operation of a wastewater recirculation system with no discharge without written notification of coverage from MDEQ is a violation of State Law.

Please indicate the activities to be covered by this MNOI (check all that apply).

- ☒ Storm Water Discharges Associated with Mining ☐ Mine Dewatering
☐ Wastewater Recirculation System with No Discharge

The appropriate section of the MNOI must be completed if the applicant proposes to discharge storm water, discharge impounded mine water (dewatering) and/or operate a wastewater recirculation system with no discharge. A USGS quadrangle map, or a copy, indicating the site location and outfalls, and a SWPPP must be included with the MNOI submittal. Additional submittals may include the following (check all that apply).

- ☐ Notice of Exempt Operations Form ☐ Section 404 Documentation
☐ Dam/Reservoir Safety Permit or Written Authorization

ALL INFORMATION MUST BE COMPLETED (indicate "N/A" where not applicable)

APPLICANT IS THE: ☒ OPERATOR ☐ LANDOWNER (Must check one or both)

OPERATOR INFORMATION

OPERATOR CONTACT PERSON: Otis Dempsey
OPERATOR COMPANY NAME: Dempsey Construction Company, LLC
OPERATOR STREET OR P. O. BOX: 14207 Chapel Ridge Trail
OPERATOR CITY: Olive Branch STATE: MS ZIP: 38654
OPERATOR PHONE NUMBER (901) 494-6432 EMAIL ADDRESS: scooter@dempseyconstruction.net

LANDOWNER INFORMATION

LANDOWNER CONTACT PERSON: Jerry Nichols
LANDOWNER COMPANY: _____
LANDOWNER STREET OR P. O. BOX: 1226 Highway 309 N
LANDOWNER CITY: Byhalia STATE: MS ZIP: 38611
LANDOWNER PHONE NUMBER : (901) 383-0067 EMAIL ADDRESS: _____

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DOCUMENTATION OF COMPLIANCE WITH OTHER REGULATIONS/REQUIREMENTS

Coverage under this general permit will not be granted until all other required MDEQ permits and approvals are addressed.

WILL THE CONSTRUCTION OR OPERATION OF THIS MINE INVOLVE THE RE-ROUTING, FILLING OR CROSSING OF A WATER CONVEYANCE OF ANY KIND? ☐ YES ☒ NO

If yes, contact the U.S. Army Corps of Engineers' Regulatory Branch for permitting requirements. If the mine requires a Corps of Engineers Section 404 permit, provide appropriate documentation with this MNOI that:

- The mine has been approved by individual permit, or
- The work will be covered by a nationwide permit and NO NOTIFICATION to the Corps is required, or
- The work will be covered by a nationwide or general permit and NOTIFICATION to the Corps is required.

LIST ANY NPDES PERMIT NO(s). _____ GEOLOGY APPLICATION/PERMIT NO. _____

LIST OTHER GEOLOGY PERMIT NUMBERS THAT APPLY TO COVERAGE AREA _____

IS THE MINE LESS THAN 4 ACRES AND GREATER THAN 1320 FEET FROM ANOTHER MINE?

- ☐ YES A "Notice of Exempt Operations" Form must be included with the MNOI or proof of prior submission, if previously submitted to the Office of Geology.
- ☒ NO A "Notice of Intent to Mine Class I or Class II Materials" Form must be filed before coverage will be granted under the Mining General Permit. For information on Office of Geology requirements, call 601-961-5527.

LIST ANY LOCAL STORM WATER ORDINANCES WITH WHICH THE OPERATIONS MUST COMPLY AND SUBMIT ANY ASSOCIATED APPROVAL DOCUMENTATION. _____

IF AN IMPOUNDMENT WILL BE CONSTRUCTED ABOVE NATURAL SURFACE ELEVATIONS, INDICATE WHICH, IF ANY, OF THE FOLLOWING APPLY.

- ☐ The impoundment will be constructed with a peripheral dam or levee 8 feet or greater in height, measured from the lowest elevation of its toe.
- ☐ The impoundment will have a maximum storage volume greater than 25 acre-feet.
- ☐ The impoundment will impound a watercourse with a continuous flow.
- ☐ The impoundment has the potential to threaten downstream lives or man-made structures.

If the impoundment meets any of the above criteria, the applicant will be required to obtain written authorization from MDEQ, Dam Safety Division before coverage will be granted under the Mining General Permit.

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.

Otis Dempsey
Authorized Signature¹

9/20/2021
Date

Otis Dempsey
Printed Name

Owner
Title

¹This application shall be signed according to the General Permit, Act 15, T-4 as follows:

- For a corporation, by a responsible corporate officer.
- For a partnership, by a general partner.
- For a sole proprietorship, by the proprietor.
- For a municipal, state or other public facility, by either a principal executive officer, the mayor, or ranking elected official.

Please submit this form to:

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

DEMPSEY/NICHOLS MINING PERMIT

STORM WATER POLLUTION PREVENTION PLAN

SITE INFORMATION

Dempsey Construction Company, LLC, has applied for a surface mining permit in Marshall County. In addition to their construction activities, Dempsey provides soil and similar material to contractors for structural fill. The Dempsey/Nichols mine will be located on 10 acres of property owned by Jerry Nichols. The mine will use an existing road at 1226 Highway 309 N near Byhalia, MS.

Soil will be mined as needed in response to contractor requirements. Thus, mining activity will be periodic and not continuous. Mining will be initially in the southeast corner with activities progressing to the northern portion of the site. As an excavation area has reached targeted elevation, reclamation will occur to stabilize the disturbed area with permanent grass. The completed site will be used for agricultural purposes by the Nichols group.

Natural drainage leaves the site to the north through an unnamed tributary of the Coldwater River approximately 3 miles to the North. The intermittent drainage structure will not be impacted by the mining operation.

CONTROLS

Vegetative Controls: An undisturbed vegetative buffer, 15 to 30 feet wide, will be maintained around the perimeter of the mining operation. Existing site conditions which have been previously disturbed will be stabilized with temporary seeding until mining takes place. Any top soil removed in the mining operation will be stock piled on the northeastern portion of the area for future use in the reclamation process. All slopes will be roughened by disking prior to seeding. Any disturbed areas that will be left undisturbed for 14 or more days will have temporary seeding. After final grading, all disturbed areas will be seeded with permanent seeding.

Structural Controls: A sediment trap will be constructed at the northwestern portion of the project area and receive runoff from the 10-acre project site. The mining site is situated on the top of the drainage area topographically. Upslope waters will not be a problem. The entrance to the project is approximately 0.5 miles from Highway 309 N thus a construction entrance will not be necessary. Improvements will be made for the first 200 feet of the entrance road as part of local requirements. Silt fencing will be installed around the top soil storage area.

Housekeeping Practices: All equipment repair and maintenance will be done offsite. Potentially toxic materials (fuel, fertilizers, etc.) will not be stored on-site.

Post construction/Storm Water Management Measures: At the completion of the mining operations, the sediment trap will be removed. All of the disturbed area will be stabilized with permanent seeding and returned to agricultural use by the property owner.

IMPLEMENTATION SEQUENCE

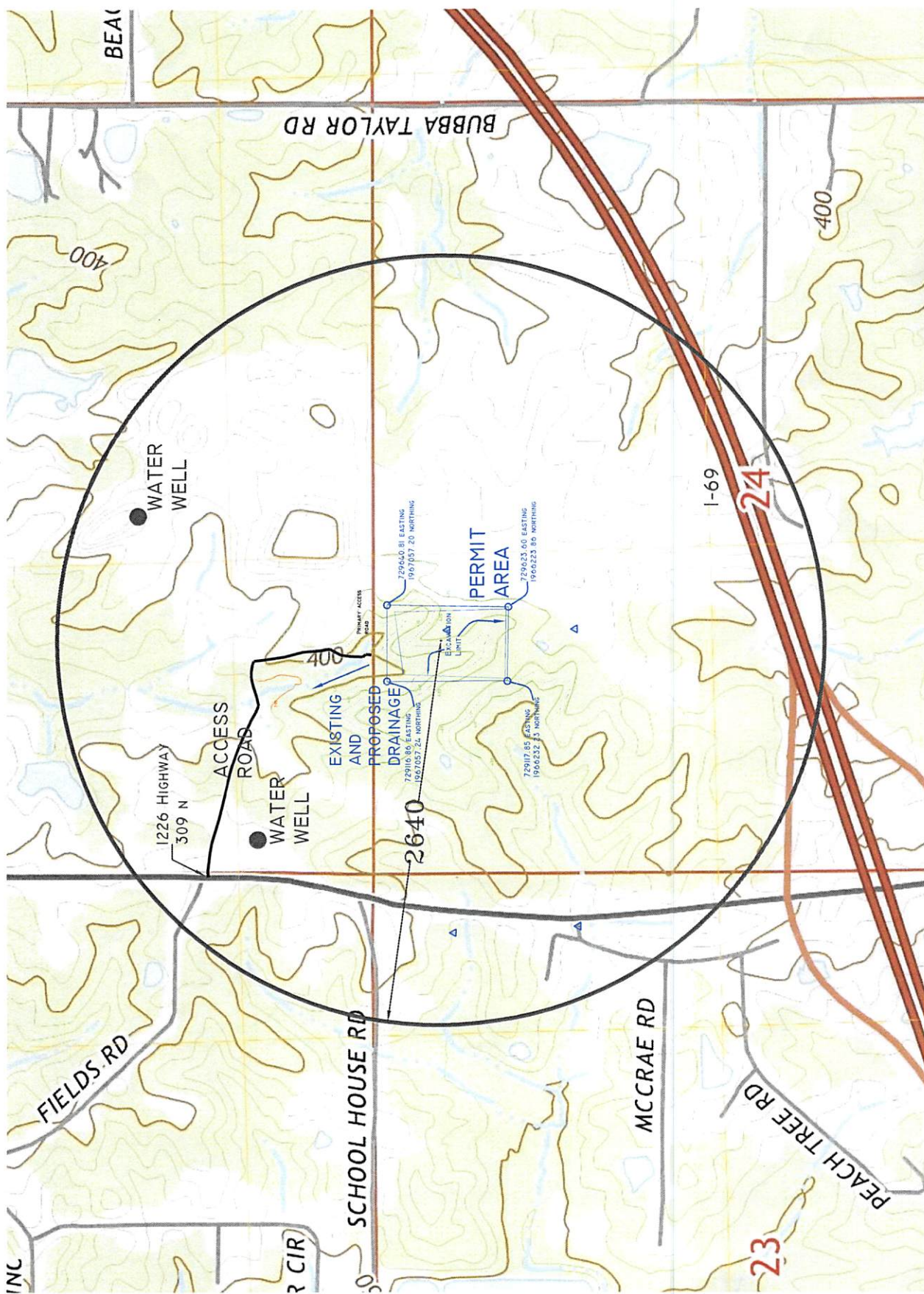
Development of the mining project will proceed as follows:

1. Improve the entrance road at Highway 309 N as per the Marshall County requirements
2. Install the sediment trap and provide temporary seeding on all previously disturbed areas
3. Construct the temporary haul road from the northern extent of the permitted area to the first excavation area in the southeastern corner
4. Strip top soil from the first excavation area and place in storage area surrounded by silt fencing
5. Proceed to excavate material as required with temporary seeding of disturbed areas if dormant for longer than 14 days.
6. Move to the second excavation area as required with reclamation of the first excavated area.

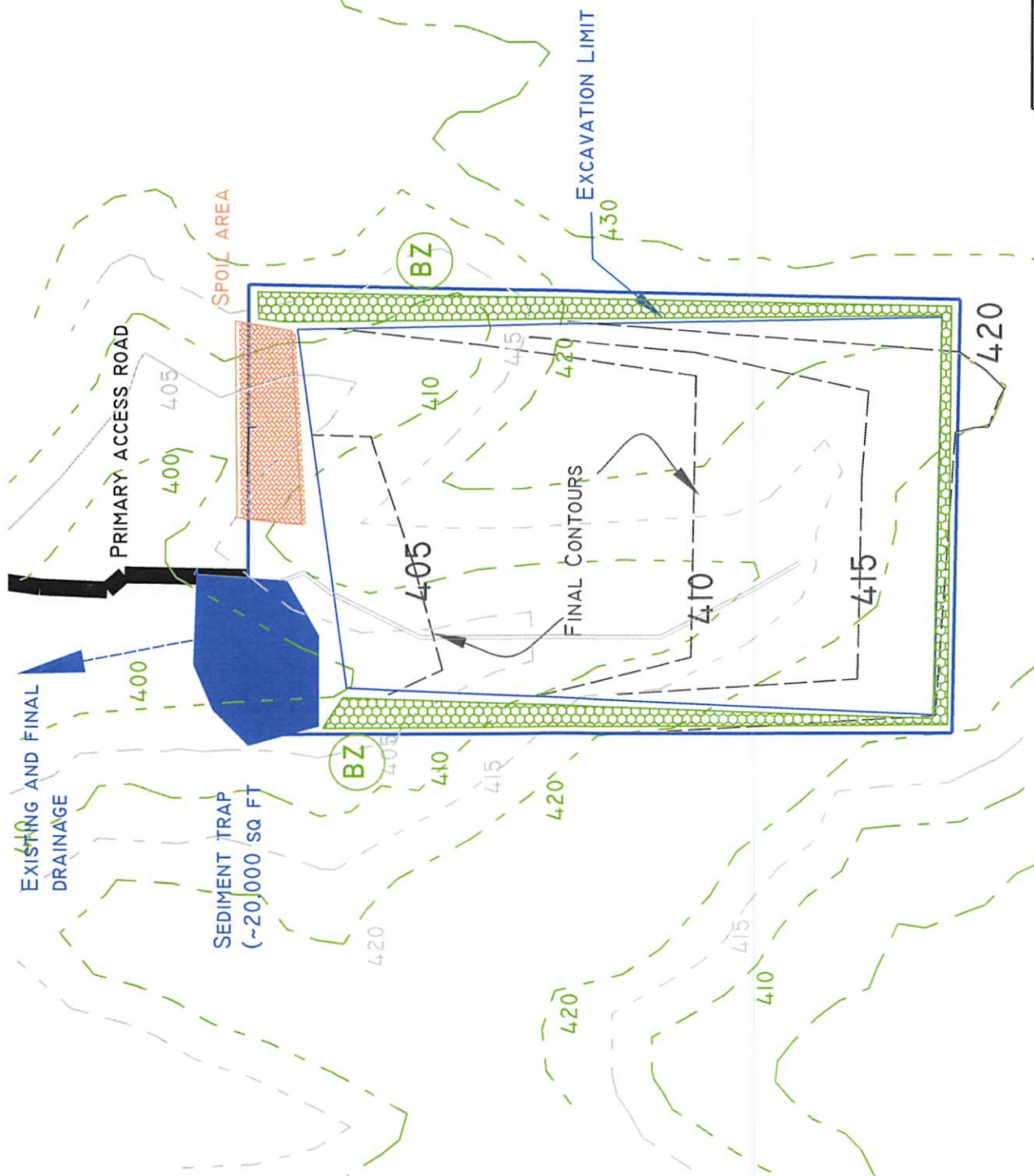
7. Continue the process of confining excavation to defined areas with reclamation as a mined area is exhausted.
8. At the completion of the mining operation, the sediment trap will be removed and the site fully reclaimed with permanent seeding

MAINTENANCE PLAN

Check all disturbed areas, erosion and sediment controls after each significant rainfall but not less than once per week when the site is in active operation. During non-operating conditions, inspection will be after significant rainfall or at least monthly. Any required maintenance repairs will be made within 24 hours of detection. Remove sediment from the basin and silt fences when accumulation has reached 50 percent capacity. Replace non-functional silt fence as necessary. Maintain all vegetated areas to provide proper ground cover – reseed, fertilize, and mulch as needed.

[illegible]

SCALE: 1" = 300'	PROJECT NO.
DRAWN BY: JTB	
CHECKED BY: JTB	
DATE: 9/28/71	
BY:	
CHK BY:	
APP BY:	
DEMPSEY NICHOLS BORROW PIT SITE LOCATION (BYHALIA, NW QUAD MAP)	
DEMPSEY CONSTRUCTION COMPANY, LLC 14207 CHAPEL RIDGE TRAIL OLIVE BRANCH, MS 38655	
MAP I	



BZ BUFFER ZONE

45
FINAL CONTOUR

		REVISIONS	
	DATE	DESCRIPTIONS	APPROVED

JWS & ASSOCIATES
CONSULTING ENGINEERS

16305 Larchmont Circle, # 204B
Van Nuys, CA 91411-3751

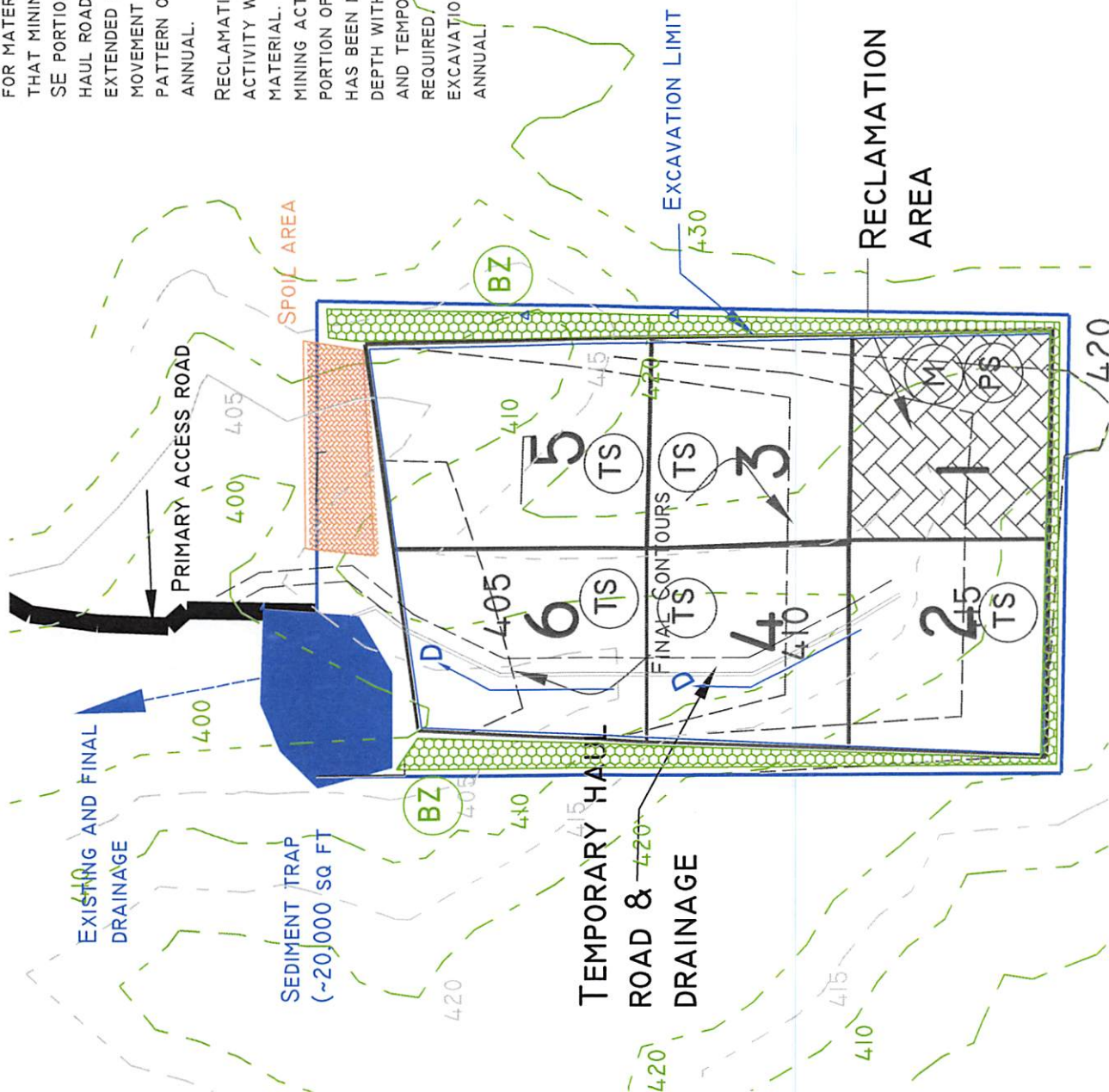
SCALE	1"=60'	PAGE NO.	
DRAWN BY		SHEET NO.	7 OF 7
CHECKED BY			
DATE	7/29/21		
PROJECT NAME	DEMPESEY NICHOLS BORROW PIT		
PROJECT FIELD	EXISTING AND FINAL CONTOURS		
DEMPESEY CONSTRUCTION COMPANY, LLC 141207 CHAPEL RIDGE TRAIL OLIVE BRANCH, MS 38654			
		SHEET	3 OF 3
		MAP 2	

RECLAMATION ACTIVITY WILL DEPEND ON THE MINING ACTIVITY WHICH IS A FUNCTION OF THE MARKET FOR MATERIAL. THE CONCEPTUAL LAYOUT ASSUMES THAT MINING ACTIVITY WILL INITIALLY OCCUR IN THE SE PORTION OF THE PERMITTED AREA. THE AREA WHICH HAS BEEN MINED TO THE TARGET DIMENSIONS AND DEPTH WITH BE RECLAIMED. THE ON-SITE HAUL ROAD AND TEMPORARY DRAINAGE WILL BE MODIFIED AS REQUIRED. THE PATTERN OF EXCAVATION/RECLAMATION AS INDICATED MAY NOT BE ANNUAL.

M MULCH
PS PERM SEEDING
TS TEMP SEEDING
BZ BUFFER ZONE

DRAINAGE

FINAL CONTOUR

[illegible]

JWS & ASSOCIATES
CONSULTING ENGINEERS

 3305 Latham Road, Corvallis, OR 97331

SCALE: 1"=60'	
DRAWN BY: [Signature]	
CHECKED BY: [Signature]	
DATE: 9/20/21	
DESIGNED BY: [Signature]	
APP BY: [Signature]	

DEMPSEY CONSTRUCTION
14207 CHAPEL RIDGE
OLIVE BRANCH, MS