

Wetland Permit Application

PAC SERVICES, LLC
11040 PIN OAK DRIVE
BILOXI, MISSISSIPPI 39532
228-860.0554

June 10, 2008

Mr. John McFayden
Department of Army, Corps of Engineers
1141 Bayview Avenue
Biloxi, Mississippi 39530

**RE: Request for Coverage – Individual Permit
Bay Waveland Elementary School
Hancock County, Mississippi**

Dear John:

On behalf of the Bay Waveland School District and Guild Hardy & Associates, please accept the following letter request for coverage under an Individual Permit; in accordance with 33 CFR Part 330.

The project consists of the construction of a new elementary school under the funding direction of FEMA. The FEMA-NISTAC team initiated the environmental studies for this project, however, unforeseen delays forced the District to retain the services of PAC Services to complete the task. NISTAC conducted the wetland delineation but would not provide necessary documentation, thus, the delineation was verified by PAC and re-surveyed by the project PLS (Stanley Williams & Associates). The access road delineation was conducted solely by PAC, since that was decided after NISTAC was involved.

The project will impact 1.43 acres of wetland habitat not associated with tidally influenced areas; nor areas adjacent to any navigable waterways. The open water habitat being impacted is most likely a historical un-permitted activity excavated in wet pine savanna to retain storm water from the existing school buildings.

I appreciate your assistance with this permit request. If you have any questions regarding this proposed action, please contact me at 228.860.0554.

Respectfully,



Patrick Chubb
Wildlife Biologist

JOINT APPLICATION AND NOTIFICATION

U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY/OFFICE OF POLLUTION CONTROL

This form is to be used for proposed activities in waters of the United States in Mississippi and for the erection of structures on suitable sites for water dependent industry. Note that some items, as indicated, apply only to projects located in the coastal area of Hancock, Harrison and Jackson Counties.

1. Date

month day year

2. Applicant name, mailing address, phone number and email address:

Agent name, mailing address, phone number and email address:

3. Official use only

COE _____
DMR _____
DEQ _____
A95 _____
DATE RECEIVED _____

4. Project location

Street Address _____ City/Community _____
Name of Waterway _____ Latitude _____ Longitude (if known) _____
Geographic location: Section _____ Township _____ Range _____ County _____

5. Project description

New work ___ Maintenance work ___

Dredging

___ Channel	length _____	width _____	existing depth _____	proposed depth _____
___ Canal	length _____	width _____	existing depth _____	proposed depth _____
___ Boat Slip	length _____	width _____	existing depth _____	proposed depth _____
___ Marina	length _____	width _____	existing depth _____	proposed depth _____
___ Other-Mooring Basin	length _____	width _____	existing depth _____	proposed depth _____

Cubic yards of material to be removed _____ Type of material _____
Location of spoil disposal area _____
Dimensions of spoil area _____ Method of excavation _____
How will excavated material be contained? _____

Construction of structures

___ Bulkhead	Total length _____	Height above water _____	
___ Pier	length _____	width _____	height _____
___ Boat Ramp	length _____	width _____	slope _____
___ Boat House	length _____	width _____	height _____

___ Structures on designed sites for water dependent industry (Coastal area only). Explain in item 11 or include as attachment.

___ Other (explain) _____

Filling

Dimensions of fill area _____
Cubic yards of fill _____ Type of fill _____

Other regulated activities (i.e. Seismic exploration, burning or clearing of marsh) Explain.

6. Additional information relating to the proposed activity

Does project area contain any marsh vegetation? Yes _____ No _____

(If yes, explain) _____

Is any portion of the activity for which authorization is sought now complete? Yes _____ No _____

(If yes, explain) _____

Month and year activity took place _____

If project is for maintenance work on existing structures or existing channels, describe legal authorization for the existing work. Provide permit number, dates or other form(s) of authorization. _____

Has any agency denied approval for the activity described herein or for any activity that is directly related to the activity described herein?

Yes _____ No _____ (If yes, explain) _____

7. Project schedule

Proposed start date _____ Proposed completion date _____

Expected completion date (or development timetable) for any projects dependent on the activity described herein. _____

8. Estimated cost of the project _____

9. Describe the purpose of this project. Describe the relationship between this project and any secondary or future development the project is designed to support. _____

Intended use: Private _____ Commercial _____ Public _____ Other (Explain) _____

10. Describe the public benefits of the proposed activity and of the projects dependent on the proposed activity. Also describe the extent of public use of the proposed project.

11. Narrative Project Description:

12. Provide the names and addresses of the adjacent property owners. Also identify the property owners on the plan view of the drawing described in Attachment "A". (Attach additional sheets if necessary.)

1.

2.

13. List all approvals or certifications received or applied for from Federal, State and Local agencies for any structures, construction, discharges, deposits or other activities described in this application. Note that the signature in Item 14 certifies that application has been made to or that permits are not required from the following agencies. If permits are not required, place N/A in the space for Type Approval.

<u>Agency</u>	<u>Type Approval</u>	<u>Application Date</u>	<u>Approval Date</u>
Dept. of Environmental Quality			
Dept. of Marine Resources			
Army Corps of Engineers			
City/County _____			
Other _____			

14. Certification and signatures

Application is hereby made for authorization to conduct the activities described herein. I agree to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable state water quality standards or other environmental protection standards both during construction and after the project is completed. I also agree to provide entry to the project site for inspectors from the environmental protection agencies for the purpose of making preliminary analyses of the site and monitoring permitted works. I certify that I am familiar with and responsible for the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I am the owner of the property where the proposed project is located or that I have a legal interest in the property and that I have full legal authority to seek this permit.

U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willingly falsifies, conceals, or covers up by any trick, scheme or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Mississippi Coastal Program (Coastal area only)

I certify that the proposed project for which authorization is sought complies with the approved Mississippi Coastal Program and will be conducted in a manner consistent with the program.

Signature of Applicant or Agent

Date

15. Fees

Payable to MS Dept. of Marine Resources
\$50.00 Single-family residential application fee
\$500.00 Commercial application fee
Public notice fee may be required

Please include appropriate fees for all projects proposed in coastal areas of Hancock, Harrison and Jackson Counties.

16. If project is in Hancock, Harrison or Jackson Counties, send one completed copy of this application form and appropriate fees listed in Item 15 to:

Department of Marine Resources
Bureau of Wetlands Permitting
1141 Bayview Avenue
Biloxi, MS 39530
(228) 374-5000

If project IS NOT in Hancock, Harrison or Jackson Counties, send one completed copy of this application form to each agency listed below:

District Engineer
Mobile District
Attn: CESAM-RD
P.O. Box 2288
Mobile, AL 36628-0001

District Engineer
Vicksburg District
Regulatory Branch
Attn: CEMVK-OD-F
4155 Clay Street
Vicksburg, MS 39183-3435

Director
Mississippi Dept. of Environmental Quality
Office of Pollution Control
P.O. Box 10385
Jackson, MS 39289

17. In addition to the completed application form, the following attachments are required:***Attachment "A" Drawings***

Provide a vicinity map showing the location of the proposed site along with a written description of how to reach the site from major highways or landmarks. Provide accurate drawings of the project site with proposed activities shown in detail. All drawings must be to scale or with dimensions noted on drawings and must show a plan view and cross section or elevation. Use 8 1/2 x 11" white paper or drawing sheet attached.

Attachment "B" Authorized Agent

If applicant desires to have an agent or consultant act in his behalf for permit coordination, a signed authorization designating said agent must be provided with the application forms. The authorized agent named may sign the application forms and the consistency statement.

Attachment "C" Environmental Assessment (Coastal Area Only)

Provide an appropriate report or statement assessing environmental impacts of the proposed activity and the final project dependent on it. The project's effects on the wetlands and the effects on the life dependent on them should be addressed. Also provide a complete description of any measures to be taken to reduce detrimental offsite effects to the coastal wetlands during and after the proposed activity. Alternative analysis, minimization and mitigation information may be required to complete project evaluation.

Attachment "D" Variance or Revisions to Mississippi Coastal Program (Coastal area only)

If the applicant is requesting a variance to the guidelines in Section 2, Part III or a revision to the Coastal Wetlands Use Plan in Section 2, Part IV of the Rules, Regulations, Guidelines and Procedures of the Mississippi Coastal Program, a request and justification must be provided.

BAY ST. LOUIS – WAVELAND SCHOOL DISTRICT

201 CARROLL AVENUE
BAY ST. LOUIS, MISSISSIPPI 39520

Kim Stasny, Ph.D.
Superintendent

Rebecca Ladner, Ph.D.
Assistant Superintendent

Telephone (228) 467-6621

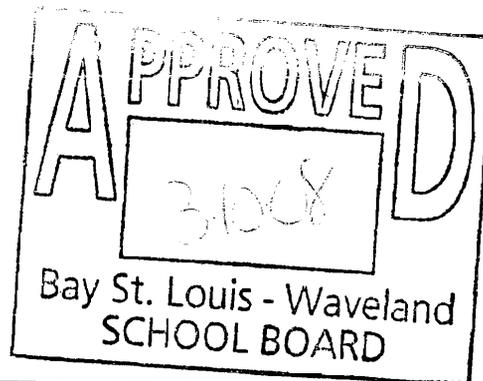
Fax: (228) 466-4895

March 5, 2008

TO: Board Members
FROM: Kim Stasny, Superintendent 
RE: Proposal for Environmental Services

I am requesting Board approval to contract with *PAC Services LLC*, for \$ 85.00/hour, not to exceed [REDACTED], to assist Guild Hardy Architects (GHA) and FEMA with finalizing environmental tasks related to wetland issues regarding the Upper Elementary School, to be funded through District Maintenance.

Your consideration and approval of this request will be appreciated.



To the West:

PARCEL NUMBER:	137A-0-42-172.000
OWNER NAME:	BSL INC
OWNER ADDRESS:	711 CASINO MAGIC DR
OWNER CITY:	BAY ST LOUIS
OWNER STATE:	MS

To the North:

PARCEL NUMBER:	137A-0-42-172.000
OWNER NAME:	BSL INC
OWNER ADDRESS:	711 CASINO MAGIC DR
OWNER CITY:	BAY ST LOUIS
OWNER STATE:	MS

To the East:

PARCEL NUMBER:	137A-0-42-192.000
OWNER NAME:	CANNON JAMES K ETUX
OWNER ADDRESS:	# 4 WOODS PLACE E
OWNER CITY:	BAY ST LOUIS
OWNER STATE:	MS

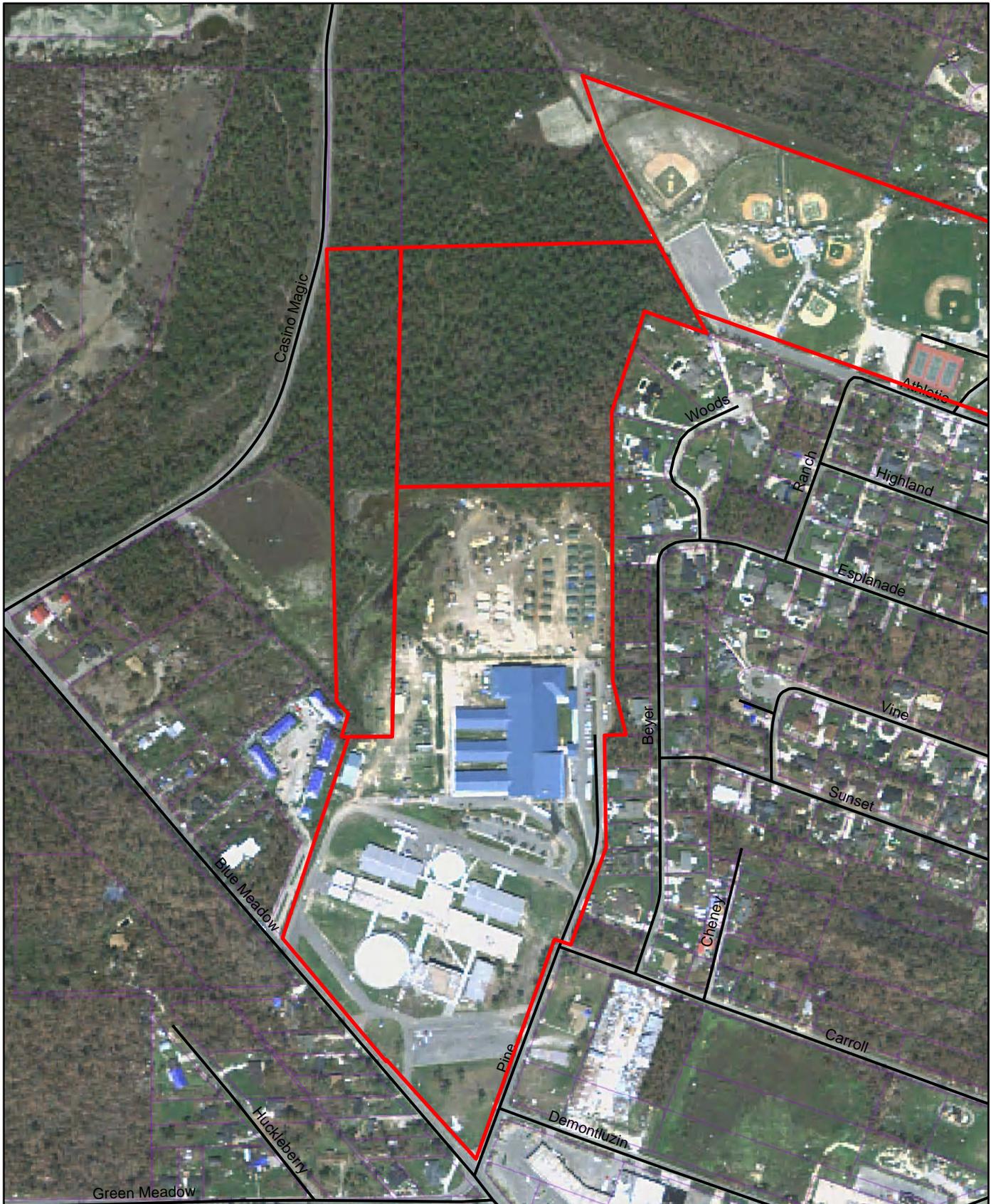
PARCEL NUMBER:	137A-0-42-191.000
OWNER NAME:	GRAY SCOTT
OWNER ADDRESS:	400 NICHOLSON AVE
OWNER CITY:	WAVELAND
OWNER STATE:	MS
ADDRESS (Physical Address):	3 WOODS PLACE

PARCEL NUMBER:	137A-0-42-190.000
OWNER NAME:	LADNER JAMES A JR ETUX(CHERYL)
OWNER ADDRESS:	#2 WOODS PLACE
OWNER CITY:	BAY ST LOUIS
OWNER STATE:	MS
ADDRESS (Physical Address):	2 WOODS PLACE

PARCEL NUMBER:	137A-0-42-190.000
OWNER NAME:	LADNER JAMES A JR ETUX(CHERYL)
OWNER ADDRESS:	#2 WOODS PLACE
OWNER CITY:	BAY ST LOUIS
OWNER STATE:	MS
ADDRESS (Physical Address):	2 WOODS PLACE

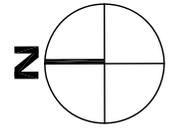
To the South:
Existing School Site.

Bay Waveland School Site Hancock County, Mississippi



Attachment "A" Drawings

TOTAL WETLANDS
IMPACTED=1.43 ACRES



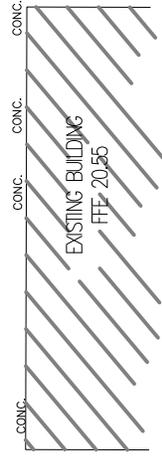
PROPOSED SITE PLAN

Wetland Fill Area = 0.03 Acres

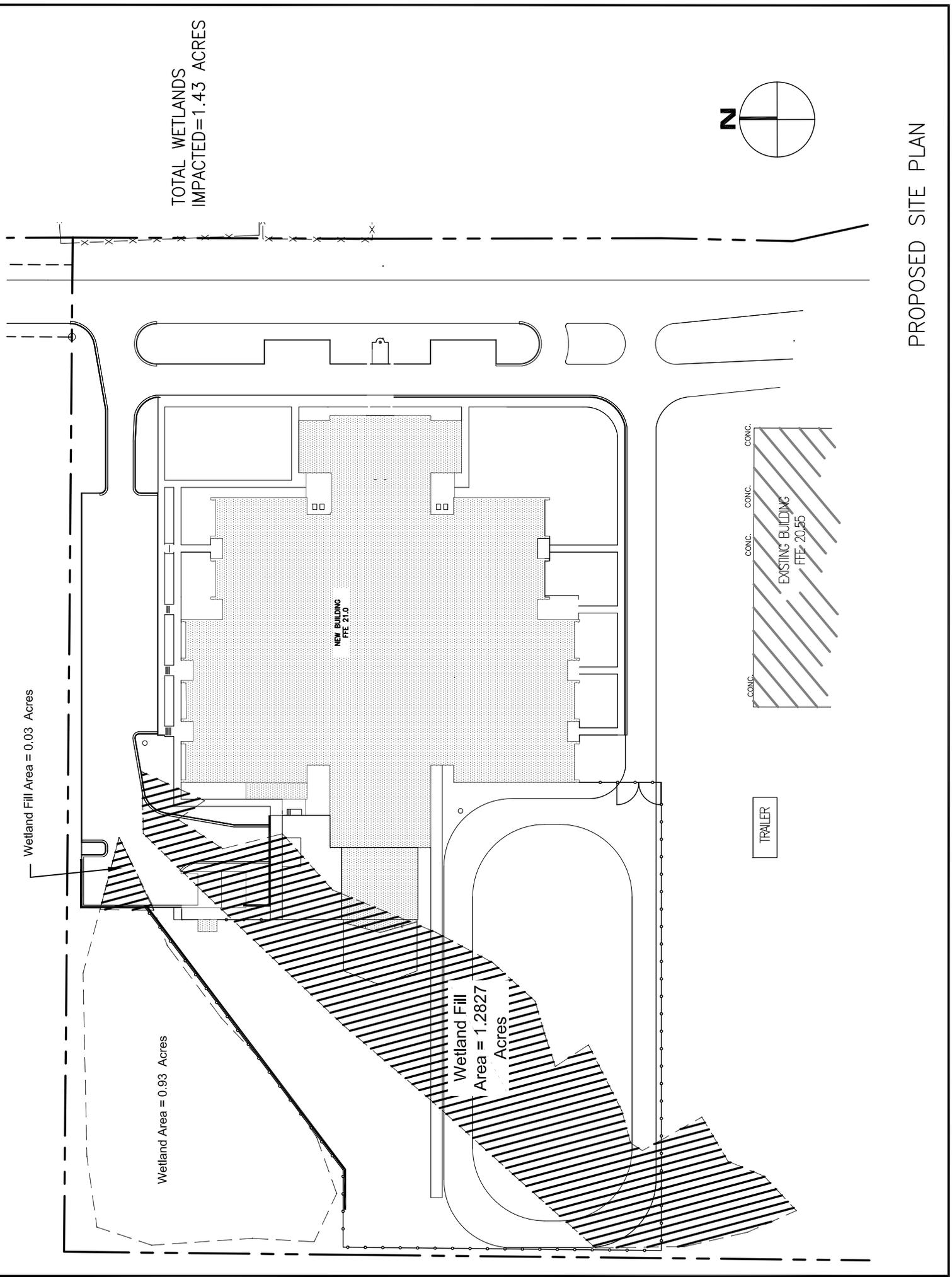
Wetland Area = 0.93 Acres

NEW BUILDING
FFE 21.0

Wetland Fill
Area = 1.2827
Acres



TRAILER



DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Bay Waveland Upper Elem</u>	Date: <u>3.20.08</u>
Applicant/Owner: <u>Bay Waveland School District</u>	County: <u>Hancock</u>
Investigator: <u>Patrick Chubb</u>	State: <u>Mississippi</u>
Do Normal Circumstances exist on the site? Yes	Community ID: <u>Pine Hardwood</u>
Is the site significantly disturbed (Atypical Situation)? No	Transect ID: _____
Is the area a potential Problem Area? No	Plot ID: <u>Upland</u>
(If needed, explain on reverse.)	

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u><i>Myrica cerifera</i></u>	<u>S/S</u>	<u>FAC+</u>	9. _____	_____	<u>#N/A</u>
2. <u><i>Acer rubrum</i></u>	<u>S/S</u>	<u>FAC</u>	10. _____	_____	<u>#N/A</u>
3. <u><i>Pinus taeda</i></u>	<u>T</u>	<u>FAC</u>	11. _____	_____	<u>#N/A</u>
4. <u><i>Ilex vomitoria</i></u>	<u>T</u>	<u>FAC</u>	12. _____	_____	<u>#N/A</u>
5. <u><i>Quercus nigra</i></u>	<u>T</u>	<u>FAC</u>	13. _____	_____	<u>#N/A</u>
6. <u><i>Vaccinium elliotii</i></u>	<u>WV</u>	<u>FAC+</u>	14. _____	_____	<u>#N/A</u>
7. _____	_____	_____	15. _____	_____	<u>#N/A</u>
8. _____	_____	<u>#N/A</u>	16. _____	_____	<u>#N/A</u>
Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-).			100%		
Remarks: FAC dominant community.					

HYDROLOGY

<input type="checkbox"/> Recorded Data (Describe in Remarks): <input type="checkbox"/> Stream, Lake, or Tide Gauge <input checked="" type="checkbox"/> Aerial Photographs <input checked="" type="checkbox"/> Other (USGS Topo Maps, etc.) <input type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators Primary Indicators: <u> N </u> Inundated <u> N </u> Saturated in Upper 12 Inches <u> N </u> Water Marks <u> N </u> Drift Lines <u> N </u> Sediment Deposits <u> N </u> Drainage Patterns in Wetlands Secondary Indicators (2 or more required) <u> N </u> Oxidized Root Channels in Upper 12 Inches _____ Water-Stained Leaves <u> N </u> Local Soil Survey Data _____ FAC Neutral Test _____ Other (Explain in Remarks)
Field Observations Depth of Surface Water: <u> na </u> (in.) Depth to Free Water in Pit: <u> >16 </u> (in.) Depth to Saturated Soil: <u> >16 </u> (in.)	
Remarks: High water table time of year.	

SOILS

Map Unit Name					
(Series and Phase):		<u>Escambia</u>		Drainage Class: <u>PD</u>	
Taxonomy (Subgroup):		<u>thermic Plinthiaquic Paleudults</u>		Field Observations	
				Confirm Mapped Type ? Yes	
Profile Description:					
Depth	Horizon	Matrix Color	Mottle Colors	Mottle	Texture, Concretions,
(inches)		(Munsell Moist)	(Munsell Moist)	Abundance/Contrast	Structure, etc.
0-8	A	10 YR 3/1			sandy loam
8-16	B	5Y 6/3			sandy loam
Hydric Soil Indicators:					
	Histosol				Concretions
	Histic Epipedon	<u>N</u>			High Organic Content in Surface Layer in Sandy Soils
	Sulfidic Odor				Organic Streaking in Sandy Soils
	Aquic Moisture Regime	<u>N</u>			Listed on Local Hydric Soils List
<u>N</u>	Reducing Conditions	<u>N</u>			Listed on National Hydric Soils List
<u>N</u>	Gleyed or Low-Chroma Colors				Other (Explain in Remarks)
Remarks:					
Area of woods north of school site along proposed road. No data point taken for proposed school site...filled and compacted site utilized as temp school site after Katrina.					

WETLAND DETERMINATION

Hydrophytic Vegetation Present?	<u>Yes</u>	Is this Sampling Point Within a Wetland?
Wetland Hydrology Present?	<u>No</u>	
Hydric Soils Present?	<u>No</u>	
Remarks :		

DATA FORM
ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

Project/Site: <u>Bay Waveland Upper Elem</u>	Date: <u>3.20.08</u>
Applicant/Owner: <u>Bay Waveland School District</u>	County: <u>Hancock</u>
Investigator: <u>Patrick Chubb</u>	State: <u>Mississippi</u>
Do Normal Circumstances exist on the site? Yes	Community ID: <u>WET FLATWOODS</u>
Is the site significantly disturbed (Atypical Situation)? No	Transect ID: _____
Is the area a potential Problem Area? No	Plot ID: <u>2 Wet</u>
(If needed, explain on reverse.)	

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u><i>Myrica cerifera</i></u>	<u>S/S</u>	<u>FAC+</u>	9. <u><i>Itea virginica</i></u>	<u>S/S</u>	<u>FACW+</u>
2. <u><i>Acer rubrum</i></u>	<u>S/S</u>	<u>FAC</u>	10. _____		<u>#N/A</u>
3. <u><i>Pinus taeda</i></u>	<u>T</u>	<u>FAC</u>	11. _____		<u>#N/A</u>
4. <u><i>Nyssa sylvatica</i></u>	<u>T</u>	<u>OBL</u>	12. _____		<u>#N/A</u>
5. <u><i>Ilex glabra</i></u>	<u>S/S</u>	<u>FACW</u>	13. _____		<u>#N/A</u>
6. <u><i>Smilax laurifolia</i></u>	<u>WV</u>	<u>FACW+</u>	14. _____		<u>#N/A</u>
7. <u><i>Carex spp</i></u>		<u>FAC</u>	15. _____		<u>#N/A</u>
8. <u><i>Panicum repens</i></u>	<u>H</u>	<u>FACW-</u>	16. _____		<u>#N/A</u>
Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-).					100%
Remarks: Area by excavated lakes and buffering zones					

HYDROLOGY

<input type="checkbox"/> Recorded Data (Describe in Remarks): <input type="checkbox"/> Stream, Lake, or Tide Gauge <input checked="" type="checkbox"/> Aerial Photographs <input checked="" type="checkbox"/> Other (USGS Topo Maps, etc.) <input type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators Primary Indicators: <u>Y</u> Inundated <u>Y</u> Saturated in Upper 12 Inches <u>N</u> Water Marks <u>N</u> Drift Lines <u>N</u> Sediment Deposits <u>Y</u> Drainage Patterns in Wetlands Secondary Indicators (2 or more required) <u>Y</u> Oxidized Root Channels in Upper 12 Inches _____ Water-Stained Leaves <u>Y</u> Local Soil Survey Data _____ FAC Neutral Test _____ Other (Explain in Remarks)
Field Observations Depth of Surface Water: <u>0-feet</u> (in.) Depth to Free Water in Pit: <u>surf</u> (in.) Depth to Saturated Soil: <u>surf</u> (in.)	
Remarks: Area excavated by lakes and adjacent shallow zones	

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ROUTINE WETLAND DETERMINATION
(1987 COE Wetlands Delineation Manual)

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Applicant/Owner: <u>Bay Waveland School District</u>	County: <u>Hancock</u>
Investigator: <u>Patrick Chubb</u>	State: <u>Mississippi</u>
Do Normal Circumstances exist on the site? Yes	Community ID: <u>WET FLATWOODS</u>
Is the site significantly disturbed (Atypical Situation)? No	Transect ID: _____
Is the area a potential Problem Area? No	Plot ID: <u>1Wet</u>
(If needed, explain on reverse.)	

VEGETATION

Dominant Plant Species	Stratum	Indicator	Dominant Plant Species	Stratum	Indicator
1. <u><i>Myrica cerifera</i></u>	<u>S/S</u>	<u>FAC+</u>	9. _____	_____	<u>#N/A</u>
2. <u><i>Acer rubrum</i></u>	<u>S/S</u>	<u>FAC</u>	10. _____	_____	<u>#N/A</u>
3. <u><i>Pinus taeda</i></u>	<u>T</u>	<u>FAC</u>	11. _____	_____	<u>#N/A</u>
4. <u><i>Nyssa sylvatica</i></u>	<u>T</u>	<u>OBL</u>	12. _____	_____	<u>#N/A</u>
5. <u><i>Ilex glabra</i></u>	<u>S/S</u>	<u>FACW</u>	13. _____	_____	<u>#N/A</u>
6. <u><i>Smilax laurifolia</i></u>	<u>WV</u>	<u>FACW+</u>	14. _____	_____	<u>#N/A</u>
7. <u><i>Carex spp</i></u>	_____	<u>FAC</u>	15. _____	_____	<u>#N/A</u>
8. _____	_____	<u>#N/A</u>	16. _____	_____	<u>#N/A</u>
Percent of Dominant Species that are OBL, FACW or FAC (excluding FAC-).			100%		
Remarks: Drainage pattern in wooded area between school and ballfields.					

HYDROLOGY

<input type="checkbox"/> Recorded Data (Describe in Remarks): <input type="checkbox"/> Stream, Lake, or Tide Gauge <input checked="" type="checkbox"/> Aerial Photographs <input checked="" type="checkbox"/> Other (USGS Topo Maps, etc.) <input type="checkbox"/> No Recorded Data Available	Wetland Hydrology Indicators Primary Indicators: <u> N </u> Inundated <u> Y </u> Saturated in Upper 12 Inches <u> N </u> Water Marks <u> N </u> Drift Lines <u> N </u> Sediment Deposits <u> Y </u> Drainage Patterns in Wetlands Secondary Indicators (2 or more required) <u> Y </u> Oxidized Root Channels in Upper 12 Inches _____ Water-Stained Leaves <u> Y </u> Local Soil Survey Data _____ FAC Neutral Test _____ Other (Explain in Remarks)
Field Observations Depth of Surface Water: <u> na </u> (in.) Depth to Free Water in Pit: <u> >10 </u> (in.) Depth to Saturated Soil: <u> surf </u> (in.)	
Remarks: High water table time of year.	

Wetland Permit and Correspondence

Bay Waveland Elementary School
Bay St. Louis, Hancock County, Mississippi

ENVIRONMENTAL ASSESSMENT, 404(B)(1) ANALYSIS, STATEMENT OF
FINDINGS, AND DECISION DOCUMENT

This document constitutes my Environmental Assessment, Finding of No Significant Impact, Statement of Findings, and review and compliance determination according to the 404(b)(1) guidelines for the proposed work.

This permit action is being taken under authority delegated to the Mobile District Engineer by the Secretary of the Army and the Chief of Engineers by Title 33, Code of Federal Regulations, Part 325.8, pursuant to:

- () Section 10 of the Rivers and Harbors Act.
- (X) Section 404 of the Clean Water Act.

1. Applicant: Bay Waveland School District, c/o Eley Guild Hardy Architects, PA, 1091 Tommy Munro Drive, Biloxi, Mississippi, 39532. Agent: PAC Services LLC, 11040 Pin Oak Drive, Biloxi, Mississippi 39532.

2. Application Number: SAM-2008-0890-JBM

3. Location and Environmental Setting without the Project

a. Location: The site is located at 600 Pine St. Bay St. Louis, Mississippi.

b. Environmental Setting without the Project (Affected Environment): The project site is located adjacent to an existing high school and residential subdivision within Bay St. Louis. The site consists of mostly uplands with two small excavated "ponds" and a mixed pine-hardwood forest to the north.

4. Project Description, Changes to Project

a. Project Description: The applicant proposes to fill 1.43 acres of low quality palustrine forested and emergent wetlands to construct a new elementary school to replace the school destroyed by Hurricane Katrina. Impacts to wetlands will be mitigated by the purchase of credits from an approved mitigation bank.

b. Changes to Project: No changes were required.

5. Project Purpose and Need

a. Basic Project Purpose: The basic purpose of the project is education.

b. Overall Project Purpose and Need: The overall project purpose is to replace an elementary school destroyed by Hurricane Katrina.

6. Scope of Analysis: Federal control and responsibility over the project is determined to exist under Section 404 of the Clean Water Act because of the proposed work is in a regulated water of the United States. But for the proposed work in waters of the United States, the project could not be completed; therefore, the Corps of Engineers has determined the scope of analysis encompasses the entire 16.5 acre tract.

7. Federal, State, and Other Authorizations Obtained, Required, or Pending

a. State Water Quality Certification (401): The Mississippi Department of Environmental Quality issued Clean Water Act, Section 401 Water Quality Certification by letter dated January 5, 2009.

b. Coastal Program Certification: The Mississippi Department of Marine Resources issued Coastal Program Certification by letter dated July 16, 2008.

c. Other Authorizations: None.

8. Application and Public Notice History: The Corps received an individual permit application on June 10, 2008. The permit application was determined to be complete on June 24, 2008 and the Corps issued a 21-day public notice on July 2, 2008. The notice was sent to all interested parties including appropriate State and Federal agencies.

9. Alternatives [33 CFR 320.4(b), 40 CFR 230.10]:

a. Avoidance and Minimization: Best Management Practices will be used to further minimize potential adverse impacts.

b. The no-action alternative: Under this alternative the requested authorization would be denied and the project could not be built. If the project is not built, impacts identified in this document would be avoided, but this alternative would fail to provide the needed replacement school.

c. Project as Proposed: See Section 4.a.

d. Conclusions of Alternatives Analysis: Following my review of all project alternatives, the proposed alternative is the most reasonable alternative that meets the project purpose and need, is financially feasible to the applicant, and demonstrates meaningful avoidance and minimization of aquatic impacts. The selected site has, or will have, the infrastructure, access and area necessary to meet the overall project purpose.

10. General Policies for Evaluating Permit Applications (33 CFR 320.4 (a-r))

a. Public Interest Review: The public interest review for this project considered conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general the needs and welfare of the people.

There will be no impact on general environmental concerns, navigation, historic properties, land use, water supply and conservation, energy needs, food and fiber production, mineral needs, shore erosion and accretion, and consideration of property ownership; therefore, these factors are not weighed and have little effect on this decision.

The impacts on conservation, aesthetics, fish and wildlife values, flood hazards, floodplain values, wetlands, and water quality, have been shown, with mitigation, to be minimally adverse and weigh slightly against issuance.

The impacts on economics, land use, safety, and in general the needs and welfare of the people have been shown to be beneficial and weigh in favor of permit issuance.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments.

b. Effect on wetlands: The filling of 1.43 acres of low quality wetlands will be offset by compensatory mitigation.

c. Fish and wildlife concerns: Wildlife habitat within the 16.5 acres to be developed will be changed from open uplands, emergent wetland "ponds" and forested uplands/wetlands to a school building, athletic fields, parking and access road.

d. Water quality: By letter dated January 5, 2009, the Mississippi Department of Environmental Quality issued Section 401 Water Quality Certification for the project.

e. Historic, cultural, scenic, and recreational values: The National Register of Historic Places has been consulted and no properties listed on, nominated to, or determined eligible for the National Register are located in the vicinity of the proposed project.

f. Effects of limits of the territorial sea: There will be no effect on the limits of the territorial sea.

g. Consideration of property ownership/Shoreline erosion and accretion: There will be no effect on property ownership/shoreline erosion and accretion.

h. Activities affecting coastal zones: The proposed project will not adversely affect resources within the coastal zone. By letter dated July 16, 2008, the Mississippi Department of Marine Resources provided Coastal Zone Consistency Certification for the project.

i. Activities in marine sanctuaries: The proposed project will not affect marine sanctuaries.

j. Other Federal, state, or local requirements: Local building and zoning requirements will be met.

k. Safety of impoundment structures: No impoundment structures will be associated with this project.

l. Floodplain management: The applicant is responsible for contacting the community's designated responsible officials to obtain necessary permits and to ensure all floodplain ordinances in effect for this area are met.

m. Water supply and conservation: There should be no effect on water supply and conservation.

n. Energy conservation and development: No impact.

o. Navigation: No impact

p. Environmental benefits: None.

q. Economics: The project will have a positive impact to the quality of life and the economy of Hancock County and coastal Mississippi.

According to 33 CFR 320.4(q), when private enterprise makes application for a permit, it will generally be assumed that appropriate economic evaluations have been completed, the proposal is economically viable, and is supported by the needs of the local community.

r. Mitigation: The applicant has demonstrated avoidance and minimization of impacts to the aquatic environment. Mitigation consists of avoiding on-site wetlands and the purchase wetland mitigation credits from an approved mitigation bank to offset impacts to 1.43 acres of low quality pine flatwoods wetlands.

s. Esthetics. No adverse impacts.

t. Noise. Noise levels may be moderately elevated during construction with a minor post-construction increase.

11. Cumulative and Secondary Impacts: Because of the minimization of project impacts and proposed compensatory mitigation the cumulative impacts will be discountable. Full build out of the project may cause limited secondary development in the area which could result in limited indirect impacts beyond the direct impacts identified in this document.

12. Public Notice Comments, Responses, and Corps Analysis of Comments and Responses

a. U.S. Fish and Wildlife Service (FWS): No comment received.

b. National Marine Fisheries Service (NMFS): No comment was received from the NMFS.

c. U.S. Environmental Protection Agency (EPA): No comment was received from the EPA.

d. U.S. Coast Guard (USCG): No comment received.

e. Mississippi Museum of Natural Science (MMNS): By letter dated July 15, 2008, the MMNS stated no protected species occur within 2 miles of the site and recommended best management practices be implemented.

Response: Concur.

f. Public: No comments received.

g. Corps of Engineers: No comments received.

h. Alabama-Coushatta Tribe of Texas: By letter dated July 22, 2008, requested notification of the discovery of any human remains and/or archaeological artifacts.

Response: A permit, if issued, will be so conditioned.

i. Wetland Solutions, LLC: By letter dated September 29, 2008, Wetland Solutions provided documentation of the purchase of 2.86 wetland mitigation bank credits.

13. Public Hearing Request: No public hearing requests were received.

14. Consideration of Special Acts or Executive Orders (EO) Not Already Addressed

a. Environment

(1) *Section 176(c) of the Clean Air Act General Conformity Rule Review*: The project area is within a National Ambient Air Quality Standards attainment area and therefore does not require a conformity analysis pursuant to Section 176(c) of the Clean Air Act.

(2) (EO) 11900 - *Protection of Wetlands (1977)*: The purpose of this Executive Order is to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of the wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The evaluation of the proposed project, taking into account the water dependency, economic, environmental

and other pertinent factors, indicate that (1) there is no practicable alternative to the proposed project, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

(3) E.O.13158 - *Marine Protected Areas* (2000): The purpose of this Executive Order is to help protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas (MPA's). An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and ecologically and economically sustainable use of the marine environment for future generations. The proposed project will not impact any marine protected areas.

b. Other

-- EO 13175 - *Consultation and Coordination with the Tribal Indian Governments*: The purpose of this Executive Order is to coordinate new construction with Indian Tribal Governments. This proposed work has been coordinated with Tribal Officials. The consultation indicates that no documentation directly linking Indian Religious Sites to the proposed activity. In the event any items falling under Native American Graves and Repatriation Act (NAGPRA) are discovered during construction, the appropriate persons, including state and tribal NAGPRA representatives will be notified immediately for further consultation. The proposed project will not impact items falling under Native American Graves and Repatriation Act (NAGPRA).

-- EO 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations* (11 February 1994) requires that Federal agencies conduct their programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under such programs, policies, and activities because of their race, color, or national origin. On 11 February 1994, the President also issued a memorandum for heads of all departments and agencies, directing that Environmental Protection Agency (EPA), whenever reviewing environmental effects of proposed actions pursuant to its authority under Section 309 of the Clean Air Act (CAA), ensure that the involved agency has fully analyzed environmental laws, regulations, and policies. The proposed project is not designed to create a benefit for any group or individual. The project does not create disproportionately high or adverse human health or environmental impacts on minority or low-income populations of the surrounding community. Review and evaluation of the proposed project have not disclosed the existence of identifiable minority or low-income communities that would be adversely impacted by the proposed project.

--EO 13045, *Protection of Children. Protection of Children from Environmental Health Risks and Safety Risks* (21 April 1997), recognizes a growing body of scientific knowledge that demonstrates that children may suffer disproportionately from environmental

health risks and safety risks. These risks arise because children's bodily systems are not fully developed; because children eat, drink, and breathe more in proportion to their body weight; because their behavior patterns may make them more susceptible to accidents. Based on these factors, the President directed each Federal agency to make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children. The President also directed each federal agency to ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.

Construction of the project will not adversely affect any minorities or low income populations within the project area. Construction of the housing will offer potential employment and housing to minority and low income populations. There are no schools or concentrations of children within the immediate vicinity of the proposed site. The project does not involve activities that would pose any disproportionate environmental health risk or safety risk to children.

15. Evaluation of the 404(b)(1) Guidelines:

a. Factual Determination (40 CFR Section 230.11): A review of appropriate information indicates there is minimal potential for short or long-term environmental effects of the proposed incidental discharge of dredged material as related to:

(1) Physical substrate. 1.43 acres of wetland substrate will be filled. Impacts have been offset by the purchase of 2.86 credits at Wetland Solutions Mitigation Bank.

(2) Water circulation, fluctuation, and salinity. No impact.

(3) Suspended particulate/turbidity. Compliance with the State's NPDES Construction Stormwater permit and post construction stormwater requirements will minimize adverse impacts caused by suspended particulates and turbidity.

(4) Contaminant availability. The proposed project will not cause an increase in contaminant availability.

(5) Aquatic ecosystem effects. Impacts to the aquatic ecosystem have been offset by implementation of the applicant's mitigation plan and stormwater best management practices.

(6) Proposed disposal site. The disposal (fill) site consists of 1.43 acres of low quality wetlands.

(7) Cumulative effects. With the proposed mitigation there will be no cumulative impact to the aquatic environment.

(8) Secondary effects. Full build out of the project may cause limited secondary development in the area which could result in limited indirect impacts beyond the direct

impacts identified in this document. Adherence to existing health, safety and environmental regulations should limit any adverse secondary impacts.

b. Restrictions on discharges

(1) Alternatives (See Section 9 above)

(a) The project is located in a special aquatic site (wetlands, sanctuaries and refuges, mudflats, vegetated shallows, coral reefs, riffle and pool complexes, etc.)

(b) The activity does not need to be located in a special aquatic site to fulfill its basic project purpose; and is not "water dependent".

(c) All practicable alternatives have been reviewed in Section 9 above. It has been demonstrated that the alternative with the fewest impacts on the aquatic ecosystem (least damaging alternative), has been identified.

(d) The least damaging alternative has no other significant environmental effects.

(2) Other program requirements

(a) The proposed activity does not violate applicable State water quality standards or Section 307 prohibitions or effluent standards.

(b) The proposed activity does not jeopardize the continued existence of federally listed threatened or endangered species or affect(s) their critical habitat.

(c) The proposed activity does not violate the requirements of a federally designated marine sanctuary.

(3) The activity will not cause or contribute to significant degradation of waters of the United States, including adverse effects on human health; life stages of aquatic organisms; ecosystem diversity, productivity and stability; and recreational, aesthetic, and economic values.

(4) Minimization of adverse effects

(a) Appropriate and practicable steps have been taken to minimize potential adverse impacts of the discharge on the aquatic ecosystem.

(b) Compensatory Mitigation (Wetland restoration, enhancement, creation, preservation, etc.): See paragraph 10.r for mitigation requirements.

16. Findings of 404(b)(1) Analysis: The proposed disposal site for discharge of dredged or fill materials complies with the Section 404(b)(1) guidelines with incorporation of the following conditions:

a. All activities authorized by this permit shall be conducted in accordance with other local, State and Federal laws and regulations to protect the environment (e.g. Mississippi Department of Environmental Quality stormwater construction regulations and Section 401 Water Quality Certification requirements; and Mississippi Department of Marine Resources Coastal Program Certification).

b. The permittee shall purchase credits at an approved wetland mitigation bank surfacing the Jackson County to offset the filling of 1.43 acres of low quality wetlands. Proof-of-purchase has been provided by Wetland Solutions, LLC letter dated September 29, 2008.

c. Project construction shall be conducted in such a manner the passage of normal and expected high flows of surface water runoff outside the project boundaries is not restricted or otherwise altered.

d. The permittee will contact the community's designated officials responsible for FEMA floodplain regulation enforcement to ensure compliance with all floodplain ordinances and regulations.

17. Public Interest Determination: The project is not contrary to the public interest; therefore, permit issuance is warranted with the above conditions.

18. CONCLUSION/FINDING OF NO SIGNIFICANT IMPACT (FONSI): Based on the above assessment, analysis and consideration of comments presented by other agencies and the public, and after weighing all factors involved in the proposal, I have concluded that this action does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an Environmental Impact Statement is not required.

BYRON G. JORNS
Colonel, Corps of Engineers
District Commander

BY: John B. McFadyen DATE: 1/5/09
John B. McFadyen, P.G.
Project Manager Mississippi Team
Coastal Branch

REVIEWED BY: Jason W. Steele DATE: 1/5/09
Jason W. Steele
Team Leader, Mississippi Team,
Coastal Branch
Regulatory Division

DEPARTMENT OF THE ARMY PERMIT

Permittee: **BAY WAVELAND SCHOOL DISTRICT**

Permit No.: **SAM-2008-0890-JBM**

Issuing Office: **MOBILE DISTRICT**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The authorized action consist of filling 1.43 acres of low quality wetlands for a new elementary school. As mitigation for impacts to 1.43 acres of wetlands, the permittee shall comply with special condition e. of this document.

**ATTACHED: 1. Vicinity Map
2. Site Plan
3. Topographic Survey Showing Wetlands
4. Mississippi Department of Marine Resources Coastal Program Certification dated July 16, 2008.
4. Mississippi Department of Environmental Quality Section 401 Certification dated January 5, 2009.**

Project Location: The project is located at 600 Pine St., Bay St. Louis, Hancock County, Mississippi. (Lat. 30°-19'-25.77" N, Long. 89°-20'-57.48" W)

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **January 6, 2014**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: **a. All activities authorized by this permit shall be conducted in accordance with other local, State and Federal laws and regulations to protect the environment (e.g. Mississippi Department of Environmental Quality stormwater construction regulations and Section 401 Water Quality Certification requirements and Mississippi Department of Marine Resources Coastal Program Certification).**

b. Best management practices shall be implemented to minimize erosion, siltation and damage to adjacent wetlands and waters of the United States. Appropriate erosion and siltation control measures must be used and maintained in effective operating construction. All temporary erosion control features shall remain in place until permanent stabilization measures have been completed and have become fully effective.

c. Project construction shall be conducted in such a manner the passage of normal and expected high flows of surface water runoff outside the project boundaries is not restricted or otherwise altered.

d. The permittee shall purchase credits at an approved wetland mitigation bank surfacing the Jackson County to offset the filling of 1.43 acres of low quality wetlands. Proof-of-purchase has been provided by Wetland Solutions, LLC letter dated September 29, 2008.

e. Project construction shall be conducted in such a manner the passage of normal and expected high flows of surface water runoff outside the project boundaries is not restricted or otherwise altered.

f. The permittee will contact the community's designated officials responsible for FEMA floodplain regulation enforcement to ensure compliance with all floodplain ordinances and regulations.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)
Bay Waveland School District

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

BYRON G. JORNS
COLONEL, DISTRICT COMMANDER

BY: _____
(DATE)

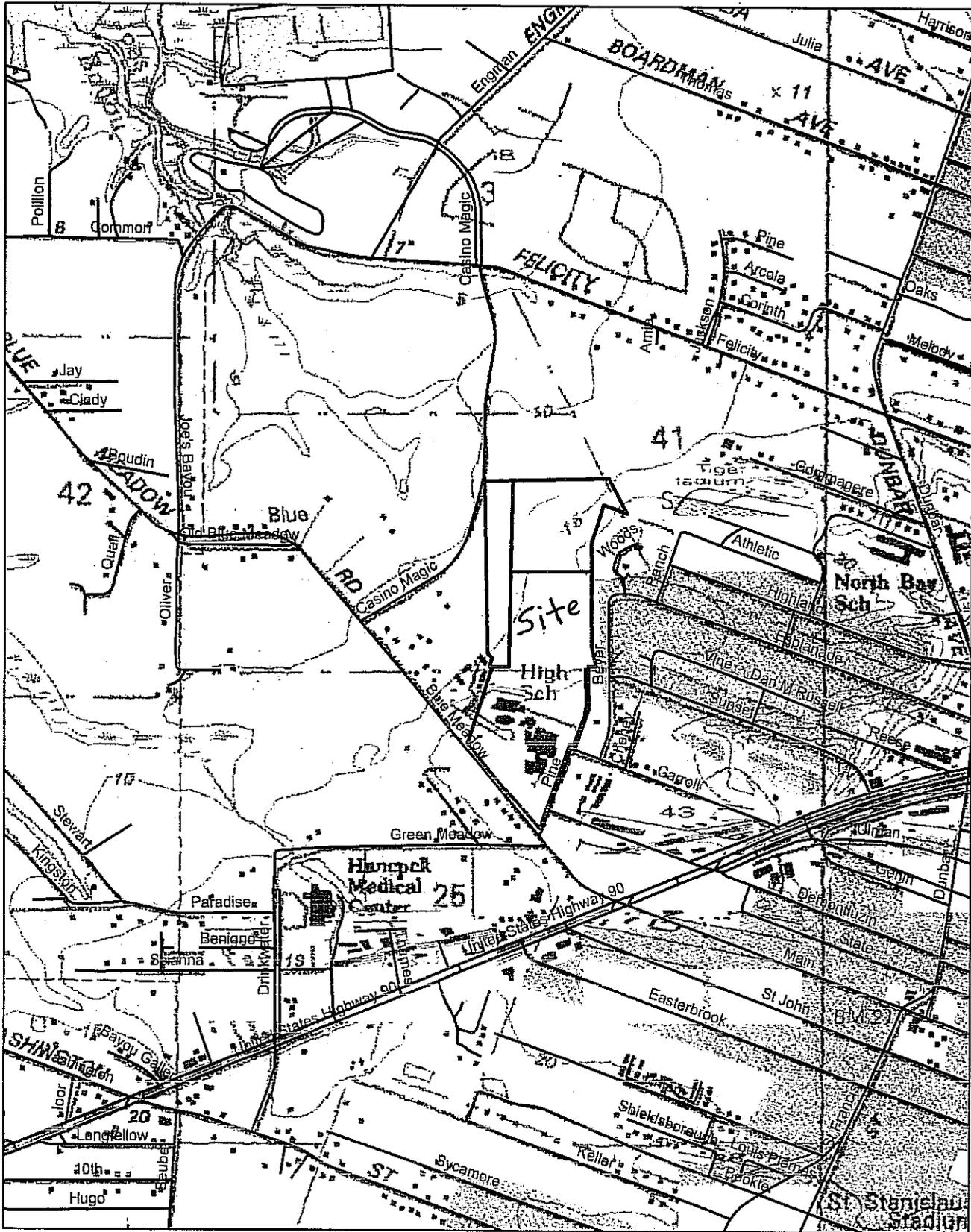
Mississippi Team Leader
Coastal Branch
Regulatory Division

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

Bay Waveland School District
Hancock County, Mississippi
Project Vicinity Map
USGS Quadrangle: Bay St. Louis



LEGEND

- PROPERTY CORNER
- IRON PIN FOUND
- IRON PIN SET
- RANDOM OBJECTS (AS CALLED OUT)
- STORM DRAIN INLET
- SANITARY MANHOLE
- WATER LINE
- OVERHEAD ELECTRIC LINE
- PP POWER POLE
- PP POWER POLE WITH GUYWIRE
- FI FIRE HYDRANT
- PROPERTY LINE
- DITCH BOTTOM
- TREE
- ▨ BUILDING
- 20 INDEX CONTOURS
- INTERMEDIATE CONTOURS
- CONTOURS (UNDERWATER)
- SPOT ELEVATIONS
- LP LIGHT POLE
- WV WATER VALVE
- WM WATER METER
- SM SURVEY MONUMENT (T.S.M.)
- GV GAS VALVE
- GL GAS LINE (UNDERGROUND)
- WETLAND AREA
- WOODS LINE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND INFORMATION PROVIDED BY BAY ST. LOUIS SCHOOL MAINTENANCE. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

TOTAL PROJECT AREA = 18.5 ACRES
 TOTAL WETLANDS = 2.33 ACRES
 TOTAL IMPACTED WETLANDS = 1.43 ACRES

LIMITS OF WETLAND AREA
 Area = 2857.91 Sq.Ft.
 Area = 0.07 Acres

LIMITS OF WETLAND AREA
 Area = 40520.02 Sq.Ft.
 Area = 0.93 Acres

LIMITS OF WETLAND AREA
 Area = 2199.61 Sq.Ft.
 Area = 0.05 Acres

LIMITS OF WETLAND AREA
 Area = 55874.95 Sq.Ft.
 Area = 1.28 Acres

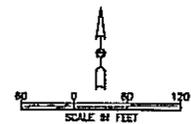
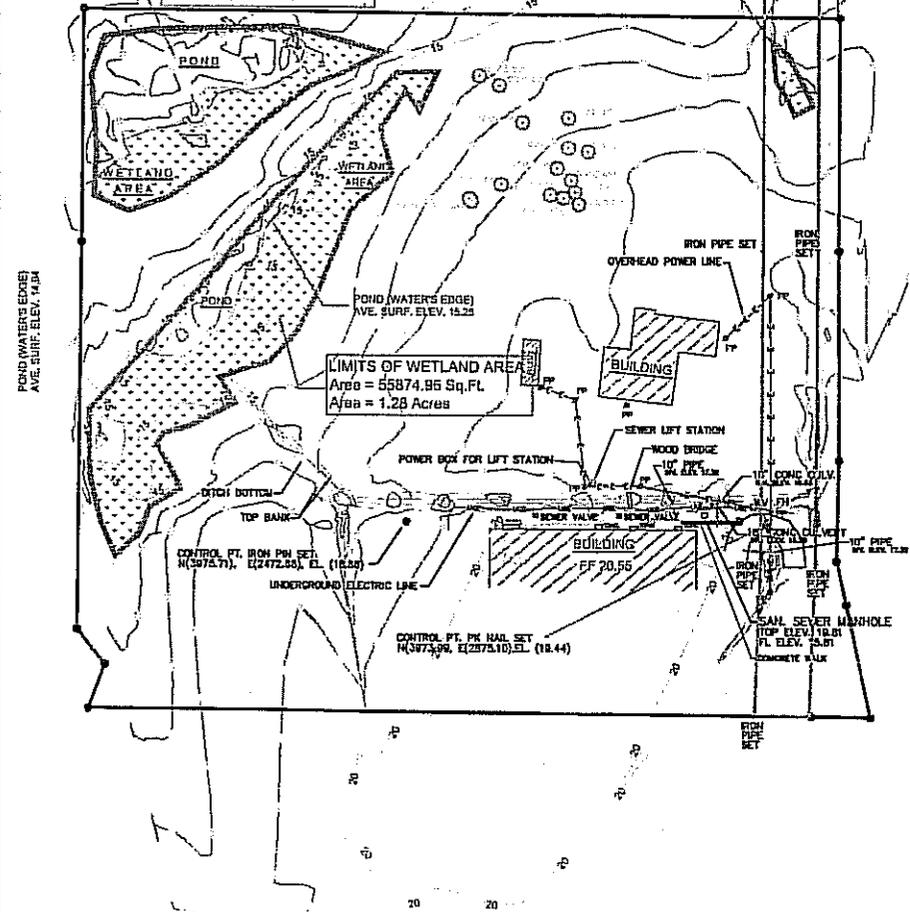
POND (WATERS EDGE)
 AVE. SURF. ELEV. 12.02

POND (WATERS EDGE)
 AVE. SURF. ELEV. 14.34

POND (WATERS EDGE)
 AVE. SURF. ELEV. 13.23

CONTROL FT. IRON PIN SET
 N(3975.71), E(2472.55), EL. (18.32)

CONTROL FT. PK HUB SET
 N(3975.39), E(2375.10), EL. (18.44)



**TOPOGRAPHICAL SURVEY OF PROPERTY BELONGING TO
 BAY ST. LOUIS MIDDLE SCHOOL**

TOPOGRAPHICAL SURVEY OF PROPERTY
 BELONGING TO BAY ST. LOUIS MIDDLE SCHOOL
 IN BAY SAINT LOUIS, MS
 SECTION 4, T-0-S-R-14-W
 HANCOCK COUNTY, MISSISSIPPI

WILLIAMS ENGINEERING, INC.	R.S.W.	TOPOGRAPHICAL SURVEY OF PROPERTY BELONGING TO BAY ST. LOUIS MIDDLE SCHOOL, BAY ST. LOUIS, MS	INVESTING	SURVEYED AND DRAWN BY: WILLIAMS ENGINEERING INC., P.A.
MARCH 2008				170 COUNTY ROAD 1050 TUPELO, MISSISSIPPI 38824 (662) 841-1001 (662) 841-2258
				SHEET NO. OF 1 1



**MISSISSIPPI
DEPARTMENT OF MARINE RESOURCES**

July 16, 2008

U.S. Army Engineer District
Attention: CESAM-RD-C-M, McFadyen
P.O. Box 2288
Mobile, AL 36628

Re: DMR-080807; SAM-2008-00890-JBM

Dear Mr. McFadyen:

The Department of Marine Resources in cooperation with other state agencies is responsible under the Mississippi Coastal Program (MCP) for managing the coastal resources of Mississippi. Proposed activities in the coastal area are reviewed to insure that the activities are in compliance with the MCP.

The applicant is proposing to fill 1.43 acres of non-tidal wetlands for the construction of a new school facility at 600 Pine Street in Bay St. Louis, Hancock County, MS. The above activity has been reviewed based upon provisions of the Mississippi Coastal Program and Section 307 of the Coastal Zone Management Act of 1972 (as amended). The activity has been determined to be consistent to the maximum extent practicable with the Mississippi Coastal Program provided that the applicant adheres to the following conditions:

1. Approximately 1.43 acres of non-tidal wetlands shall be filled for the construction of a school facility;
2. The applicant shall purchase the appropriate number of mitigation credits to offset the 1.43-acre impact to non-tidal wetlands;
3. Prior to the commencement of construction, proof of purchase of mitigation credits from an approved mitigation bank within the service area (as determined by the Mitigation Bank Review Team) must be submitted to this office;
4. No construction debris or unauthorized fill material shall be allowed to enter coastal wetlands or waters; and,
5. Vegetated wetlands outside of the 1.43-acre fill area shall not be impacted.

The above granted consistency certification was based upon the application presented. If you have any questions regarding this letter, please contact Jennifer Clark with the Bureau of Wetlands Permitting at (228) 523-4111 or Jennifer.clark@dmr.ms.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Willa Brantley', with a long horizontal flourish extending to the right.

Willa Brantley
Bureau Director, Wetlands Permitting

WJB/jlc

cc: Mr. Robert Seyfarth, OPC
Mr. Patrick Chubb, PAC Services, LLC

FILE COPY

STATE OF MISSISSIPPI

HALLY BARBOUR
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

THOMAS D. FISHER, EXECUTIVE DIRECTOR
July 25, 2008

John B. McFadyen
U.S. Army Corps of Engineers, Mobile District
PO Box 2288
Mobile, Alabama 36609

Patrick Chubb
PAC Services LLC
11040 Pin Oak Drive
Biloxi, Mississippi 39532

Dear Sirs:

Re: Bay Waveland Elementary School
Hancock County
COE No. SAM20080890JBM
WQC No. WQC2008053

The Mississippi Department of Environmental Quality is presently reviewing the above referenced project in which the applicant, Bay Waveland Elementary School, is applying for a Department of the Army permit to fill 1.43 acres of low quality palustrine forested and emergent wetlands to construct a new elementary school to replace the school destroyed by Hurricane Katrina. Impacts to wetlands will be mitigated by the purchase of credits from an approved mitigation bank. The site is located in Bay St. Louis, Hancock County, Mississippi.

The applicant must address the following to complete our review of this project:

1. Information regarding feasible alternatives must be provided. The applicant should demonstrate the least damaging and most feasible alternative has been selected. These alternatives should include both off-site as well as on-site alternatives. Off-site alternatives should include consideration given to other locations, the impacts associated with these locations, and the feasibility of using those locations. On-site alternatives should include other configurations considered which would satisfy the project purpose and would reduce the total amount of impact associated with the project.

37876 WQC20080001

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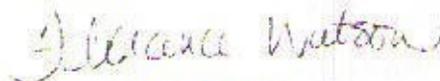
OFFICE OF POLLUTION CONTROL

AN EQUAL OPPORTUNITY EMPLOYER

2. Once the most feasible alternative has been selected, information should be provided which demonstrates that impacts associated with the project have been avoided/minimized to the maximum extent practicable
3. Post-construction stormwater must be addressed. At minimum, the first 1/2 inch of runoff from impervious surfaces (e.g. roads, sidewalks, parking lots, etc.) must be retained/detained on-site and treated through infiltration, evaporation, or other approved method. The required volume must be restored within 72 hours. Grassed waterways should be incorporated into the design where practicable. For this class of activity, grassed swales, retention/detention ponds, and/or constructed wetlands are recommended to meet the above requirement. Enclosed are recommended design criteria to meet these requirements. Pertinent plans and specifications (runoff and detention volume calculations, post construction contours, outfall structure details, return time calculations, etc.) will be needed to evaluate the plan. In addition, specific development layouts that provide details concerning building requirements/placement, site grading, and drainage area must be submitted.
4. This project may also require coverage under a Stormwater Construction General NPDES permit. The applicant should contact Mr. Mike Freiman at 601/961-5271 to obtain an application.
5. Information regarding wastewater treatment approvals must be provided.

These concerns must be addressed before 401 Water Quality Certification can be issued. The applicant should respond to these comments within 30 days from the date of this letter. Upon receipt of this information, the Department will continue the certification review process. You may contact me at (601) 961-5614.

Sincerely,



Florence Watson, P.E.
Water Quality Certification Branch

Enclosure

cc: Bay Waveland School District
Willa Brantley, Department of Marine Resources



COPY

STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TUDY D. FISHER, EXECUTIVE DIRECTOR

November 6, 2008

Patrick Chubb
PAC Services LLC
11040 Pin Oak Drive
Biloxi, Mississippi 39532

Dear Mr. Chubb

Re: Second Request for Information
Bay Waveland Elementary School
Hancock County
COE No. SAM20080890JBM
WQC No. WQC2008053

The Mississippi Department of Environmental Quality is presently reviewing the above referenced project in which the applicant, Bay Waveland Elementary School, is applying for a Department of the Army permit to fill 1.43 acres of low quality palustrine forested and emergent wetlands to construct a new elementary school to replace the school destroyed by Hurricane Katrina. Impacts to wetlands will be mitigated by the purchase of credits from an approved mitigation bank. The site is located in Bay St. Louis, Hancock County, Mississippi.

In a letter dated July 25, 2008, copy attached, the applicant was notified that additional information was needed to continue our review. The applicant must address the following information:

1. Information regarding feasible alternatives must be provided. The applicant should demonstrate the least damaging and most feasible alternative has been selected. These alternatives should include both off-site as well as on-site alternatives. Off-site alternatives should include consideration given to other locations, the impacts associated with these locations, and the feasibility of using those locations. On-site alternatives should include other configurations considered which would satisfy the project purpose and would reduce the total amount of impact associated with the project.
2. Once the most feasible alternative has been selected, information should be provided which demonstrates that impacts associated with the project have been avoided/minimized to the maximum extent practicable.

OFFICE OF POLLUTION CONTROL

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AN EQUAL OPPORTUNITY EMPLOYER

3. Post-construction stormwater must be addressed. At minimum, the first ½ inch of runoff from impervious surfaces (e.g. roads, sidewalks, parking lots, etc.) must be retained/detained on-site and treated through infiltration, evaporation, or other approved method. The required volume must be restored within 72 hours. Grassed waterways should be incorporated into the design where practicable. For this class of activity, grassed swales, retention/detention ponds, and/or constructed wetlands are recommended to meet the above requirement. Enclosed are recommended design criteria to meet these requirements. Pertinent plans and specifications (runoff and detention volume calculations, post construction contours, outfall structure details, return time calculations, etc.) will be needed to evaluate the plan. In addition, specific development layouts that provide details concerning building requirements/placement, site grading, and drainage area must be submitted.
4. This project may also require coverage under a Stormwater Construction General NPDES permit. The applicant should contact Mr. Mike Freiman at 601/961-5271 to obtain an application.
5. Information regarding wastewater treatment approvals must be provided.

In order to complete a timely review of the proposed project, the applicant should provide a response to these comments within 30 days of the date of this letter. These concerns must be addressed before 401 Water Quality Certification can be issued. The applicant is encouraged to contact this office and address the aforementioned concerns. If you no longer wish to pursue this project, you are advised to contact this office to withdraw the application. You may contact me at (601) 961-5171.

Sincerely,



Chad Winter
Environmental Permits Division

cc: Bay Waveland School District
Willa Brantley, Department of Marine Resources
John B. McFadyen, U.S. Army Corps of Engineers, Mobile District

37876 WQC20080001



STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

January 5, 2009

Certified Mail No. 7008 0500 0001 7046 6671
PAC SERVICES LLC
Patrick Chubb, agent for
Bay Waveland School District
11040 Pin Oak Drive
Biloxi, Mississippi 39532

Dear Mr. Chubb:

Re: Bay Waveland Elementary
School
Hancock County
COE No. SAM20080890JBM
WQC No. WQC2008053

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, the Bay Waveland School District, an applicant for a Federal License or permit to conduct the following activity:

Bay Waveland Elementary School: Proposed fill of 1.43 acres of low quality palustrine forested and emergent wetlands to construct a new elementary school to replace the school destroyed by Hurricane Katrina. Impacts to wetlands will be mitigated by the purchase of credits from an approved mitigation bank. The site is located in Bay St. Louis, Hancock County, Mississippi [SAM20080890JBM, WQC2008053].

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:

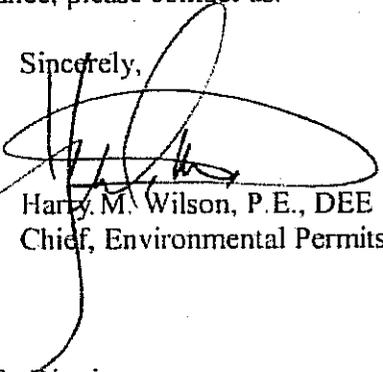
1. The development shall be required to connect to an MDEQ Office of Pollution Control approved wastewater collection and treatment system.
2. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal: vertical) and shall be immediately seeded, stabilized and maintained.
3. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent avoided wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately.
4. The applicant shall retain coverage under the State's Storm Water Large Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation or other land disturbance activity disturbing five or more acres.
5. The final post-construction Storm water Management Plan transmitted by Eley Guild Hardy Architects PA, on October 22, 2008, and amended on January 5, 2009, shall be implemented concurrent with project construction and maintained as proposed.
6. Mitigation for the loss of 1.43 acres of low-quality wetlands shall be provided by the purchase of mitigation credits from an approved mitigation bank that services the county and/or the drainage basin where the impacts occur. All mitigation must be in-kind. The number of credits purchased must be in accordance with the banking prospectus and should be based upon that required for impacting 1.43 acres of low-quality palustrine forested wetlands. A copy of the credit purchase agreement shall be forwarded to this office within 60 days of this certification.
7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

Mr. Patrick Chubb
Page 3 of 3
January 5, 2009

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 we can be of further assistance, please contact us.

Sincerely,



Harry M. Wilson, P.E., DEE
Chief, Environmental Permits Division

HMW: cw

cc: Mr. John B. McFadyen, COE-Mobile District
Ms. Willa Brantley, Department of Marine Resources
Mr. Paul Necaise, U.S. Fish and Wildlife Service
Ms. Wendy Barnes, Eley Guild Hardy Architects
Mr. Duncan Powell, Environmental Protection Agency
Ms. Janet Riddell, Office of Budget & Fund Management

Wetland Mitigation Agreement

AGREEMENT TO PURCHASE MITIGATION CREDITS

This Agreement is made by and between WETLANDS SOLUTIONS, LLC (hereinafter WSLLC) and Bay St. Louis – Waveland School District (Upper Elementary School) (hereinafter PERMITTEE).

PERMITTEE agrees to purchase and WSLLC agrees to provide 2.86 mitigation credit(s) from Wetlands Solutions Mitigation Bank as required by PERMITTEE'S U.S. Army Corps of Engineers permit #SAM-2008-0890-JBM.

As consideration for the above-referenced mitigation credits, PERMITTEE agrees to pay WSLLC the sum of \$29,172 on or before **Sept. 30**. Credit pricing is subject to a market adjustment if this Agreement is not executed and returned to WSLLC by close-of-business on **Sept. 30**.

This Agreement is made this **22nd** day of **September, 2008**.

WETLANDS SOLUTIONS, LLC

By: _____
Brandon A. Pike

PERMITTEE

By: Kim M. Stacey

Address: 201 CARROLL AVENUE
BAY ST. LOUIS, MS 39520

Phone: 228-467-9242 Fax: 228-467-1047

APPROVED
SEP 08 2008
Bay St. Louis - Waveland
SCHOOL BOARD

WSLLC will provide confirmation of credit purchase to the Corps of Engineers via fax and U.S. mail within one business day *if payment is made by wire transfer, cashier's check or other certified funds*. Personal and company checks are subject to the following clearing period:

- Checks drawn on Hancock Bank: 1 business day
- Checks drawn on other local banks: 2 business days
- Checks drawn on out of town banks: Up to 7 business days
- Bank drafts 3 business days

REMIT PAYMENT TO:

WETLANDS SOLUTIONS, LLC 14231 Seaway Rd., SUITE 7007 Gulfport, MS 39503 Phone: 228.575.7747 Fax: 228-575-7759

STATE OF MISSISSIPPI, CITY OF BAY ST. LOUIS

BAY ST. LOUIS-WAVELAND SCHOOL DISTRICT

\$ 29,172.00

NO 14158

PAY TO THE ORDER OF WETLANDS SOLUTIONS, LLC

TWENTY NINE THOUSAND ONE HUNDRED SEVENTY TWO AND 00/100 DOLLARS



able out of DISTRICT MAINTENANCE Fund, being the amount due

services rendered as MITIGATION CREDITS for _____ month as per certificate of city

intendent of schools, bearing the serial number of this warrant and for so doing this shall be your warrant.

Given under my hand and seal of office this 22 day of SEPTEMBER, 20 08

**DISTRICT
MAINTENANCE FUND**

36
3

THE FIRST BANK
A NATIONAL BANKING ASSOCIATION
P.O. Box 2907
Bay St. Louis, MS 39520

Kip M. Starnes
District Superintendent

WARRANT

⑈014158⑈ ⑆065303360⑆ 625000542

Mississippi Large Construction Storm Water General NPDES Permit



STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

October 31, 2008

CERTIFIED MAIL 7006 3450 0000 2367 7048

Mr. Al Weaver
Bay St. Louis – Waveland School District
201 Carrol Avenue
Bay St. Louis, Mississippi 39520

Dear Mr. Weaver:

Re: Bay Waveland Lower Elementary School
Hancock County, Mississippi
General Construction Storm Water Coverage No.
MSR105292

Enclosed is a Certificate of Permit Coverage granted under the State of Mississippi's Large Construction Storm Water General NPDES Permit (enclosed). The submitted Storm Water Pollution Prevention Plan (SWPPP) appears to meet permit requirements and will be further reviewed during compliance inspections. You or your contractor must be in compliance with the SWPPP upon commencement of construction.

The Storm Water Construction General Permit was reissued on June 10, 2005 by the Permit Board on Environmental Quality. There are several significant changes in the new permit and are listed on the attached addendum. However, the coverage recipient should carefully read the new permit language. In addition, several forms that were part of the previous permit and required for submittals and record keeping, are now enclosed in a separate document called the "Large Construction Forms Package."

This permit coverage is issued in accordance with the provisions of the Mississippi Air and Water Pollution Control Law (Sections 49-17-1, et seq., Mississippi code of 1972), and the regulations and standards adopted and promulgated thereunder and under the authority granted to the Mississippi Environmental Quality Permit Board pursuant to Section 402(b) of the Federal Water Pollution Control Act. Any appeal of this action must be made within the 30-day period provided for in Section 49-17-29(4)(b) Mississippi code of 1972.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Morris".

Jim Morris, Chief
General Permits Branch

Enclosures

OFFICE OF POLLUTION CONTROL

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

Certificate of Permit Coverage

under Mississippi's Large Construction Storm Water General NPDES Permit

Be it known

**Bay St. Louis - Waveland School District
Bay St. Louis, Mississippi**

having submitted an acceptable Construction Notice of Intent, is hereby granted this Certificate of Permit Coverage in order to discharge storm water associated with the construction of

**Bay Waveland Lower Elementary School
Receiving Stream: Mississippi Sound
Hancock County**

Chief, General Permits Branch

*Coverage No: MSR105292
Date of Coverage: October 31, 2008
Date Coverage Expires: May 31, 2010*

38572 GNP20080001

ADDENDUM

Several significant changes were made in the Large Construction General Permit and the entire General Permit should be read carefully. The following list summarizes the significant changes from the previous permit. However, the list is for quick reference only. The complete permit condition cited at the end of each summary should be read.

- Endangered or threatened species and total maximum daily load (TMDL) eligibility requirements have been added per EPA requirement (T-2, page 2).
- “Larger Common Plan of Development or Sale” requirements for residential subdivisions and commercial developments are clarified and specific requirements and options for lots and out-parcels that are sold within a residential subdivision and commercial developments have been added (S-4, S-5, page 6 and T-1, page 7).
- A “Major Modification Form” has been developed to clarify how and when modifications and new SWPPPs should be submitted. This is principally for phased construction (S-7, page 6).
- Inspections of the storm water erosion and sediment controls are to be performed at least weekly, for a minimum of four inspections per month. The requirement to inspect after a two-year, 24-hour rainfall has been eliminated in order to be consistent with EPA permitting requirements (S-4, page 14).
- Specific non-storm water discharges are allowed to be discharged during construction activities. These non-storm water discharges are allowed provided they don’t cause water quality impacts and are addressed by BMPs in the SWPPP (T-3, page 3).
- Temporary suspension of weekly maintenance inspections is allowed if construction activities have been suspended, the site is stable, and other specific criteria, including notification to MDEQ, can be met (R-2, page 16).
- The “Monthly Inspection Report and Certification Form”, the “Request for Termination Form” and the “Request for Transfer of General Permit Coverage”, that were part of the previous permit are now contained in a separate “Large Construction Forms Package” along with several new forms.
- Maintenance inspection and certification forms are no longer required to be submitted with the “Request for Termination of Coverage”; however, they must be produced when requested by a MDEQ inspector and must be kept for a period of three years after final stabilization is achieved.
- The “Proof of Coverage ” form is no longer required to be posted and is no longer a part of the permit.



State of Mississippi
Mississippi Department of Environmental Quality (MDEQ)
Office of Pollution Control (OPC)



LARGE CONSTRUCTION STORM WATER GENERAL PERMIT
FOR LAND DISTURBING ACTIVITIES OF 5 OR MORE ACRES

TO DISCHARGE STORM WATER IN ACCORDANCE WITH THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

THIS CERTIFIES THAT

Projects issued a Certificate of Permit Coverage under this general permit are granted permission to discharge storm water associated with construction activities into State waters

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein. This permit is issued in accordance with the provisions of the Mississippi Water Pollution Control Law (Mississippi Code Ann. Sections 49-17-1 et seq.), 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

Authorized Signature

Mississippi Department of Environmental Quality

Issued: June 10, 2005

Expires: May 31, 2010

Permit No. MSR10

Table of Contents

ACT1 (LCGP) Introduction: Narrative Requirements	1
Introduction.....	1
ACT2 (LCGP) Permit Applicability and Coverage: Narrative Requirements	2
Permit Area.....	2
Eligibility.....	2
Allowable Non-Storm Water Discharges.....	3
ACT3 (LCGP) Obtaining Coverage: Submittal/Action Requirements	4
How To Obtain Authorization.....	4
Requiring An Individual Permit Or Alternative General Permit.....	5
How To Obtain Recoverage Under the Reissued Permit.....	5
Commercial Development – Individual Lots or Parcels.....	5
Residential Subdivision - Individual Lots.....	6
Residential Subdivision – New Phases and New Owner.....	6
Residential Subdivision - Expansions.....	6
Narrative Requirements	7
Applicability of Requirements For Individual Lots and Parcels in a Larger Common Plan of Development or Sale.....	7
ACT5 (LCGP) Large Construction Notice of Intent: Submittal/Action Requirements	8
Deadlines For Notification.....	8
Required Submittals With the LCNOI.....	8
Additional Submittals May Include The Following.....	8
Additional Notification.....	8
Narrative Requirements	9
Construction Sites Not Currently Covered by Storm Water Construction General Permit.....	9
Where To Submit The (LCNOI).....	9
Failure To Notify.....	9
ACT6 (LCGP) Storm Water Pollution Prevention Plan (SWPPP) General Information: Narrative Requirements	10
SWPPP Development.....	10
Erosion and Sediment Controls.....	10
Non Storm Water Discharge Management.....	11
Housekeeping Practices.....	12
Prepare Scaled Site Map(s).....	12
Implementation Sequence.....	12
Implementation of Controls.....	12
Maintenance and Weekly Inspections.....	12
Example Storm Water Pollution Prevention Plans (SWPPPs).....	12

Table of Contents

ACT7 (LCGP) Implementation, Inspection, and Reporting Requirements:
 Submittal/Action Requirements 13
 Implementation Requirements 13
 Compliance With Local Storm Water Ordinances 14
 Inspection Requirements 14

ACT8 (LCGP) Limitation Requirements:
 Limitation Requirements 15
 Limitation Requirements 15

ACT9 (LCGP) Record Keeping:
 Record Keeping Requirements 16
 Retention of Records 16
 Suspension of Weekly Inspections and Monthly Record Keeping 16

ACT10 (LCGP) Termination of Permit Coverage:
 Submittal/Action Requirements 17

ACT11 (LCGP) Standard Requirements Applicable To All Water Permits:
 Narrative Requirements 18
 Duty to Comply 18
 Duty to Mitigate 18
 Duty to Provide Information 18
 Signatory Requirements 19
 Duly Authorized Representative 19
 Changes to Authorization 20
 Certification 20
 Oil and Hazardous Substance Liability 20
 Property Rights 20
 Severability 20
 Transfers 20
 Proper Operation and Maintenance 21
 Bypass Prohibition 21
 Upset Conditions 21
 Inspection and Entry 22
 Permit Actions 22
 Anticipated Noncompliance 22
 Unanticipated Noncompliance 22
 Reopener Clause 22
 Permit Modification 23
 Falsifying Reports 23
 Civil and Criminal Liability 23

ACT12 (LCGP) Definitions:
 Narrative Requirements 24
 DEFINITIONS 24

Large Construction General Permit (Revised Format)
Subject Item Inventory

Activity ID No.: GNP20050001

Subject Item Inventory:

ID	Designation	Description
ACT1	LOGP	Introduction
ACT2	LOGP	Permit Applicability and Coverage
ACT3	LOGP	Obtaining Coverage
ACT5	LOGP	Large Construction Notice of Intent
ACT6	LOGP	Storm Water Pollution Prevention Plan (SWPPP) General Information
ACT7	LOGP	Implementation, Inspection, and Reporting Requirements
ACT8	LOGP	Limitation Requirements
ACT9	LOGP	Record Keeping
ACT10	LOGP	Termination of Permit Coverage
ACT11	LOGP	Standard Requirements Applicable To All Water Permits
ACT12	LOGP	Definitions
AI19192		

KEY

ACT = Activity
AREA = Area

AI = Agency Interest

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

Page 1 of 26

ACT1 (LCGP) Introduction:

Narrative Requirements:

Condition No.	Condition
T-1	<p>Introduction:</p> <p>The Large Construction General Permit (LCGP) authorizes storm water discharges from construction activities 5 acres or greater or less than 5 acres if part of a "larger common plan of development or sale" (see Definitions). Storm water discharges that enter state waters or storm water conveyance systems leading to state waters are subject to regulation and compliance with the conditions set forth in this permit. This permit also authorizes storm water discharges from any other construction activity 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 state waters. This permit replaces the previous Construction General Permit that expired on March 27, 2005. [WPC-1]</p>

ACT2 (LCGP) Permit Applicability and Coverage:

Narrative Requirements:

Condition No.	Condition
---------------	-----------

T-1 Permit Area:

The Large Construction General Permit covers all areas of the State of Mississippi. [WPC-1]

T-2 Eligibility:

- (1) Discharges composed entirely of storm water and allowable non-storm water discharges identified in T-3, page 3 from construction activity, including clearing, grading, excavating and other land disturbing activities of 5 or more acres or less than 5 acres if part of a "larger common plan of development or sale" (see Definitions). The discharges must not cause nor contribute to violations of State Water Quality Standards.
- (2) A facility is eligible for coverage under this general 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 general permit, the facility must incorporate any conditions applicable to any discharge(s) necessary for consistency with the assumptions and requirements of such TMDL. If, after coverage issuance, a specific wasteload allocation is established that would apply to the facility's discharge, the facility must implement steps necessary to meet that allocation.
- (3) Coverage under this permit is available only if the regulated entity's storm water 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 Environmental Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA ("critical habitat"). [WPC-1]

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

Narrative Requirements:

Condition No.	Condition
T-3	<p>Eligibility (continued):</p> <p>(4) Allowable Non-Storm Water Discharges:</p> <p>Discharges from fire-fighting activities Fire hydrant flushing Water used to control dust Potable water including uncontaminated water line flushing Routine external building wash down that does not use detergents Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used Uncontaminated air conditioning or compressor condensate Uncontaminated ground water or spring water Foundation or footing drains where flows are not contaminated with process materials such as solvents Uncontaminated excavation dewatering Landscape irrigation. [WPC-1]</p>

ACT3 (LCGP) Obtaining Coverage:

Submittal/Action Requirements:

Condition No.	Condition
S-1	<p>How To Obtain Authorization:</p> <p>(1) Owners and/or operators (see Definitions) must submit a Large Construction Notice of Intent (LCNOI) in accordance with the requirements of this permit. For construction activities, the operator is typically the Prime Contractor. The owner may submit the LCNOI and later, prior to actual construction, the operator may submit the Prime Contractor Certification accepting responsibility for applicable permit conditions.</p> <p>The owner(s) of the property and the operator(s) associated with the regulated construction activity on the property have joint and severable responsibility for compliance with the permit. Notwithstanding any permit condition to the contrary, the coverage recipient and any person who causes pollution of waters of the state or places waste in a location where they are likely to cause pollution, shall remain responsible under applicable federal and state laws and regulations, and applicable permits.</p> <p>(2) Upon review of the LCNOI, the MDEQ staff may recommend that coverage not be granted and/or that 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.</p> <p>(3) Owners or operators are authorized to discharge storm water associated with construction activity under the terms and conditions of this permit only upon receipt of written notification of approval of coverage by the Permit Board staff. Discharge of storm water without written notification of coverage or issuance of an individual National Pollutant Discharge Elimination System (NPDES) Storm Water Permit is a violation of the Mississippi Air and Water Pollution Control Law 49-17-29(2)(b). [WPC-1]</p>

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

Submittal/Action Requirements:

Condition No.	Condition
S-2	<p>Requiring An Individual Permit Or Alternative General Permit:</p> <p>(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. This notice shall include reasons for this decision, an application form and a filing deadline. The Permit Board may grant additional time upon request. If a coverage recipient fails to submit a requested application in a timely manner, coverage under this permit is automatically terminated at the end of the day specified for application submittal.</p> <p>(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 (Form 1 and the narrative requirements of 40 CFR 122.26(c)(1)(ii)) or the appropriate Notice of Intent. [WPC-1]</p>
S-3	<p>How to Obtain Recoverage Under the Reissued Permit:</p> <p>Once the Construction General Permit is reissued, active coverage recipients will receive a recoverage form with a letter of instruction. If a coverage recipient wishes to be covered by the current Construction General Permit, the recoverage form must be completed and returned to the MDEQ. 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. [WPC-1]</p>
S-4	<p>Commercial Development - Individual Lots or Parcels:</p> <p>Individual lots or parcels that are part of the "larger common plan of development or sale" (see Definitions) are regulated regardless of size or owner. If the owner or developer obtains construction permit coverage for a development then sells lots or parcels within that development, permit coverage must continue on those areas under new ownership. The original coverage recipient is responsible for all construction activities until individual lots or parcels within the development are sold to others and the new owner submits a LCNOI and obtains coverage under Mississippi's Large Construction General Permit or applies for an individual permit. [WPC-1]</p>

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

Page 6 of 26

Submission/Action Requirements:

Condition No.	Condition
S-5	<p>Residential Subdivision - Individual Lots:</p> <p>Individual lots within a residential subdivision are part of the "larger common plan of development or sale" (see Definitions) and are regulated regardless of size or ownership. If the owner or developer obtains construction permit coverage for a residential development, then sells individual lots within that development, permit coverage shall continue on those lots under new ownership. The original coverage recipient may retain responsibility for permit compliance, or the new owner (purchaser) or operator shall satisfy authorization requirements by:</p> <ol style="list-style-type: none">(1) Completing and submitting the MDEQ Registration Form (see Large Construction Forms Package) and developing and implementing a sediment and erosion control plan for the specific lot(s), or(2) Completing and submitting for approval from the MDEQ, a LCNOI and required documents, or(3) Applying for an individual storm water permit. <p>The owner or developer (seller) is responsible for providing the new owner or operator (purchaser) with a copy of the MDEQ Registration Form and a copy of the Large Construction General Permit. These documents as well as the individual application may be found on our website at www.deq.state.ms.us or by calling 601-961-5171. [WPC-1]</p>
S-6	<p>Residential Subdivision - New Phases and New Owner:</p> <p>If an individual, other than the original developer (coverage recipient), proposes construction of a new phase of an existing subdivision and the proposed phase was not included in the initial submittal of the LCNOI, the new owner or operator must apply for separate permit coverage. [WPC-1]</p>
S-7	<p>Residential Subdivision - Expansions:</p> <p>For subsequent phases, expansions and major modifications of subdivision development that are proposed but were not included in the original SWPPP, the coverage recipient shall submit to the MDEQ the Major Modification Form (see Large Construction Forms Package). [WPC-1]</p>

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

Narrative Requirements:

Condition No.	Condition
T-1	<p data-bbox="518 683 550 1854">Applicability of Requirements For Individual Lots and Parcels in a Larger Common Plan of Development or Sale:</p> <ol data-bbox="566 130 777 1854" style="list-style-type: none"><li data-bbox="566 130 630 1854">(1) The original coverage recipient remains responsible for compliance with this general permit until a new owner or operator satisfies the requirements of S-4 on page 5 or S-5 on page 6.<li data-bbox="646 130 678 1854">(2) Lots and parcels sold on or after the issuance date of this permit shall follow the requirements of S-4, page 5 and S-5, page 6.<li data-bbox="694 130 777 1854">(3) Lots and parcels sold prior to the issuance date of this permit shall follow the requirements of S-4, page 5 and S-5, page 6 or the developer may continue to require the lot owners to take measures to prevent or mitigate sediment from leaving the lots through covenants and/or lot purchase contracts. [WPC-1]

ACT5 (LCGP) Large Construction Notice of Intent:

Submittal/Action Requirements:

Condition No.	Condition
S-1	<p>Deadlines For Notification:</p> <p>Persons desiring coverage for a storm water discharge associated with construction activity under this general permit shall submit a LCN01 form at least 30 days prior to the commencement of construction, or 15 days if the SWPPP has previously been approved. A coverage form must be completed within 30 days of the date of the letter of instruction. [WPC-1]</p>
S-2	<p>Required Submittals With The LCN01:</p> <p>Submittals required with a completed LCN01 include a SWPPP (see Definitions) associated with the construction activities, a United States Geological Survey (USGS) quad map, or photocopy, extending at least 1/2 mile beyond the facility property boundaries with the site location outlined or highlighted. [WPC-1]</p>
S-3	<p>Additional Submittals May Include The Following:</p> <ul style="list-style-type: none">(1) appropriate Section 404 documentation from U.S. Army Corps of Engineers(2) appropriate documentation concerning future disposal of sanitary sewage and sewage collection system construction(3) appropriate documentation from the MDEQ Office of Land & Water concerning dam construction and low flow requirements. [WPC-1]
S-4	<p>Additional Notification:</p> <p>The covered owner or operator must notify the Permit Board at least 30 days before any planned changes of ownership or whenever there are any changes in information previously submitted in the LCN01 form. [WPC-1]</p>

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

Narrative Requirements:

Condition No.	Condition
T-1	<p>Construction Sites Not Currently Covered By Storm Water Construction General Permit:</p> <p>LCNOI forms may be obtained from the MDEQ at the address shown below or by calling 601-961-5171. LCNOI forms, as well as the general permit and guidance manual, may be found on the MDEQ web site at www.deq.state.ms.us. Coverage under this permit will not be granted until all other required MDEQ permits, certifications and approvals are satisfactorily addressed. [WPC-1]</p>
T-2	<p>Where To Submit The LCNOI:</p> <p>Complete and appropriately signed LCNOI Forms must be submitted to:</p> <p>Chief, Environmental Permits Division Mississippi Department of Environmental Quality Office of Pollution Control P.O. Box 10385 Jackson, Mississippi 39289-0385. [WPC-1]</p>
T-3	<p>Failure To Notify:</p> <p>Persons who discharge storm water associated with Large Construction activity to waters of the State without an NPDES permit are in violation of the Mississippi Air and Water Pollution Control Law 49-17-29(2)(b). [WPC-1]</p>

ACT6 (LCGP) Storm Water Pollution Prevention Plan (SWPPP) General Information:

Narrative Requirements:

Condition No.	Condition
T-1	<p>SWPPP Development:</p> <p>A SWPPP shall be developed and implemented by each owner or operator subject to this permit. A SWPPP shall be prepared in accordance with sound engineering practices and shall identify potential sources of pollution, which may reasonably be expected to affect the quality of storm water discharges associated with construction activity. 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. [WPC-1]</p>
T-2	<p>Erosion and Sediment Controls. The owner or operator shall list and describe controls appropriate for the construction activities as well as the procedures for implementing such controls.</p> <p>The controls should to the extent practicable:</p> <ol style="list-style-type: none">(1) divert up-slope water around disturbed areas of the site;(2) limit the exposure of disturbed areas to the shortest amount of time as possible;(3) minimize the amount of surface area that must be disturbed;(4) implement best management practices to mitigate adverse impacts from storm water runoff;(5) remove sediment that would contribute to or cause adverse impacts to state waters from storm water before it leaves the site. [WPC-1]

Narrative Requirements:

Condition No.	Condition
T-3	<p>As a minimum, the controls must be in accordance with the standards set forth in the most current edition of the " Planning and Design Manual for the Control of Erosion, Sediment & Stormwater" or other recognized manual of design. The SWPPP shall address the following minimum components.</p> <ol style="list-style-type: none">(1) Vegetative practices shall be designed to preserve existing vegetation where possible and re-vegetate disturbed areas as soon as practicable after grading or construction. Such practices may include, but are not limited to, surface roughening, temporary seeding, mulching, sod stabilization, vegetative buffer strips, and protection of trees. When a disturbed area will be left undisturbed for 30 days or more, the appropriate temporary or permanent vegetative practices shall be implemented within 7 calendar days.(2) 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, straw bale dikes, 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. [WPC-1](3) For drainage locations (a drainage point at boundary of land disturbing activity) that serves an area with 10 or more disturbed acres at one time, a temporary (or permanent) sediment basin providing at least 3600 cubic feet (133 cubic yards) of storage per acre drained shall be provided until final stabilization of the site. Sediment basins must be installed before major site grading.(4) A description of any post-construction control measures. Post-construction control measures should be installed to control pollutants in storm water after construction 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, exfiltration trenches and natural depressions, constructed wetlands and retention/detention structures. Where needed, velocity dissipation devices shall be placed at detention or retention pond outfalls and along the outfall channel to provide for a non-erosive flow.(5) Proposed responsible parties (original coverage recipient or new owner or operator) for individual lots or out-parcels that are part of a larger common plan of development or sale. If permit responsibility is retained by the original coverage recipient, a narrative description of sediment and erosion controls for subdivision lots is acceptable. Out-parcels in commercial developments must be included in the site map (see T-7, page 12). [WPC-1]
T-5	<p>Non-Storm Water Discharge Management:</p> <p>The SWPPP must identify all allowable sources of non-storm water discharges, except for flows from fire fighting activities, which are combined with storm water discharges associated with construction 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 for the non-storm water component of the discharge. [WPC-1]</p>

Narrative Requirements:

Condition No.	Condition
T-6	<p>Housekeeping Practices:</p> <p>The owner or operator shall describe and list practices appropriate to prevent pollutants from entering storm water from construction sites because of poor housekeeping. The owner or operator shall designate areas for equipment maintenance and repair; concrete chute wash off; provide waste receptacles at convenient locations and provide regular collection of waste; provide protected storage areas for chemicals, paints, solvents, fertilizers, and other potentially toxic materials; and provide adequately maintained sanitary facilities. [WPC-1]</p>
T-7	<p>Prepare Scaled Site Map(s):</p> <p>The owner or operator shall prepare a scaled site map showing original and proposed contours (if practicable), drainage patterns, adjacent receiving water bodies, north arrow, all erosion & sediment controls (vegetative and structural), any post-construction control measures, and location of housekeeping practices. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), a scaled site map is not required, however standard diagrams (e.g., cross sections showing dimensions and labeled components) of erosion and sediment controls to be used must be submitted. [WPC-1]</p>
T-8	<p>Implementation Sequence:</p> <p>The owner or operator shall prepare an orderly listing which coordinates the timing of all major land-disturbing activities together with the necessary erosion and sedimentation control measures planned for the project. [WPC-1]</p>
T-9	<p>Implementation of Controls:</p> <p>The SWPPP shall require the owner or operator, in disturbing an area, to implement controls as needed to prevent erosion and adverse impacts to state waters. [WPC-1]</p>
T-10	<p>Maintenance and Weekly Inspections:</p> <p>The SWPPP shall describe procedures to maintain vegetation, erosion and sediment controls and other protective measures. Procedures shall provide that all erosion controls are inspected weekly for a minimum of four inspections per month (see S-4, page 14). [WPC-1]</p>
T-11	<p>Example Storm Water Pollution Prevention Plans (SWPPPs):</p> <p>Example SWPPPs are included in the MDEQ Registration Form for Individual Residential Lots (see Large Construction Forms Package) as well as in the Mississippi Storm Water Pollution Prevention Plan Guidance Manual for Construction Activities. [WPC-1]</p>

ACT7 (LCGP) Implementation, Inspection, and Reporting Requirements:

Submittal/Action Requirements:

Condition No.	Condition
S-1	<p>Implementation Requirements:</p> <p>The coverage recipient shall:</p> <ol style="list-style-type: none">(1) implement the SWPPP and retain a copy of the SWPPP at the permitted site or locally available. 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 construction.(3) if notified at any time by the Executive Director of the MDEQ that the SWPPP does not meet the minimum requirements, amend the SWPPP and certify in writing to the Executive Director 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 state waters; or the SWPPP proves to be ineffective in controlling storm water pollutants. The amended SWPPP shall be submitted within 30 days of amendment. Coverage recipients shall submit to the MDEQ the Major Modification Form (see Large Construction Forms Package) for subsequent phases, expansions and modifications of subdivision development that are proposed but were not included in the original SWPPP.(5) install needed erosion controls even if they may be located in the way of subsequent activities, such as utility installation, grading or construction. It shall not be an acceptable defense that controls were not installed because subsequent activities would require their replacement or cause their destruction.(6) install additional and/or alternative erosion and sediment controls when existing controls prove to be ineffective in preventing sediment from leaving the site.(7) minimize off-site vehicle tracking of sediments. [WPC-1]

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

Submittal/Action Requirements:

Condition No.	Condition
S-2	<p>Implementation Requirements (continued):</p> <p>(8) comply with applicable State or local waste disposal, sanitary sewer or septic system regulations.</p> <p>(9) maintain all erosion controls. Except for sediment basins, all accumulated sediment shall be removed from structural controls when sediment deposits reach 1/3 to 1/2 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.</p> <p>(10) if, after coverage issuance, a specific wastewater allocation is established that would apply to the facility's discharge, the facility must implement steps necessary to meet that allocation. [WPC-1]</p>
S-3	<p>Compliance With Local Storm Water Ordinances:</p> <p>(1) The SWPPP shall be in compliance with all local storm water ordinances.</p> <p>(2) When storm water discharges into an MS4 (municipal separate storm sewer system), the owner or operator shall make the SWPPP available to the local authority upon request. [WPC-1]</p>
S-4	<p>Inspection Requirements:</p> <p>Inspection of all erosion controls and other SWPPP requirements shall be performed during permit coverage using a copy of the form provided in the Large Construction Forms Package, and inspections shall be performed:</p> <p>(1) at least weekly for a minimum of four inspections per month; and</p> <p>(2) as often as is necessary to ensure that appropriate erosion and sediment controls have been properly constructed and maintained and determine if additional or alternative control measures are required. The MDEQ strongly recommends that coverage recipients perform a "walk through" inspection of the construction site before anticipated storm events. [WPC-1]</p>

ACT8 (LCGP) Limitation Requirements:

Limitation Requirements:

Condition No.	Parameter	Condition
L-1		<p>Limitation Requirements:</p> <p>Storm water discharges shall be free from:</p> <ul style="list-style-type: none">(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. [WPC-1]

ACT9 (LCGP) Record Keeping:

Record-Keeping Requirements:

Condition No.	Condition
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R-1 Retention of Records:

All records, reports, forms and information resulting from activities required by this permit shall be retained for a period of at least 3 years from the date that the document(s) was generated.

The inspections described in S-4, page 14 must be documented on copies of the Monthly Inspection Report and Certification Form provided in the Large Construction Forms Package and be kept with the SWPPP.

Submittals of the MDEQ Registration Form for residential lots is required. It is the responsibility of both the owner or developer (seller) and the new owner or operator (purchaser) to maintain a copy of the MDEQ Registration Form. The new owner or operator must maintain a copy of the MDEQ Registration Form at the site or locally available. [WPC-1]

R-2 Suspension of Weekly Inspections and Monthly Record Keeping:

Coverage recipients under this general permit may suspend weekly inspection and monthly reporting requirements, if the coverage recipient certifies that:

- (1) land disturbing activities have temporarily ceased
- (2) no further land disturbing activities are planned for a period of at least 6 months
- (3) the site is stable with no active erosion
- (4) vegetative cover has been established

Color photographs representative of the site must be submitted with the Inspection Suspension Form provided in the Large Construction Forms Package. The coverage recipient shall notify the MDEQ once construction activities are resumed and the weekly inspections shall commence immediately and as required in S-4 on page 14. The coverage recipient is still responsible for all permit conditions during the suspension period and nothing in this condition shall limit the rights of the MDEQ to take enforcement or other actions against the coverage recipient. [WPC-1]

ACT10 (LCGP) Termination of Permit Coverage:

Submittal/Action Requirements:

Condition No.	Condition
S-1	Within 30 days of final stabilization (see Definition of Final Stabilization (1)) for a covered project, a completed Notice of Termination (NOT) of Coverage form (provided in the Large Construction Forms Package) shall be submitted to the Permit Board. Upon receiving the completed NOT 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 done so in writing. Failing to submit a NOT is a violation of permit conditions. [WPC-1]
S-2	The coverage recipient of a "larger common plan of development or sale" must submit a NOT within 30 days after the following conditions are met: (1) Final stabilization (see Definition of Final Stabilization (2)) has been achieved on all portions of the site for which the coverage recipient is responsible, and (2) Other owner(s) or operator(s) have assumed control (by completing a CNOI or MDEQ Registration Form) over all areas of the site that have not achieved final stabilization. [WPC-1]
S-3	The coverage recipient of a residential "larger common plan of development or sale" must submit a copy of the MDEQ Registration Form for each lot sold with the NOT. [WPC-1]
S-4	Residential lot owners or operators that have completed the MDEQ Registration forms are not required to submit a NOT, unless specifically requested by the MDEQ staff. The lot permit coverage is considered terminated upon "successful completion of all permanent erosion and sediment controls" (see Definitions). [WPC-1]

ACT11 (LCCGP) Standard Requirements Applicable To All Water Permits:

Narrative Requirements:

Condition No.	Condition
T-1	Duty to Comply: The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action, for coverage termination, revocation and reissuance, or modifications; or denial of a renewal application. [WPC-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. [WPC-1]
T-3	Duty to Provide Information: The owner or operator shall furnish to the Permit Board, within a reasonable time, any information that the Permit Board may request to determine compliance with this permit. [WPC-1]

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

Page 19 of 26

Narrative Requirements:

Condition No.	Condition
T-4	<p>Signatory Requirements:</p> <p>All LCNOIs, SWPPPs, reports, certifications or information shall be signed as follows or by the duly authorized representative (see T-5 below).</p> <p>(1) For a corporation by a responsible corporate officer. For this permit, a responsible corporate officer means:</p> <p>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</p> <p>b) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;</p> <p>(2) For a partnership or sole proprietorship by a general partner or the proprietor, respectively; or</p> <p>(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. [WPC-1]</p>
T-5	<p>Duly Authorized Representative:</p> <p>All reports required by this permit, and other information requested by the Permit Board shall be signed by a person described in T-4 above, or by a duly authorized representative of that person. A person is a duly authorized representative when:</p> <p>(1) The authorization is made in writing and submitted to the Permit Board by a person described in T-4 above.</p> <p>(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). [WPC-1]</p>

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

Narrative Requirements:

Condition No.	Condition
T-6	<p>Changes to Authorization:</p> <p>If an authorization is no longer accurate because a different individual or position has permit responsibility, a new authorization satisfying the requirements of T-4 and T-5 on page 19, must be submitted to the Permit Board prior to or together with any reports, information or applications signed by the representative. [WPC-1]</p>
T-7	<p>Certification:</p> <p>Any person signing documents under this section shall make the following certification:</p> <p>"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." [WPC-1]</p>
T-8	<p>Oil and Hazardous Substance Liability:</p> <p>Nothing in this permit shall relieve the owner or operator from responsibilities, liabilities, or penalties under Section 311 of the CWA. [WPC-1]</p>
T-9	<p>Property Rights:</p> <p>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. [WPC-1]</p>
T-10	<p>Severability:</p> <p>The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby. [WPC-1]</p>
T-11	<p>Transfers:</p> <p>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 permittee to obtain another NPDES permit as stated in S-2, page 5. Transfer of coverage requests shall be submitted to the Permit Board using the form provided in the Large Construction Forms Package. [WPC-1]</p>

Narrative Requirements:

Condition No.	Condition
T-12	<p>Proper Operation and Maintenance:</p> <p>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. [WPC-1]</p>
T-13	<p>Bypass Prohibition:</p> <p>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 judgement, 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 T-17 and/or T-18, page 22. [WPC-1]</p>
T-14	<p>Upset Conditions:</p> <p>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 permittee shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that: 1) An upset occurred and the permittee can identify the specific cause(s) of the upset, 2) The permitted facility was at the time being properly operated, 3) The permittee submitted notices per T-17 and/or T-18, page 22, and 4) The permittee took remedial measures as required under T-2, page 18. In any enforcement proceeding, the permittee 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 final administrative action subject to judicial review. [WPC-1]</p>

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

Narrative Requirements:

Condition No.	Condition
T-15	<p>Inspection and Entry:</p> <p>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;</p> <ul style="list-style-type: none">- enter upon the owner or operator's premises where a regulated activity is located or conducted or where records must be kept under the conditions of this permit;- have access to and copy at reasonable times any records that must be kept under the conditions of this permit; and- inspect at reasonable times any facilities or equipment. [WPC-1]
T-16	<p>Permit Actions:</p> <p>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. [WPC-1]</p>
T-17	<p>Anticipated Noncompliance:</p> <p>The owner or operator shall give at least 10 days advance notice, if possible, before any planned noncompliance with permit requirements. [WPC-1]</p>
T-18	<p>Unanticipated Noncompliance:</p> <p>The owner or operator shall notify the MDEQ orally within 24 hours from the time he or she becomes aware of unanticipated noncompliance. A written report shall be provided to the MDEQ within 5 working days of the time he or she becomes aware of the circumstances. The report shall describe the cause, the exact dates and times, steps taken or planned to reduce, eliminate, or prevent recocurrence and, if the noncompliance has not ceased, the anticipated time for correction. [WPC-1]</p>
T-19	<p>Reopener Clause:</p> <p>If there is evidence indicating potential or realized impacts on water quality due to storm water discharge covered by this permit, the owner or operator may be required to obtain individual permit or an alternative general permit in accordance with S-2, page 5 or the permit may be modified to include different limitations and/or requirements. [WPC-1]</p>

Narrative Requirements:

Condition No.	Condition
T-20	<p>Permit Modification:</p> <p>Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5. [WPC-1]</p>
T-21	<p>Falsifying Reports:</p> <p>Any permittee who falsifies 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 Section 49-17-43 of the Mississippi Water Pollution Control Law (Mississippi Code Ann. Sections 49-17-1 et seq.). [WPC-1]</p>
T-22	<p>Civil and Criminal Liability:</p> <p>(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.</p> <p>(2) Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.</p> <p>(3) It shall not be the defense of the permittee 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. [WPC-1]</p>

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

ACT12 (LCGP) Definitions:

Narrative Requirements:

Condition No.	Condition
T-1	<p>Definitions:</p> <p>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 plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. [WPC-1]</p>
T-2	<p>Construction Activity as used in this permit, includes construction activity as defined in 40 CFR part 122.26(b)(14)(x). This includes a disturbance to the land that results in the change in topography, existing soil cover (both vegetative and non-vegetative), or the existing topography that may result in accelerated storm water runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling and excavating. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site. [WPC-1]</p>
T-3	<p>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. [WPC-1]</p>
T-4	<p>Commencement of Construction Activities means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities. [WPC-1]</p>
T-5	<p>Commission means the Mississippi Commission on Environmental Quality. [WPC-1]</p>
T-6	<p>Clean Water Act (CWA) refers to the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq. [WPC-1]</p>
T-7	<p>Executive Director means the Executive Director of the Department of Environmental Quality. [WPC-1]</p>
T-8	<p>Facility or Activity means any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [WPC-1]</p>

Large Construction General Permit (Revised Format)
Facility Requirements

Activity ID No.: GNP20050001

Narrative Requirements:

Condition No.	Condition
T-9	<p>Definitions (continued):</p> <p>Final stabilization means that either:</p> <p>(1) 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; or</p> <p>(2) For individual lots part of a larger common plan of development or sale in residential or commercial developments, that either: a) the coverage recipient has completed final stabilization as specified in (1) above, or b) the coverage recipient has established temporary stabilization before another property owner assumes operational control for the property AND the coverage recipient for the larger common plan of development has provided the appropriate Notice of Intent or Registration form, the appropriate Construction General Permit, and guidance documents to the new property owner and the new owner assumes control by completing the appropriate NOI or Registration Form. [WPC-1]</p>
T-10	<p>Large Construction Activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than 5 acres of land or will disturb less than 5 acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 5 acres. [WPC-1]</p>
T-11	<p>Larger Common Plan of Development or Sale means a contiguous area where multiple separate and distinct construction activities are occurring under one plan. The plan in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot. [WPC-1]</p>
T-12	<p>Owner or Operator for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:</p> <p>(1) The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or</p> <p>(2) The party has day to day operational control of those activities at a project which are necessary to ensure compliance with a storm water pollution prevention plan for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of MDEQ's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of storm water associated with construction activity. [WPC-1]</p>

Large Construction General Permit (Revised Format)
 Facility Requirements

Activity ID No.: GNP20050001

Narrative Requirements:

Condition No.	Condition
T-13	<p>Definitions (continued):</p> <p>NPDES the National Pollutant Discharge Elimination System which is a division of the Clean Water Act which prohibits discharge of pollutants into waters of the United States unless a special permit is issued. [WPC-1]</p>
T-14	<p>Permit Board means the Mississippi Environmental Quality Permit Board established pursuant to Miss. Code Ann. 49-17-28. [WPC-1]</p>
T-15	<p>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. [WPC-1]</p>
T-16	<p>State Waters 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.1251 et seq.). [WPC-1]</p>
T-17	<p>Storm Water means rainfall runoff, snowmelt runoff, and surface runoff. [WPC-1]</p>
T-18	<p>Storm Water Pollution Prevention Plan (SWPPP) means a plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the storm water, and a description of measures or practices to control these pollutants. [WPC-1]</p>
T-19	<p>Successful completion of all permanent erosion and sediment controls means when land disturbing construction activities have been completed and disturbed areas have been stabilized with no significant erosion occurring. [WPC-1]</p>
T-20	<p>Turbidity is the presence of suspended material such as clay, silt, finely divided organic material, plankton, and other inorganic material in water. [WPC-1]</p>
T-21	<p>WPC-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 Certification. [WPC-1]</p>

GENERAL INFORMATION

Large Construction General Permit (Revised Format)

Alternate/Historic Identifiers

Emissions Inventory ID: 245517