

APPLICATION FOR SPECIAL EXCEPTION

Surface Mining *4 acre or less (Exempt)*

Applicant <i>Bobby Elmore / Trax, LLC 167 Orchard Lane Madison, MS 39110</i>	Street Address of Property (if different address): <i>Highway 22 and Richton Road</i>
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APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
<i>April. 1, 2021</i>		<i>See (Exhibit A)</i>			<i>See (Exhibit B)</i>

Other Comments: As per Section 805 of the Madison County Zoning Ordinance.

Respectfully Submitted

Harry M. Wilson III, BCEE, PE, FCEE ENGINEERING, LLC
For Trax, LLC / Bobby Elmore

Petition submitted to Madison County Planning and Development Commission on _____

Recommendation of Madison County Planning and Development Commission on Petition _____

Public Hearing date as established by the Madison County Board of Supervisors _____

Final disposition of Petition _____

APPLICATION FOR SPECIAL EXCEPTION

Surface Mining *366 Acres*

Applicant <i>Bobby Elmore / Trax, LLC</i> <i>167 Orchard Lane</i> <i>Madison, MS 39110</i>	Street Address of Property (if different address): <i>Highway 22 and Richton Road</i>
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Land Use and Permission Agreement

Turkey Lake, LLC, owner of the land described in Exhibit 1 (attached as page 2) is hereby granting permission to Robert T. Elmore/Trax, LLC to seek a conditional use of the described property for the purposes of surface mining operations.

Land Owner (Grantor of permission)
Turkey Lake, LLC
P.O. Box 5989
Brandon, MS 39047

Operator (Applicant for Conditional Use)
Roberts T. Elmore/Trax, LLC
167 Orchard Lane
Madison, MS 39110

By: 
Heath Jenkins
Authorized Signature

By: 
Robert T. Elmore
Authorized Signature

COUNTY OF Rankin
STATE OF MISSISSIPPI

SWORN TO AND SUBSCRIBED before me, this the 30th day of March 2021.




NOTARY PUBLIC

(NOTARY PUBLIC)

My Commission expires: April 18, 2022

EXHIBIT 1

366.9 acres, more or less; Indexed as:

NW $\frac{1}{4}$ of Section 1, Township 8 North, Range 1 East; NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of Section 35 and the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 36, being in Township 9 North, Range 1 East, Madison County, Mississippi.

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF GEOLOGY
Mining and Reclamation Division
P. O. Box 2279
Jackson, Mississippi 39225-2279
(601) 961-5527

NOTICE OF EXEMPT OPERATION

This form shall be filed with the Office of Geology, Mining and Reclamation Division **only** for operations affecting **4** acres or less **and greater than 1320** feet from another mine. **NOTE:** Local, county, federal or other state agencies may also require permits before mining can be done on your site. This is *your* responsibility.

Name of applicant/operator: Bobby Elmore/Trax, LLC
Mailing address: 167 Orchard Lane
Madison, Mississippi 39110
Telephone number: (662) 315-1555

Do you have any **other** exempt mining operations on file? yes no
Do you plan to file for a **permit** and expand this site later? yes no

LOCATION

 1/4 of NW 1/4 of Section 1, Township 8N Range 1E County MADISON

Include a map or aerial photo marked with site location with this form.

Name of land owner: Turkey Ridge, LLC
Mailing address: 167 Orchard Lane
Madison, Mississippi 39110
Telephone number: (662) 315-1555

Date operation to begin April 15, 2021 Date operation to end (estimated) Jan. 1, 2022
Material to be mined Dirt Number of acres to be mined <4.0 (A)*
Total acres to be affected by operation (mine, roads, storage, etc.) <4.0 (B)*
Is operation **closer** than 1,320 feet (1/4 mile) to another mine? no yes (C*)
Is there a **Dam** present and/or one to be constructed onsite? no yes

***If items A or B exceed 4 acres or you answered YES to C above, you need to apply for a MINING PERMIT.**

Applicant/operator: Bobby Elmore By _____
Signature

Date: _____ Position Member/Manager

For Office of Geology use only

Date: _____ By _____

Mining and Reclamation Division



MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

**MINING NOTICE OF INTENT (MNOI)
FOR COVERAGE UNDER
MINING STORM WATER, DEWATERING AND NO DISCHARGE
GENERAL PERMIT MSR32 _____**

(Number to be assigned by State)

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

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

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

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

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

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

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

OPERATOR INFORMATION

OPERATOR CONTACT PERSON: Bobby Elmore

OPERATOR COMPANY NAME: Trax, LLC

OPERATOR STREET OR P. O. BOX: 167 Orchard Lane

OPERATOR CITY: Madison STATE: Mississippi ZIP: 39110

OPERATOR PHONE NUMBER (662) 315-1555 EMAIL ADDRESS: rteprop@gmail.com

LANDOWNER INFORMATION

LANDOWNER CONTACT PERSON: Bobby Elmore

LANDOWNER COMPANY: Turkey Ridge, LLC

LANDOWNER STREET OR P. O. BOX: 167 Orchard Lane

LANDOWNER CITY: Madison STATE: Mississippi ZIP: 39110

LANDOWNER PHONE NUMBER : (662) 315-1555 EMAIL ADDRESS: rteprop@gmail.com

MINE INFORMATION

NAME OF MINE: Richton 22

STREET ADDRESS OR NEAREST NAMED ROAD: Higway 22 & Richton Road

NEAREST CITY: Canton, Mississippi COUNTY: Madison

--- /4 OF NW 1 /4 OF SECTION 1, TOWNSHIP 8N, RANGE 1E

ATTACH A USGS QUAD MAP, EXTENDING ½ MILE BEYOND FACILITY, OUTLINING THE MINE BOUNDARIES (Maps can be obtained from the Mississippi Office of Geology. For information call 601-961-5523).

LATITUDE: ___ degrees ___ minutes ___ seconds LONGITUDE: ___ degrees ___ minutes ___ seconds

METHOD USED TO DETERMINE LAT & LONG (GPS (Please GPS Entrance Gate) or Map Interpolation): Map Interpolation

TOTAL ACREAGE: 4.0 MATERIAL TO BE MINED: Dirt

WILL HYDRAULIC DREDGING BE USED? YES NO WASHING OF SAND/GRAVEL? YES NO

RECEIVING STREAM: Ask Jeremy

IS RECEIVING STREAM ON MISSISSIPPI'S 303(d) LIST OF IMPAIRED WATER BODIES? YES NO
(The 303(d) list of impaired waters and TMDL stream segments may be found on MDEQ's web site:
http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section)

HAS A TMDL BEEN ESTABLISHED FOR THE RECEIVING STREAM SEGMENT? YES NO

ESTIMATED START DATE: April 15, 2021 HUC CODE (FOR MDEQ USE ONLY): _____

COMPLETE IF STORM WATER DISCHARGE IS PROPOSED

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: 1 4 4 2

ATTACH A STORM WATER POLLUTION PREVENTION PLAN (SEE PERMIT FOR REQUIREMENTS)

IDENTIFY THE ASSOCIATION OR GENERIC SWPPP ON FILE AT MDEQ: NA

COMPLETE IF WASTEWATER RECIRCULATION SYSTEM WITH NO DISCHARGE IS PROPOSED

DISTANCE BETWEEN RECIRCULATION POND(S) AND PROPERTY LINE: _____ (FT)
(MUST BE AT LEAST 150 FEET)

NUMBER OF RECIRCULATION POND(S): _____

STORAGE CAPACITY OF EACH RECIRCULATION POND(S): _____ (FT³)

COMPLETE IF MINE DEWATERING IS PROPOSED

ESTIMATED DEWATERING VOLUME: _____ (GAL/DAY)

NAME AND ADDRESS OF THE RECIPIENT OF THE DISCHARGE MONITORING REPORTS (DMRs), IF DIFFERENT FROM SIGNATORY:

DOCUMENTATION OF COMPLIANCE WITH OTHER REGULATIONS/REQUIREMENTS

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

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

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

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

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

LIST OTHER GEOLOGY PERMIT NUMBERS THAT APPLY TO COVERAGE AREA _____

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

YES A "Notice of Exempt Operations" Form must be included with the MNOI or proof of prior submission, if previously submitted to the Office of Geology.

NO A "Notice of Intent to Mine Class I or Class II Materials" Form must be filed before coverage will be granted under the Mining General Permit. For information on Office of Geology requirements, call 601-961-5527.

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

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

The impoundment will be constructed with a peripheral dam or levee 8 feet or greater in height, measured from the lowest elevation of its toe.

The impoundment will have a maximum storage volume greater than 25 acre-feet.

The impoundment will impound a watercourse with a continuous flow.

The impoundment has the potential to threaten downstream lives or man-made structures.

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

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

Authorized Signature¹

Date

Bobby Elmore

Printed Name

Member/Manager

Title

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

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

Please submit this form to:

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

Bobby Elmore Surface
Mine Operations

Form MRD-3
Surface Mining Permit Application

Permit No. _____

STATE OF MISSISSIPPI

Application No. _____

SURFACE MINING PERMIT APPLICATION

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF GEOLOGY / MINING & RECLAMATION DIVISION

P. O. Box 2279

Jackson, Mississippi 39225-2279

(601) 961-5515

Fax (601) 961-5521

For Office use only

Other permits required: Y/N	Date
NPDES _____	_____
State Operating Permit _____	_____
Corps of Engineers _____	_____
_____	_____
_____	_____

City/County approval	Required	Yes	No
Received Date:	_____		
County	_____		
City	_____		

A. GENERAL INFORMATION

1. Name of Applicant: Bobby Elmore
 Mailing Address: P.O. , Madison, MS 39110
 E-mail Address: _____
 Phone No. (662) 315-1555 Fax No. _____
 Authorized Representative Bobby Elmore

2. Engineering Firm, Consultant, etc.: FC&E Engineering, LLC
 Mailing Address: 917 Marquette Road, Brandon, MS 39042
 E-mail Address: hwilson@fce-engineering.com
 Phone No. 601-824-1860 Fax No. _____

3. Name of Mine: _____ Mine Supervisor: Bobby Elmore
 Phone No. (662) 315-1555 Fax No. _____

4. Location of Operation (to nearest quarter-quarter section):
 Land lying N of Highway 22 in NW corner of NW 1/4 of 1 8N 1E Madison
 Section Township Range County

5. Physical address of mine or nearest named road Highway 22 and Richton Road in Madison County

6. Method of Operation Open Pit Strip Dredge Wash Operation, if so Water Source _____
 Wash System Type Closed system Open system

7. Number of Acres to be Permitted:
 Excavation < 366
 Haul roads, plant site, ponds, storage piles, etc. 1
TOTAL PERMITTED AREA 366

8. Is the Permit Area located: Yes No
 a. within 100 feet of a public road? X
 b. within 100 feet of a cemetery? X
 c. within 300 feet of an occupied building? X

If YES to a, b, or c, a letter must be filed with the Office giving permission from the owner or maintaining authority to mine within these distances to the subject property.

9. Materials to be Mined: Fill Dirt

10. Has the applicant applied for, or have, any other permits or licenses that pertain to this or any other mining operation? Yes No

If "YES," list them in the space provided on page 5, or attach separate pages, and give the current status of each, including any violations or penalties.

B. MINING PROCEDURE AND ENVIRONMENTAL ANALYSIS

- | | |
|--|--|
| 1. Description of materials: | 2. Anticipated Schedule (month/year) |
| Thickness of overburden <u>0 - 1</u> ft.
(Topsoil MUST be stockpiled for use during reclamation) | Begin clearing <u>5</u> / <u>2021</u> |
| Thickness of useable material <u>8 - 14</u> ft. | Begin mining <u>5</u> / <u>2021</u> |
| Total depth of excavation <u>8 - 14</u> ft. | Complete mining <u>12</u> / <u>2033</u> |
| Estimated annual production _____ tons | Begin reclamation <u>9</u> / <u>21</u> |
| | Complete reclamation <u>12</u> / <u>2033</u> |

3. Depth to ground water: _____ ft.
4. How will dust be controlled?
- Water on haul roads
- _____

5. Types of erosion control structures that will be utilized.
- Settling ponds Drainage ditches
- Diversion berms Terraced slopes
- Silt fencing per SWPPP _____

6. Describe the land to be affected by mining as it presently exists:
- a. Land use Undeveloped / Timber Management b. Predominant vegetation Herbaceous & Wooded

7. Will explosives be used? ____ Yes No
8. Is test-boring data available? Yes ____ No
9. Are toxic materials likely to be encountered at any time? ____ Yes No
10. Will there be any discharge to local streams or other bodies of water? ____ Yes No

If any of questions 7-10 are answered "YES," provide additional information on page 5, or attach separate pages.

C. RECLAMATION PLAN NOTE: It is suggested that the county NRCS office be consulted for specific recommendations on the following items.

1. Describe the soil handling technique for the reclamation phase of the operation:
- Topsoil segregated Mixed strata _____
2. Describe the protection method for the stockpiled topsoil.
- berm around the storage pile
- grass cover on the pile (recommended)
- stored under a cover
- silt fence _____
3. How will highwalls, standing faces, and banks be reduced to minimize erosion? (All highwalls must be sloped, minimum 3 horizontal to 1 vertical.)
- slopes will be terraced
- sloped to a gradient of _____ to 1
- blended with surrounding contours
- no highwalls _____

4. What is the general plan for reclamation?

- reforestation
- establish grass cover
- pond or lake
- _____

5. What planting method will be used?

- broadcast seed mechanical seeding
- seeding by manual labor
- _____

6. How will fertilizer and lime be applied and incorporated?

- harrowing broadcasting disking

7. Quantity of lime and fertilizer to be applied?

a. For initial planting

lime: 1 tons per acre
 fertilizer: 13 - 13 - 13 (type) 600 pounds per acre

b. For successive years prior to 100% release

fertilizer: 13 - 13 - 13 (type) 300 pounds per acre
 when: May (month)

8. Describe the planting schedule:

Tree or Seed Species	Tree spacing or lbs./acre	Planting Season
<u>Pines and Sawtooth Oak</u>	<u>10 - 15 ft.</u>	<u>January - April</u>
<u>Temporary Grassing (Rye, etc.)</u>	<u>40 lbs.</u>	<u>September 1 - November 30</u>
_____	_____	_____
_____	_____	_____

9. Will the area be mulched? Yes No If yes, rate per acre _____

Method of holding in place: crimped _____

10. How will the vegetation be maintained until the final bond release?

- watering
- mowing
- times per year _____
- approximate month(s) _____, _____, _____
- repairing gullies
- replanting eroded areas
- _____

11. How will debris be disposed of when the mine is finally closed?

- burying burning hauling away

12. Will a soil analysis be submitted for this site? Yes No
NOTE: available from the Cooperative Extension Service through the applicant's County Agent

13. Estimated cost per acre for reclamation of this site: \$1,000 (minimum of \$1,000 per acre)

D. NAMES AND ADDRESSES OF PERSONS AFFECTED BY THIS OPERATION

1. Landowner(s) of area to be mined/leased

Name: _____
Address: _____

Phone: _____

Name: _____
Address: _____

Phone: _____

2. Landowner(s) within 500 feet of the area

Name: _____
Address: _____

Phone: _____

Name: _____
Address: _____

Phone: _____

Name: _____
Address: _____

Phone: _____

Name: _____
Address: _____

Phone: _____

3. Person(s) living on permit area

Name: _____
Address: _____

Phone: _____

Name: _____
Address: _____

Phone: _____

I declare that I have knowledge of the facts presented in the preceding pages and in all of the items attached to this application; furthermore, I certify that they are true to the best of my knowledge.

_____ date

_____ signature

_____ printed name

_____ title

Description:

Commencing at the Northeast corner of Section 2, Township 8 North, Range 1 East, Madison County, Mississippi, said point being occupied by a found 2 inch x 2 inch angle iron, as described in deed book 2495, page 402, proceed North 00 degrees 00 minutes East 2061.29 feet to a point; thence North 90 degrees 00 minutes East 1829.53 feet to a set ½ inch diameter iron rebar with yellow plastic cap stamped "TAF PS 3100" and the POINT OF BEGINNING of the parcel herein described:

From the described POINT OF BEGINNING, proceed North 90 degrees 00 minutes East 548.36 feet to a set ½ inch diameter iron rebar with yellow plastic cap stamped "TAF PS 3100"; thence South 00 degrees 15 minutes East 374.20 feet to a set ½ inch diameter iron rebar with yellow plastic cap stamped "TAF PS 3100"; thence North 78 degrees 23 minutes West 560.35 feet to a set ½ inch diameter iron rebar with yellow plastic cap stamped "TAF PS 3100"; thence North 00 degrees 15 minutes West 261.29 feet to the POINT OF BEGINNING.

Said parcel contains 4.00 acres and is located in the Northeast quarter of the Southwest quarter, Section 36, Township 9 North, Range 1 East, Madison County, Mississippi. Bearings established by GPS and referenced to Grid North, Mississippi State Plane Coordinate System, West Zone.

Above description based on survey plat by Thomas Aaron Fitzhugh, PS 3100, Dated 03-30-21.