

Warren Excavation
108 Lexington Drive
Madison, Mississippi 39110

December 17, 2014

Scott Weeks, Zoning Administrator
Madison County, Mississippi
P. O. Box 608
Canton, Mississippi 39046

Re: Renewal of Special Exception
Surface Mining Operation

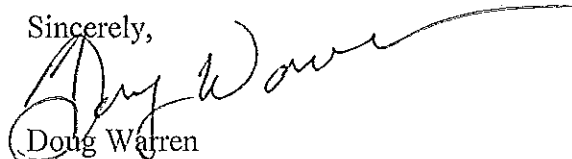
Dear Mr. Weeks:

Please consider this letter as a request to renew and /or extend the special exception that was approved by the Zoning Commission and the Madison County Board of Supervisors on April 15, 2013. Since the approval by the Board, the she surface mining operations have been conducted pursuant to and in accordance with those provisions issued by the Board during the approval process.

I have attached a copy of the Permit to Conduct Operations that was issued by the Mississippi Department of Environmental Quality on September 11, 2013, as well as the modified permit issued on November 26, 2013. The attachment also includes those documents submitted to the Zoning Commission as well as the Board during the approval process.

Please contact Jim Giddy at (601) 259-6330 or (601) 359-4263, with any questions and or concerns, as well as the date on which this renewal will be placed on the Board's agenda.

Sincerely,



Doug Warren
Warren Excavation, LLC

enclosures: 2

State of Mississippi
Surface Mining and Reclamation
PERMIT

TO CONDUCT SURFACE MINING OPERATIONS
IN ACCORDANCE WITH THE
MISSISSIPPI SURFACE MINING AND RECLAMATION LAW
MISS. CODE ANN. § 53-7-1 ET SEQ.

THIS CERTIFIES THAT

Warren Excavation LLC

has been granted permission to
conduct surface mining operations in accordance with the requirements and conditions
set forth herein in the operation of the

JNL Land and Pine Number 1 Mine
Madison County, Mississippi.

This permit is issued in accordance with the provisions of the Mississippi Surface Mining and
Reclamation Law, Miss. Code Ann. § 53-7-1 et seq., and the regulations and standards adopted
and promulgated thereunder.

MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD



AUTHORIZED SIGNATURE

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Issued: November 26, 2013
Expires: Five years from date of issuance

Permit No. P13-017A
Application No. A1856A
AI No. 57363

State of Mississippi
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MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD



AUTHORIZED SIGNATURE

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

Issued: September 11, 2013
Expires: Five years from date of issuance

Permit No. P13-017
Application No. A1856
AI No. 57363

APPLICATION FOR SPECIAL EXCEPTION
Surface Mining Operation

Applicant WARREN EXCAVATION, LLC 108 Lexington Drive Madison, MS	Street Address of Property (if different address): 3364 Hwy 22 (APPROX) Madison MS 39110
---	---

APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
	AI	See (Exhibit A)	081B-04-005/01		See (Exhibit B)

Other Comments: As per Section 2604 of the Madison County Zoning Ordinance.

Respectfully Submitted

Doug Warren
 Doug Warren

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 _____

**Surface Mining Permit
Conditional Use Renewal**

**Warren Excavation
108 Lexington Drive
Madison, MS 39110**

1. Proof of Ownership: JNL Land & Pine(attachment A)
2. Legal Description: Approximately 20 acres in the NW 1/4 of Section 4, Township 8N, Range 1E of Madison County, Mississippi (attachment B)
3. Lease Agreement: Warren Excavation, LLC(attachment C)
4. Hours/Life of Operation: Hours: 6:00 AM to 7:00PM, Monday thru Saturday
Life: Approx 36 months from approval)
5. Road Damage: No impact upon county roads, all ingress and egress will be from and to MS Hwy 22 from the site(attachment D)
6. Traffic Plan: Appropriate styled and sized signs east and west of access road.
Flag-man on site during hours of
Restrict operations as requested by and/or agreed with
Madison County Schools on Hwy 463
7. MDEQ Permit Surface Mining Permit P13-017 A on file at MDEQ (attachment E)
8. Reclamation Plan: Site to be re-claimed pursuant to the plan approved by MDEQ; graded to a slope of no less than 3 to 1, covered with appropriate soil and seeded to return it to use as pasture similar to its present state.
9. Erosion Control: Erosion will be controlled pursuant to the plan approved by MDEQ; run off will be controlled through the use of screens and barriers.
10. Road Bond: None, no impact upon county roads. (See #5 above)

11. Site Plan:

See #s 8 and 9 above, Article 26, Sec. 2609 Zoning Ordinance (exhibit 1)

Section 2609.01

1. Lot Lines: Section Map(attachment F)
2. Zoning: A1(attachment G)
3. Adjacent Land Owners
 - A. Nancy McReynolds
420 Warwick Rd.
Clinton, MS 39056
 - B. Richard & Courtney Williams
102 Primrose Landing
Clinton, MS 39056
 - C. Mark S. Jordan
607 Highland Colony Pkwy
Ridgleand, MS 39157
 - D. Virginia Giddy
235 2nd St.
Flora, MS 39071
4. ROWs: N/A, none
5. Access Ways: N/A, none
6. Easements: NONE
7. Water/Sewer: N/A, NONE
8. Drainage Plan: see #9, main page
9. Contours: (attachment H)
10. Flood zone: N/A
11. Landscape: N/A
12. Buildings: N/A, NONE
13. Land Use: top soil mine, reclaimed to pasture land
14. Open space: N/A, NONE
15. Area: 20 Acres
16. Lot Coverage: N/A, None
17. Dwelling Units: N/A, NONE
18. Sign Structures: N/A, none
19. Development Plan: N/A, NONE

2609.02

1. Elevations: N/A, NONE
2. Schemes: N/A, NONE
3. Building Size: N/A, NONE
4. Height: N/A, NONE

2609.03

1. Exhibits: (see main page)

2609.04

1. Staging: N/A, NONE

BOOK 1898 PAGE 0929

Indexing Instruction:

SW1/4 of SE1/4, Section 33, Township 9 North, Range 1 East; NW1/4; W1/2 of NE1/4; N1/2 of SW1/4; NW1/4 of SE1/4; all of SW1/4 of SE1/4, and all of SE1/4 of SW1/4, Section 4 Township 8 North, Range 1 East; all of SW 1/4 of SW1/4, Section 4 Township 8 North, Range 1 East; all of Section 9 Township 8 North, Range 1 East lying West of Livingston Road, all located in Madison County, Mississippi

Less and except a metes and bounds description in the West 1/2 and also in the West 1/2 of the East 1/2, all lying on the North side of Mississippi State Highway No. 22 in Section 4, Township 8 North, Range 1 East of Madison County, Mississippi

STATE OF MISSISSIPPI

467056

COUNTY OF MADISON

**CORRECTED
QUITCLAIM DEED**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, VIRGINIA L. GIDDY, (Grantor), do hereby convey, transfer and quitclaim unto J.N.L. LAND & PINE, L.P., a Mississippi limited partnership, all of my right, title and interest in and to the following described lands located in Madison County, Mississippi, to-wit:

Southwest quarter of Southeast quarter, Section 33, Township 9 North, Range 1 East; Northwest quarter; West half of Northeast quarter; North half of Southwest quarter; Northwest quarter of Southeast quarter; all of Southwest quarter of Southeast quarter, and all of Southeast quarter of Southwest quarter that lies North of Livingston and Canton Road, Section 4, Township 8 North, Range 1 East; all of Southwest quarter of Southwest quarter, Section 4, Township 8 North, Range 1 East, that lies North and West of Livingston and Canton Road; all of Section 9, Township 8 North, Range 1 East lying West of Livingston Road, subject to outstanding right of way and easement in favor of United Gas Public Service Company, less and except lot for cemetery.

LESS AND EXCEPT from the above described property any and all lands owned by the Grantor which are located South of Highway 22 in Madison, Madison County, Mississippi.

LESS AND EXCEPT a tract of land situated in the West ½ and also in the West ½ of the East ½, all lying on the North side of Mississippi State Highway No. 22, in Section 4, Township 8 North, Range 1 East of Madison County, Mississippi, and more particularly described as follows:

Commencing from a concrete monument on the northern right-of-way line of Mississippi State Highway No. 22, said concrete monument being West a distance of 232.20 feet from a fence line representing the east line of the West ½ of the East ½ of Section 4, Township 8 North, Range 1 East, Madison County, Mississippi; thence North 89° 50' 26" West along the northern right-of-way line for 844.47 feet to an iron pin at the "Point of Beginning" of the tract herein described; thence North 89° 50' 26" West and continuing along the said north right-of-way line for 350.00 feet to an iron pin; thence North 0° 06' 36" West for 253.39 feet to an iron pin; thence North 89° 53' 32" East for 350.00 feet to an iron pin; thence South 0° 06' 36" East for 255.03 feet to the said "Point of Beginning", containing 2.04 acres, more or less.

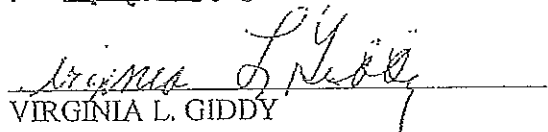
together with all improvements situated thereon and all appurtenances thereunto belonging.

The above-described real property is no part of the homestead of the Grantor nor is it adjacent or contiguous thereto.

There is excepted from this conveyance all building restrictions, protective covenants, mineral reservations and conveyances and easements of record affecting said property.

This deed is to correct and clarify the Quitclaim Deed filed in Book 479, at Page 404, because the above described property excepted out was not conveyed to the Grantee in the above referenced Quitclaim Deed because the Grantor did not own the said property at that time.

WITNESS my signature, this the 28th day of March, 2005.

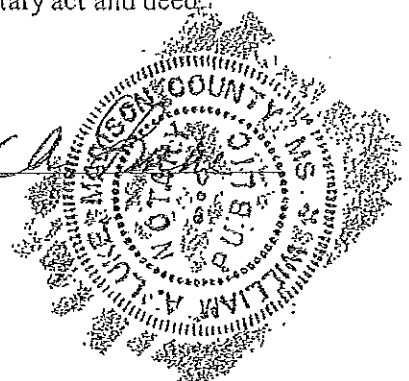

VIRGINIA L. GIDDY

STATE OF MISSISSIPPI

COUNTY OF Madison

PERSONALLY appeared before me the undersigned authority in and for the aforesaid county and state, on this 28th day of March, 2005, within my jurisdiction, the within named VIRGINIA L. GIDDY, who acknowledged before me that she executed the above and foregoing Quitclaim Deed on the day and year therein stated, as her voluntary act and deed.

William A. Johnston
NOTARY PUBLIC



My Commission Expires:

08.30.2005

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES AUG 30 2007
BONDED THRU STEGALL NOTARY SERVICE

GRANTORS' ADDRESS:

Virginia L. Giddy
235 Second Street
Flora, Mississippi 39071
(601) 879-8791

GRANTEE'S ADDRESS:

J.N.L. Land & Pine, L.P.
235 Second Street
Flora, Mississippi 39071
(601) 879-8791

The preparer does not by this instrument certify validity of title nor the correctness of the description contained herein.

PREPARED BY:

Ralph A. Yelverton, MS Bar #10303
STUBBLEFIELD & YELVERTON, PLLC
Post Office Drawer 320399
3900 Lakeland Drive, Suite 401
Jackson, Mississippi 39232
(601) 936-4910

13-1319
(E)

MADISON COUNTY MS This instrument was
filed for record March 31, 2005, at 8:00 A.M.
Book 1898 Page 929
ARTHUR JOHNSTON, C. C.
BY: (Signature) D.C.



327829

Indexing Instruction:

STUBBLEFIELD & HARVEY, PLLC
3900 Lakeland Drive, Suite 401
Lakeland Oaks
Jackson, MS 39208

SW1/4 of SE1/4, Section 33, Township 9 North, Range 1 East; NW1/4; W1/2 of NE1/4; N1/2 of SW1/4; NW1/4 of SE1/4; all of SW1/4 of SE1/4, and all of SE1/4 of SW1/4, Section 4 Township 8 North, Range 1 East; all of SW 1/4 of SW1/4, Section 4 Township 8 North, Range 1 East; all of Section 9 Township 8 North, Range 1 East lying West of Livingston Road, all located in Madison County, Mississippi

pd 9.00

STATE OF MISSISSIPPI

COUNTY OF MADISON

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, VIRGINIA L. GIDDY, (Grantor), do hereby convey, transfer and quitclaim unto J.N.L. LAND & PINE, L.P., a Mississippi limited partnership, all of my right, title and interest in and to the following described lands located in Madison County, Mississippi, to-wit:

Southwest quarter of Southeast quarter, Section 33, Township 9 North, Range 1 East; Northwest quarter; West half of Northeast quarter; North half of Southwest quarter; Northwest quarter of Southeast quarter; all of Southwest quarter of Southeast quarter, and all of Southeast quarter of Southwest quarter that lies North of Livingston and Canton Road, Section 4, Township 8 North, Range 1 East; all of Southwest quarter of Southwest quarter, Section 4, Township 8 North, Range 1 East, that lies North and West of Livingston and Canton Road; all of Section 9, Township 8 North, Range 1 East lying West of Livingston Road, subject to outstanding

right of way and easement in favor of United Gas Public Service Company, less and except lot for cemetery.

LESS AND EXCEPT from the above described property any and all lands owned by the Grantor which are located South of Highway 22 in Madison, Madison County, Mississippi.

together with all improvements situated thereon and all appurtenances thereunto belonging.

The above-described real property is no part of the homestead of the Grantor nor is it adjacent or contiguous thereto.

There is excepted from this conveyance all building restrictions, protective covenants, mineral reservations and conveyances and easements of record affecting said property.

WITNESS my signature, this the 26th day of December, 2000.

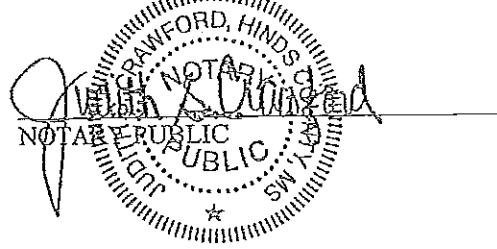
Virginia L. Giddy
VIRGINIA L. GIDDY

STATE OF MISSISSIPPI

COUNTY OF Rankin

PERSONALLY appeared before me the undersigned authority in and for the aforesaid county and state, on this 26th day of December, 2000, within my jurisdiction, the

within named VIRGINIA L. GIDDY, who acknowledged before me that she executed the above and foregoing Quitclaim Deed on the day and year therein stated, as her voluntary act and deed.



My Commission Expires:

August 24, 2001

GRANTORS' ADDRESS:

Virginia L. Giddy
235 Second Street
Flora, Mississippi 39071
(601) 879-8791

GRANTEE'S ADDRESS:

J.N.L. Land & Pine, L.P.
235 Second Street
Flora, Mississippi 39071
(601) 879-8791

The preparer does not by this instrument certify validity of title nor the correctness of the description contained herein.

PREPARED BY:

J. Stephen Stubblefield
STUBBLEFIELD & HARVEY, PLLC
3900 Lakeland Drive, Suite 401
Jackson, Mississippi 39208
(601) 936-4910

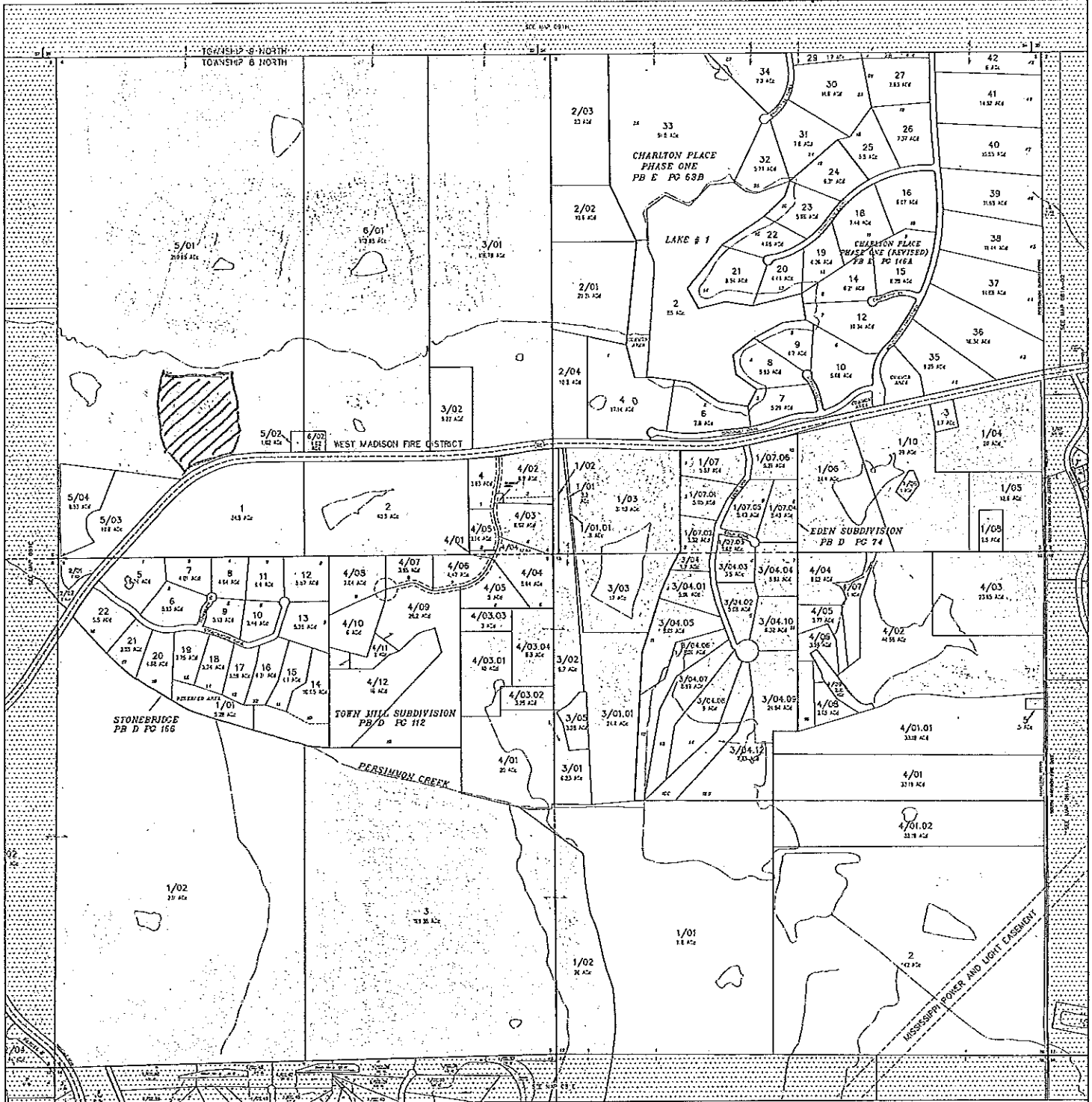
STATE OF MISSISSIPPI, COUNTY OF MADISON



I certify that the within instrument was filed for record in my office this 26 day of Jan, 2001, at 9 o'clock A M., and was duly recorded on the JAN 26 2001, Book No. 479, Page 404.

STEVE DUNCAN, CHANCERY CLERK BY: Clung D.C.

ATTACHMENT B



THIS PROPERTY ENCLOSED AND IS FOR THE PURPOSES ONLY. IT IS NOT INTENDED FOR CONVEYANCE NOR IS IT A LEGAL WARRANTY. THIS MAP WAS PREPARED BY:

TRI-STATE CONSULTING SERVICES, INC.
 100 N. STATE ST. SUITE 100
 MEMPHIS, TN 38102
 PHONE: (901) 527-1100

LEGEND

BOUNDARY LINE
 EASEMENT LINE
 TOWNSHIP-BORDER LINE
 SECTION LINE
 STATE LINE
 SURVEY LINE

PARCEL NUMBER: 25
 ACREAGE: 24 AC
 PERCENTAGE CALCULATED: 13.20 AC
 SUBDIVISION LOT NUMBER: 18
 EXTENSION: 11'

1/4 SECTION

B	A
C	D

TOWNSHIP LOCATOR

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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COUNTY LOCATOR

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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MADISON COUNTY, MISSISSIPPI
MAP 081B

SECTION: 2-4-8-10
 TOWNSHIP: 8-N
 RANGE: 8-E

DATE OF PICTOGRAPH: FEBRUARY, 2004

LEASE AGREEMENT

The parties to this lease, by signature(s) below, agree to the following terms and conditions set out below.

- Parties:** The parties to this lease are Warren Excavation, LLC, as Lessee (Warren) and JNL Land and Pine, LP, as Lessor (JNL).
- Purpose:** The parties agree that this Lease Agreement is entered into expressly and for the sole purpose of operation and maintenance of a top soil mine by Warren. The area to be mined is forty (40) acres, more or less, specifically identified by the parties and subject to those mining permits issued by Madison County, Mississippi and the Mississippi Department of Environmental Quality. Said area being described as:
40 acres, more or less, lying in the NW 1/4 of Section 4,
Township 8N, Range 1E of Madison County, Mississippi,
all areas being North of Mississippi Highway 22.
- Scope:** The parties agree that Warren shall have the following responsibilities:
1. Conform all mining operations to industry standards and/or those standards set out in the approved permit documents as issued and approved by MDEQ and/or Madison County, Mississippi.
 2. Set, erect and/or prepare such run off/erosion control barriers prior to commencing mining operations as required by the aforementioned permit documents and to maintain such barriers during all mining operations.
 3. Digging and loading of all mining material.
 4. Keeping and maintaining accurate records of all loads, either by tandem truck or trailer truck, of top soil removed per day from the designated mining area and providing the same to JNL on a thirty day (30) basis.
 5. Reclaim and/or return the designated mining area to a condition that will conform to the aforementioned permit documents issues by MDEQ and Madison County, Mississippi.
- Insurance:** Warren agrees to indemnify, save and hold harmless JNL, its partners, members and or associates from any and all liability resulting, either directly or indirectly, from those mining operations which are the subject of this agreement. Further, Warren agrees to maintain liability insurance sufficient to cover any potential claims and to provide proof of such coverage to JNL through an insurance declaration page from such insurance carrier.
- Compensation:** The Parties agree that Warren shall compensate JNL for each load of material removed from the mining area at rate of \$ 11.20 per tandem truck load and/or \$18.40 per trailer truck load. Further, that said payments shall be made to JNL on a thirty day (30) cycle or basis.
- Duration:** The Parties agree that the duration of this agreement shall be one year from the date

of signatures affixed. Further, that the duration may be extended as agreed to by the parties in writing and attached to this agreement as an amendment.

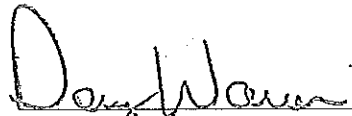
Amendments: The parties agree that this Lease may be amended at anytime during the life of the Lease Agreement and that any amendment shall be in writing and attached to the lease document.

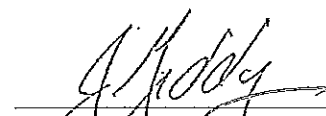
Suspension: JNL, through its representative expressly reserves the right to halt, suspend and or terminate all mining operations on the subject acreage at its sole discretion should any disagreement between the parties arise or upon any unforeseen circumstances that would require the same.

Rights: The parties agree, that this Lease does not grant to Warren any rights to the subject mining area outside those usual and customary for the operation of a top soil mine. Further, that JNL retains all rights and privileges associated with ownership of the subject acreage.

Termination: This agreement may be terminated prior to the stated length of duration by either party, or both parties, for non-compliance of the terms set out above. The parties agree that a period of ten (10) days notice shall be given of an intent to terminate this agreement.

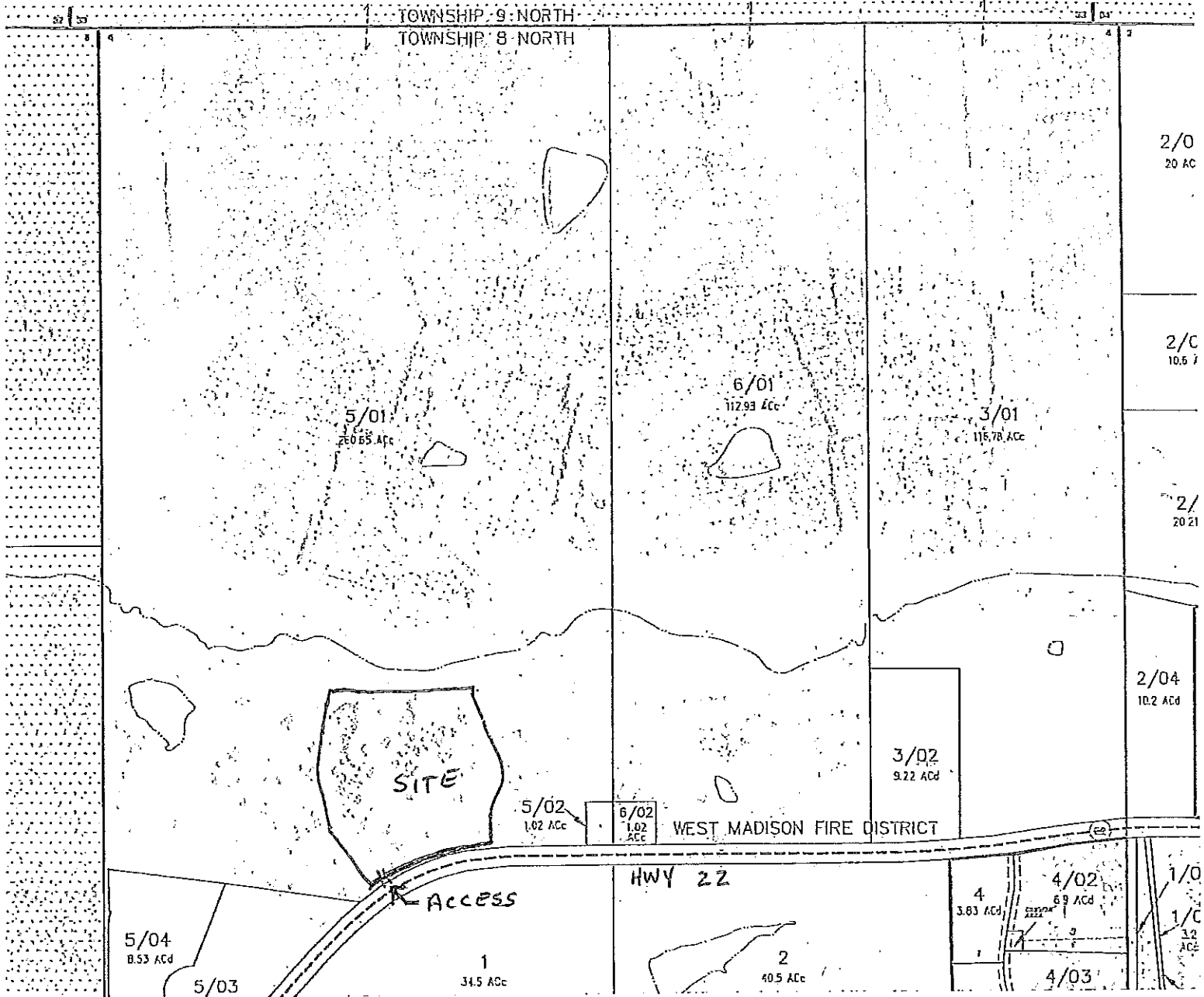
Agreed to this 1st day of September, 2012.


Warren Excavation, LLC by,
Doug Warren, Managing Member
108 Lexington Drive
Madison, Mississippi 39110


JNL Land and Pine, LP, by,
RVG, LLC, General Partner by,
Jim Giddy, Manager
3364 Hwy 22
Madison, Mississippi 39110

ATTACHMENT D

SCE MAP 0911H



ATTACHMENT E



STATE OF MISSISSIPPI

PHIL BRYANT

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

September 12, 2013

Mr. Norman "Doug" Warren
Warren Excavation LLC
108 Lexington Drive
Madison, MS 39110

Dear Mr. Warren:

Enclosed is Mississippi Surface Mining Permit P13-017, which grants you permission for surface mining operation in Madison County.

The new format of this permit is similar to other permits issued by the Mississippi Department of Environmental Quality and is designed to state the general provisions of the Surface Mining and Reclamation of Land statute (law) and the Mississippi Surface Mining and Reclamation Rules and Regulations (regulations), to list the operator's rights and obligations, and list both general and site-specific conditions of this permit. This permit document does not impose any new conditions that did not previously exist under the law and regulations.

You must place a sign (at least 2 feet by 4 feet) adjacent to the nearest public road, stating:

Warren Excavation LLC, JNL Land and Pine Number 1 Mine
108 Lexington Drive
Madison, MS 39110
Surface Mining Permit P13-017

Sincerely,

A handwritten signature in cursive script, appearing to read "James Matheny".

James Matheny
Division Director
Mining and Reclamation Division

Enclosure

OFFICE OF GEOLOGY

POST OFFICE BOX 2279 • JACKSON, MISSISSIPPI 39225-2279 • TEL: (601) 961-5500 • FAX: (601) 961-5521 • www.deq.state.ms.us

AN EQUAL OPPORTUNITY EMPLOYER

Warren Excavation
108 Lexington Drive
Madison, Mississippi 39110

September 13, 2013

James Matheny
Mining and Reclamation Division
MS Department of Environmental Quality
P.O. Box 2279
Jackson, Mississippi 39225-2279

RE: Surface Mine Modification
JNL Pit #1, Permit #MSR322191 Geology Permit #45-151
MDAH Site #22MD809

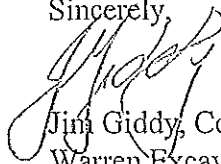
Dear Mr. Matheny:

Pursuant to our conversation, on behalf of myself as the Managing Partner of JNL Land & Pine and on behalf of Warren Excavation as Consultant for the mining operation, I understand and agree that the permit issued by your office covers approximately forty (40) acres. I also understand and agree that within that 40 acres, located on the western edge, is approximately fourteen (14) acres that has been designated as an area of potential cultural significance by archeologists with the MDAH. Further, that no mining operations may be conducted upon that area or within one hundred (100) feet of the aforementioned archeological site as reflected in the maps submitted by MDAH and as part of the application in response to the findings by MDAH.

Additionally, per our conversation, I will begin the process to modify the permit issued by your office to reflect the finding of the MDAH. This modification will reduce the acreage covered by any subsequent permit to approximately twenty-four (24) acres.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Jim Giddy, Consultant for
Warren Excavation

cc: Doug Warren
Warren Excavation

A. General Provisions

1. The definitions and provisions contained in the Mississippi Surface Mining and Reclamation Act ("the Act") and the Mississippi Surface Mining and Reclamation Rules and Regulations ("the Regulations") shall be applied in interpreting any provision of this permit.
2. The permittee shall conduct all surface mining and reclamation operations as described in the complete application and any additional operational or reclamation plans submitted to and approved by the Mississippi Department of Environmental Quality ("MDEQ"), while complying with the Act and the Regulations, unless otherwise provided as a variance in the following provisions. The complete application and any additional operational or reclamation plans submitted to and approved by MDEQ currently or in the future are incorporated herein by reference. The provisions and conditions of this permit enforce the provisions of the Act and the Regulations, and no provision of this permit is intended to exempt the permittee from, or to modify, any provision of the Act, the Regulations, or any other Mississippi or federal law or regulation unless the provision is listed in section E of this permit regarding Variances.
3. The permittee shall allow any authorized representatives of MDEQ, without advance notice or a search warrant, and without delay, to have the rights of entry provided in the Regulations.
4. The permittee shall conduct surface mining and reclamation operations:
 - A. Only on those lands specifically designated on the maps submitted and approved in the complete application;
 - B. Only within the effective dates of the permit; and
 - C. Only on those lands which are subject to the performance bonds or other equivalent guarantee in effect at the time of mining pursuant to the Regulations.
5. The provisions of this permit are severable. If any provision of this permit is held invalid, or if any statutory or regulatory provision upon which such permit provision is based is held invalid or suspended, repealed or amended, such permit provision shall be null, void and ineffective for all purposes, but the remainder of this permit shall not be affected thereby.
6. This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
7. The permittee shall comply with all conditions of this permit.

8. The filing of a request by MDEQ or the permittee for a permit modification, revocation and reissuance, transfer, or termination or the notification of planned changes or anticipated noncompliance on the part of the permittee does not stay the applicability or enforceability of any permit condition.
9. This permit is not transferable to any person except after notice to and by approval of the Permit Board.
10. The term of this permit is five (5) years from the date issued. Upon expiration, this permit grants no further authority to the permittee to conduct surface mining operations at this site.
11. No officer, agent, employee or other person in any way associated with the permittee shall, except as permitted by law, willfully resist, prevent, impede, or interfere with MDEQ or any of its employees in the performance of duties pursuant to the Act or the Regulations.
12. No blasting operations are approved for this permit.
13. The permittee shall obtain, prior to commencing mining operations, all other required permits from all other local, state and federal agencies.

B. Duties and Requirements

1. **Duty to Comply.** The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and the Regulations and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or for denial of a permit renewal application.
2. The permittee shall comply with the permittee's surface mining plan, reclamation plan and the standards specified in Miss. Code Ann. § 53-7-37 (Rev. 2003).
3. **Duty to reapply.** If the permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the permittee must submit a complete application for renewal of the permit at least 60 days before this permit expires.
4. **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.
5. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all equipment and systems which are installed or used by the permittee to achieve compliance with the conditions of this permit and the application as submitted to MDEQ and approved by the Mississippi Environmental Quality Permit Board.

6. Duty to provide information. The permittee shall furnish to MDEQ, within a reasonable time, any relevant information which MDEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.

C. Site-Specific Operating Conditions

1. The permittee is authorized to open pit mine 40 acres for borrow dirt in Section 4, Township 8 North, Range 1 East, Madison County.
2. This is the initial permit for this site.
3. Buffer Zones. Also see Part E, Variances and Waivers

The Regulations prohibit mining within 100 feet of the outside right-of-way of any public road, except where mine access roads or haul roads join such right-of-way line; within 300 feet of any occupied dwelling, public building, school, church, community or institutional building; within 100 feet of a cemetery; or, when a highwall will be created and the excavation exceeds thirty feet in depth, within twenty-five feet plus one and one half times the depth of the excavation from a permit boundary. If the excavation is less than thirty feet in depth and a highwall will be created, the distance from the permit boundary shall follow the distance chart in the Regulations at §400(d)(4). The Permit Board may modify these buffer zones, and allow mining within them, upon receipt of written permission from the governmental entity having authority over the subject road, or the owner or occupant of the subject dwelling.

- A. Mining will not take place within 100 feet of the outside right-of-way of a public road.
 - B. Mining will not take place within 100 feet of a cemetery.
 - C. Mining will not take place within 300 feet of an occupied dwelling.
 - D. Mining will not take place within 50 feet of the permit boundary.
 - E. Mining will not take place within 100 feet of the adjacent historic site.
4. Permit boundaries shall be marked and durable posts shall be placed at the corners of the permit area. The posts shall be painted or flagged to be readily visible during the life of the operation.
 5. This permit may be mined to a maximum depth of 12 feet.

6. Dust shall be controlled by water sprayed on the haul roads.
7. Terraced slopes, brush barriers, silt fence, and any other Best Management Practices required will be used for sediment control.
8. Reclamation Schedule. Concurrent reclamation is required by the Act and the Regulations.
 - A. Begin clearing: Done.
 - B. Begin mining: after October, 2013, and upon permit issuance.
 - C. Complete mining: September, 2015.
 - D. Reclamation will be concurrent with completion of mining of any segment of the permit.
 - E. Complete reclamation: November, 2015.
9. Explosives will not be used.
10. The permittee must obtain any necessary permits through the MDEQ Office of Pollution Control to discharge impacted stormwater or processed water into a specific Water(s) of the State and must do so in accordance with effluent limitations, monitoring requirements, and other conditions set forth in a State of Mississippi Waste Pollution Control Permit to Discharge Wastewater in Accordance with the National Pollutant Discharge Elimination System.
11. Reclamation Plan
 - A. The topsoil shall be segregated and stored in stockpiles which will be protected with grass cover adequate to prevent erosion. The use of the topsoil during reclamation will be to respread it over areas requiring vegetative cover.
 - B. The site shall be reclaimed with grass cover to prevent erosion.
 - C. All highwalls shall be eliminated and all areas of the permit shall be graded to a slope no steeper than three horizontal feet to one vertical foot.
 - D. The permit area shall be graded and planted to grass cover and reforested to prevent erosion. Rye is to be planted at the rate of 100 pounds per acre. Bermuda is to be planted at the rate of 20 pounds per acre. Both species will be planted by broadcast seeding during the Spring and Fall planting seasons.

- E. Fertilizer (13-13-13 type), for initial planting, shall be applied at the rate of 250 pounds per acre and lime shall be applied at the rate of 1 ton per acre, and be applied by broadcasting. Fertilizer (13-13-13 type) shall be applied at the rate of 250 pounds per acre, in March, each successive year prior to final bond release.
 - F. Vegetation will be maintained until final bond release by mowing each year in September. Eroded areas shall be re-graded and re-planted as needed, but in no case less frequently than annually.
 - G. Gullies shall be repaired as necessary to prevent erosion and shall follow all applicable National Pollutant Discharge Elimination System (NPDES) permit requirements.
 - H. Debris shall be disposed of by burying, as permitted by local ordinance.
- 12. The performance bond instrument submitted is Bond No. 1005333 from Hanover Insurance Company, Worcester, MA, as Surety, executed by Warren Excavation LLC as Principal, in the amount of \$40,000.00, on October 10, 2012, which is \$1,000.00 per acre.
 - 13. The facility shall be constructed, operated, and monitored in such a manner as to ensure Mississippi Groundwater Quality Standards are not exceeded by any activity of this facility.
 - 14. The facility shall be constructed, operated, and monitored in such a manner as to prevent a discharge of pollutants into waters of the State, including wetlands, that violates any requirements of the Clean Water Act or the Mississippi Air And Water Pollution Control Act, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) requirements.
 - 15. Based on the Wastewater Regulations for National Pollutant Discharge Elimination System (NPDES) Permits, Underground Injection Control (UIC) Permits, State Permits, Water Quality Based Effluent Limitations and Water Quality Certification (Regulation WPC-1), Chapter 3, Section IV, part 3, the following buffer zones shall be established between all mining activity and any existing stream, and maintained for the life of the permit:
 - A. 50-foot buffer zone for intermittent streams (generally shown as a broken blue line on the latest version of the U. S. Geological Survey topographic quadrangle map)
 - B. 100-foot buffer zone for perennial streams (generally shown as a solid blue line on the latest version of the U. S. Geological Survey topographic quadrangle map)
 - C. 300-foot buffer zone for navigable waterways (as defined by the U. S. Army Corps of Engineers)

16. No dam may be constructed on the permitted site without first obtaining prior written authorization for the dam in accordance with Dam Safety Regulation LW-4.

D. Wildlife, Threatened and Endangered Species and Unique Biological Communities

1. The permittee shall promptly report to the Mississippi Department of Wildlife, Fisheries, and Parks and MDEQ any State of Mississippi or federally-listed endangered or threatened species within the permit area of which the permittee becomes aware.
2. The permittee shall promptly report to the Mississippi Department of Wildlife, Fisheries, and Parks and MDEQ any unique biological communities within the permit area of which the permittee becomes aware.

E. Variances and Waivers

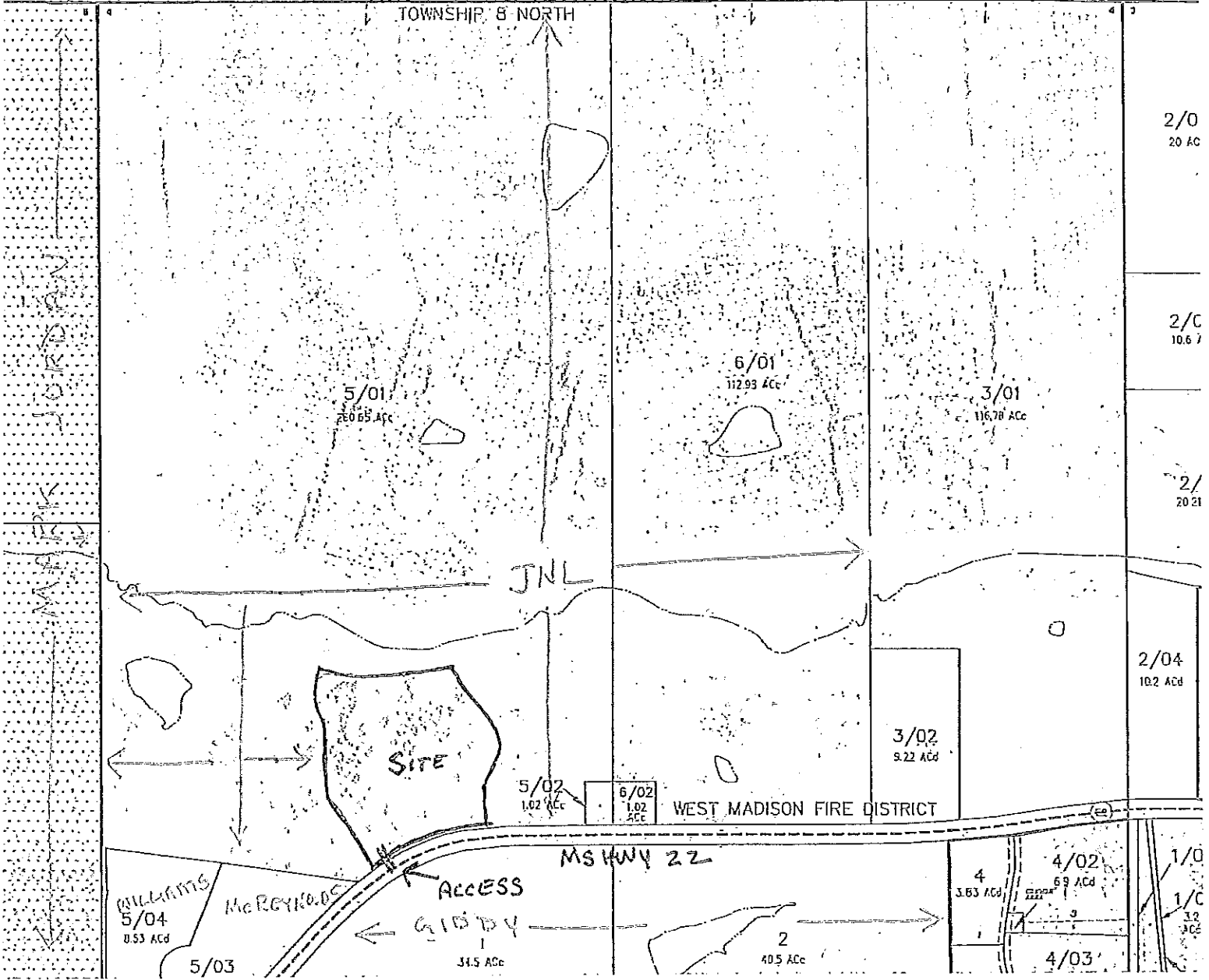
There are no variances or waivers.

END OF PERMIT

ATTACHMENT F

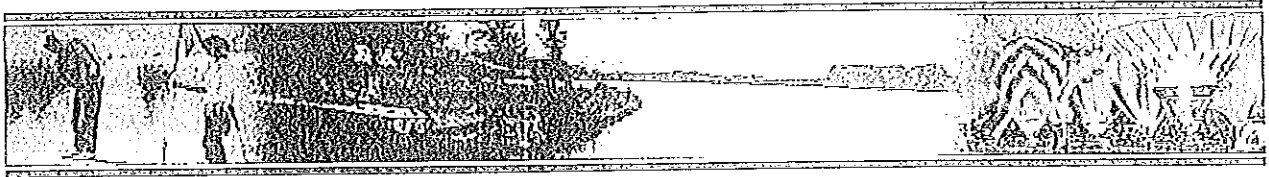
SEE MAP 031H

TOWNSHIP 9 NORTH
TOWNSHIP 8 NORTH



Madison County

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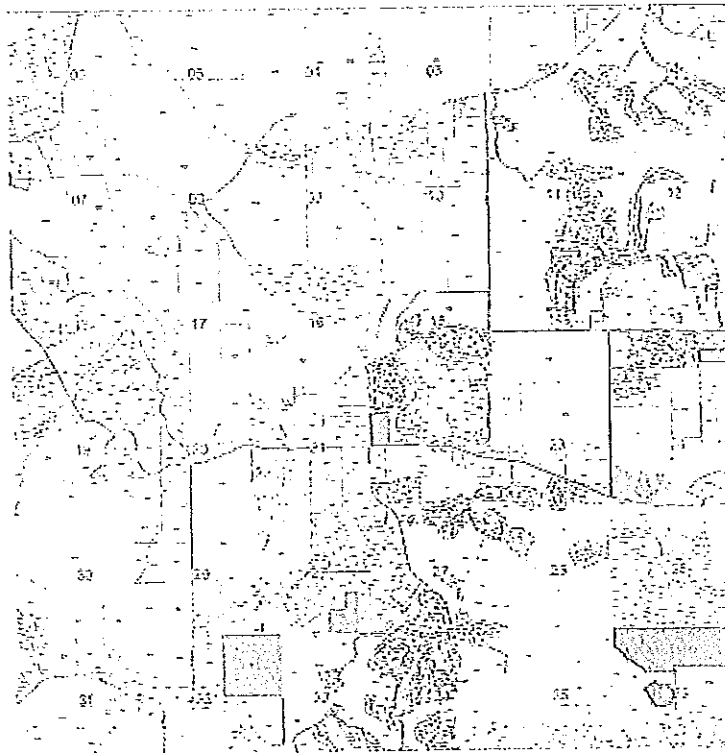
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Legend

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