



DEPARTMENT OF THE ARMY  
MOBILE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2288  
MOBILE, AL 36628-0001

REPLY TO  
ATTENTION OF

April 22, 2015

South Alabama Branch  
Regulatory Division

SUBJECT: Department of the Army Draft Permit Number SAM-2014-00397-GAC,  
Baldwin County Commission

Baldwin County Commission  
Attention: Mr. Cal Markert  
Post Office Box 220  
Silverhill, Alabama 36576

Dear Mr. Markert:

Enclosed are two copies of a Department of the Army draft permit for work specified in accordance with the enclosed plans, drawings, and specifications. If the permit is acceptable as drafted, you are requested to sign both copies in the space indicated and return both signed copies to me for final action. The original will be signed by me and returned to you with a placard to be posted at all times that construction is performed at the site. This permit is not valid until it is properly signed by both the applicant and me; therefore, work must not commence on the project until a fully-executed copy has been returned to you.

Your attention is directed to all conditions under which this permit will be issued. Failure to comply with any condition of the approved permit may result in its suspension, cancellation, or revocation. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address.

In order for an RFA to be accepted by the U.S. Army Corps of Engineers (USACE), the USACE must determine that it is complete, that it meets the criteria under 33 CFR Part 331.5, and that it has been received by the Mobile District office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the letterhead address by within 60 days of the date of this letter.

It is not necessary to submit an RFA form to the District Office, if you do not object to the determination/decision in this letter. In this case, both copies must be signed by the applicant in the space provided on the signature page of the permit. In the case of

corporations, acceptance must be by an officer of that corporation authorized to sign on behalf of the corporation. The party responsible for assuring the work is done in accordance with the permit terms and conditions must sign the permit. Please type or print the name and title of the person signing below the signature and the date signed.

A copy of this correspondence is furnished to the following: Alabama Department of Environmental Management, Mobile Branch, Coastal Section, Attention: Mr. Scott Brown, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608; your agent, Volkert, Incorporated, Attention: Ms. Paige Felts, 316 South McKenzie Street, Foley, Alabama 36535.

Please contact me at (251) 690-2658, if you have any questions. For additional information about our Regulatory Program, please visit our web site at: [www.sam.usace.army.mil/missions/regulatory](http://www.sam.usace.army.mil/missions/regulatory) and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

Sincerely,



Joy B. Earp  
Team Leader, South Alabama Branch  
Regulatory Division

Enclosures

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant : <b>Baldwin County Commission (Alabama)</b>		File Number: <b>SAM-2014-00397-GAC</b>	Date: <b>22 Apr 2015</b>
Attached is:		See Section below	
<b>XX</b>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at: <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the District Engineer. Your objections must be received by the District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or, (c) not modify the permit, having determined that the permit should be issued as previously written. After evaluating your objections, the District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION (JD):** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the Preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

**MR. Glen A. Cunningham**  
**Mobile District Corps of Engineers**  
**CESAM-RD-S-A**  
**P.O. Box 2288**  
**Mobile, Alabama 36628-0001**  
**(251) 694-4077**

If you only have questions regarding the appeal process you may also contact:

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

## COMPLIANCE CERTIFICATION



**US Army Corps of Engineers  
Mobile District**

Permit Number: SAM-2014-00397-GAC

Name of Permittee: Baldwin County Commission  
(Alabama)

Date of Issuance: 22 April 2015

Upon completion of the activity authorized by this permit and any mitigation required by the permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers  
Mobile District  
Regulatory Division  
Coastal Branch  
Post Office Box 2288  
Mobile, Alabama 36628-0001

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with all terms and conditions of this permit the permit is subject to permit suspension, modification, or revocation and you are subject to an enforcement action by this office.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and the required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date



## DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: **BALDWIN COUNTY COMMISSION**

PERMIT NUMBER: **SAM-2014-00397-GAC**

ISSUING OFFICE: **MOBILE DISTRICT**

NOTE: The term "you" and its derivatives 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 U.S. Army Corps of Engineers (Corps) 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: Authorization is given to place fill in 2.98 acres of jurisdictional wetland area in conjunction with construction of a rail spur at a County industrial park. Mitigation for impacts to the wetland area will be accomplished through the purchase/debit of an appropriate number of wetland mitigation credits in an approved wetland mitigation bank.**

**All work is authorized in accordance with the attached plans and drawings.**

**PROJECT LOCATION: The project site is located at Latitude 30.9390° North, Longitude -87.7385° West, Fairhope, Baldwin County, Alabama.**

### DRAWINGS AND ATTACHEMENTS:

- Project Vicinity/Location
- Overall Plan (Site)
- Proposed Fill, Plan and Cross-Sectional views (4 sheets)
- Project Site Plan
- ADEM Water Quality Certification

### PERMIT CONDITIONS:

#### General Conditions.

1. The time limit for completing the work authorized by this Individual Permit ends on **16 April 2020**. If you find that you need more time to complete the authorized activity, you must submit a request for your permit extension at least one month prior to the above date.
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 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.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or

other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States because of any such removal or alteration.

Special Condition:

**-- Within 60-days of commencement of any activities herein authorized, the permittee shall submit to this office of the U.S. Army Corps of Engineers, proof-of-debit of an appropriate number wetland mitigation credits from Baldwin County Mitigation Bank 1 for impacts to 2.98 acres of medium-quality bottomland hardwood wetland area.**

FURTHER INFORMATION:

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

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 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, which requires you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate.

d. 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 consider a request for an extension of time limit.

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

  
\_\_\_\_\_  
(PERMITTEE) **BALDWIN COUNTY COMMISSION**  
**POST OFFICE BOX 220**  
**SILVERHILL, ALABAMA 36576**

4-28-15  
\_\_\_\_\_  
(DATE)

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

**JON J. CHYTKA**  
**COLONEL, U.S. ARMY CORPS OF ENGINEERS**  
**DISTRICT COMMANDER**

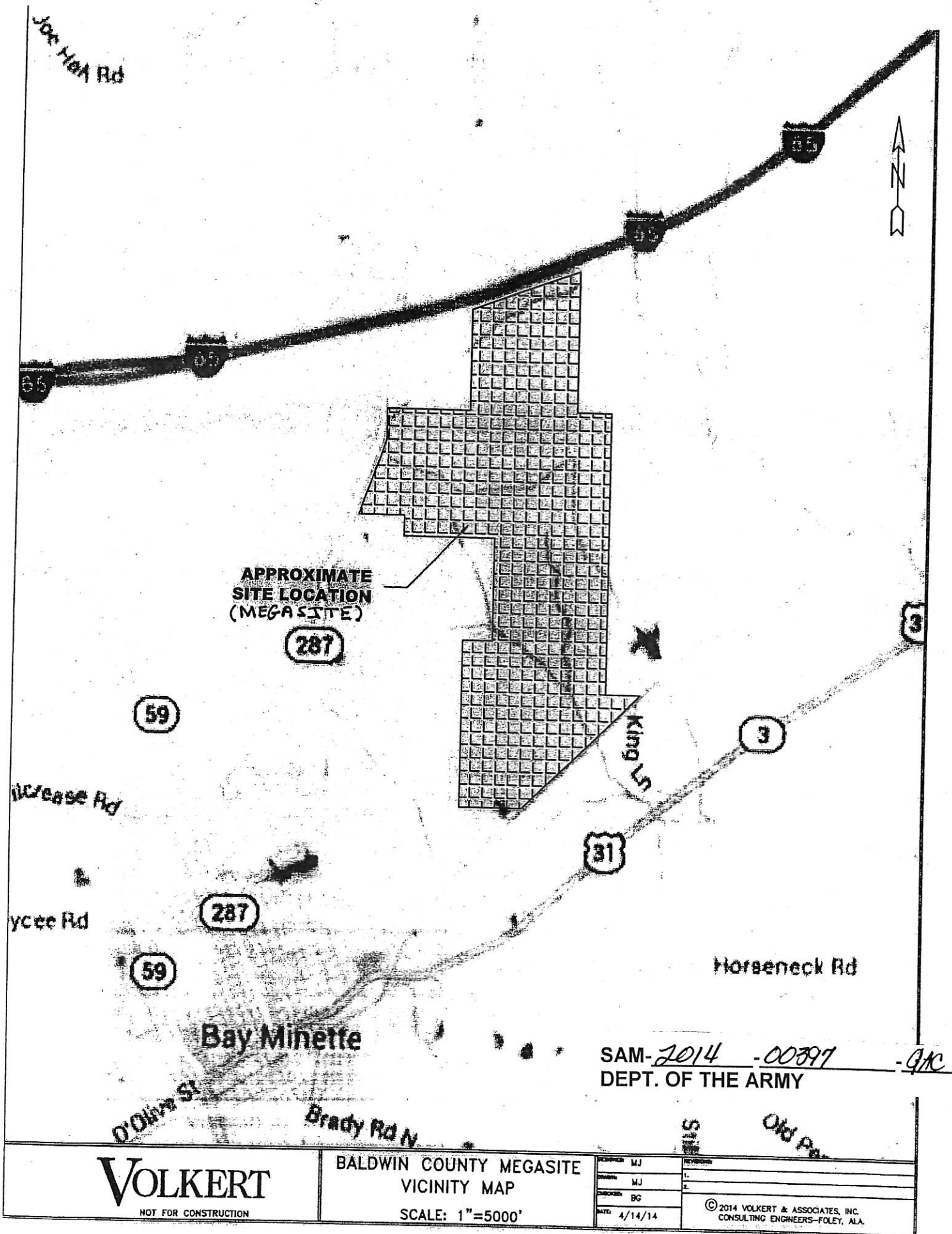
BY: \_\_\_\_\_  
**JOY B. EARP** (DATE)  
**TEAM LEADER, SOUTH ALABAMA BRANCH**  
**REGULATORY DIVISION**

When the structures or work authorized by this permit (**SAM-2014-000397-GAC**) 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 with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)





**VOLKERT**  
NOT FOR CONSTRUCTION

BALDWIN COUNTY MEGASITE  
VICINITY MAP  
SCALE: 1"=5000'

DESIGNED BY MJ  
CHECKED BY BG  
DATE: 4/14/14

© 2014 VOLKERT & ASSOCIATES, INC.  
CONSULTING ENGINEERS-FOLEY, ALA.



**PROPOSED  
RAIL ALIGNMENT**

LOUIS COOPER RD

CALVIN RICHARDSON RD

ORINKARD RD

ENAMON'S RD

LOT 2

LOT 1

LOT 3

LOT 4

LOT 5

LOT 6

SHEET 5

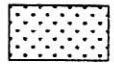
SHEET 4

SHEET 3

SHEET 2

**LEGEND**

**WETLANDS**



**VOLKERT**  
NOT FOR CONSTRUCTION

BALDWIN COUNTY MEGASITE  
OVERALL PLAN

SCALE: 1"=2000'

DRAWN: MJ  
CHECKED: BG  
DATE: 4/14/14

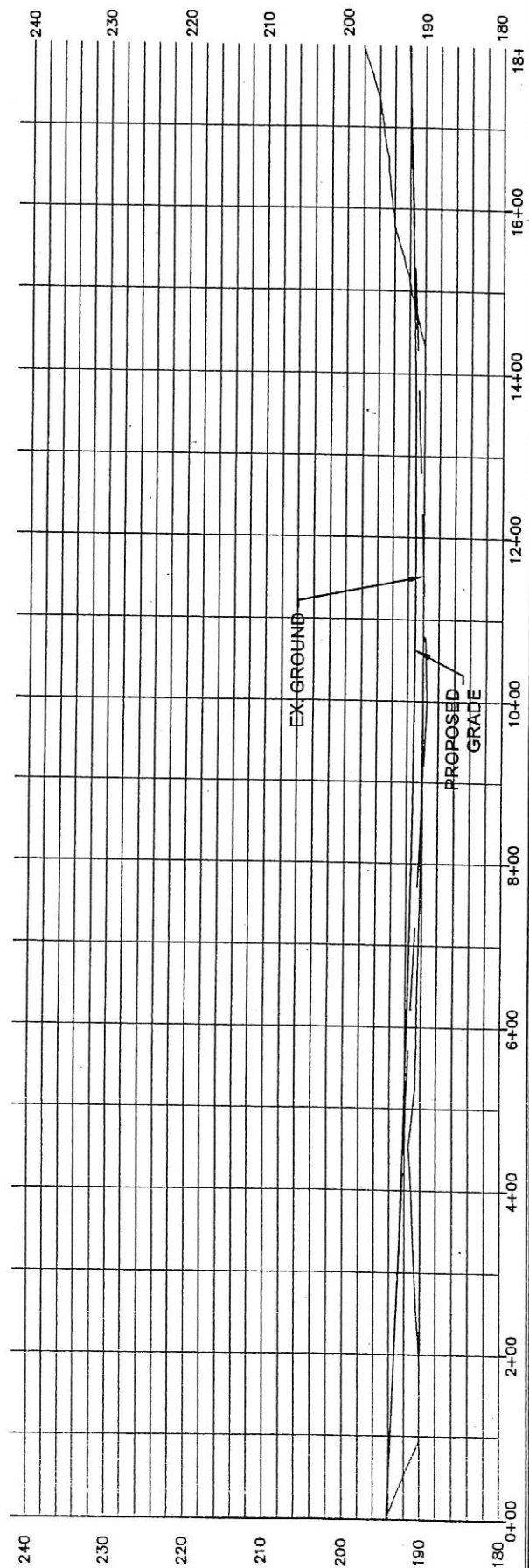
REVISIONS:  
1.  
2.

© 2014 VOLKERT & ASSOCIATES, INC.  
CONSULTING ENGINEERS-FOLEY, ALA.

SAM-2014 - 00397 - GAC  
DEPT. OF THE ARMY

SAM-2014 - 00397 - QAC  
DEPT. OF THE ARMY

**PROPOSED  
FILL 0.75 AC**



**Volkert**  
NOT FOR CONSTRUCTION

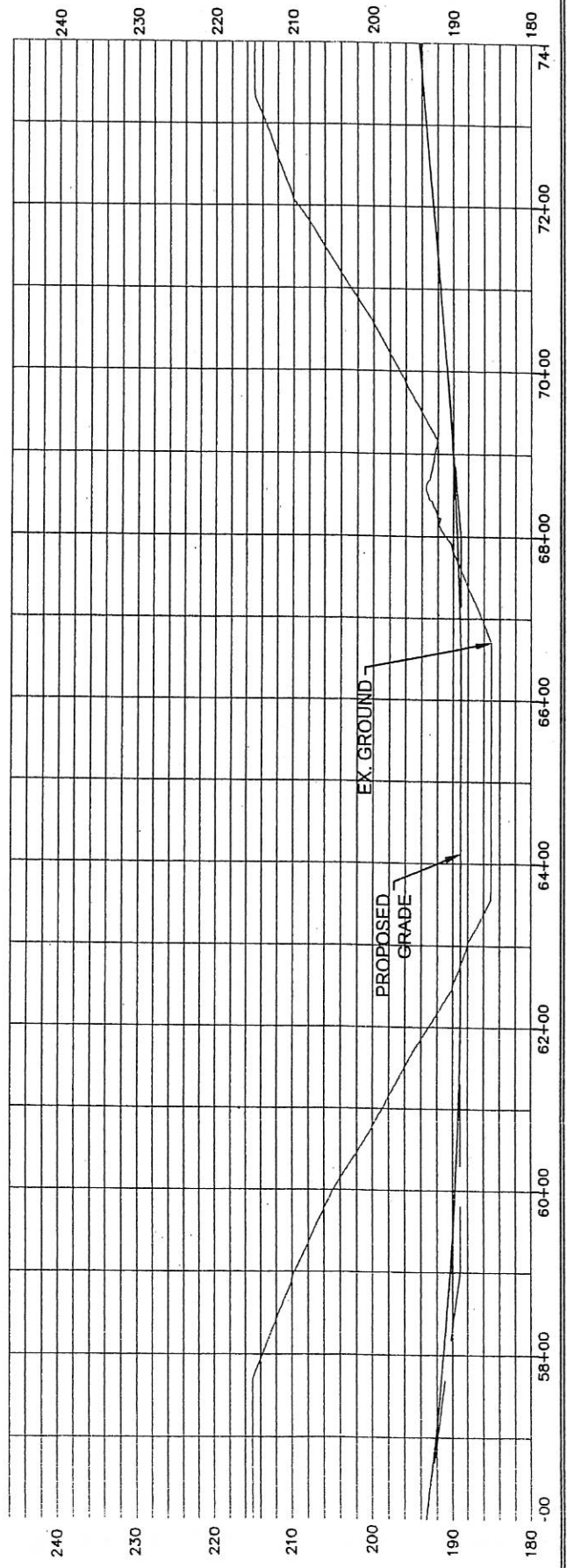
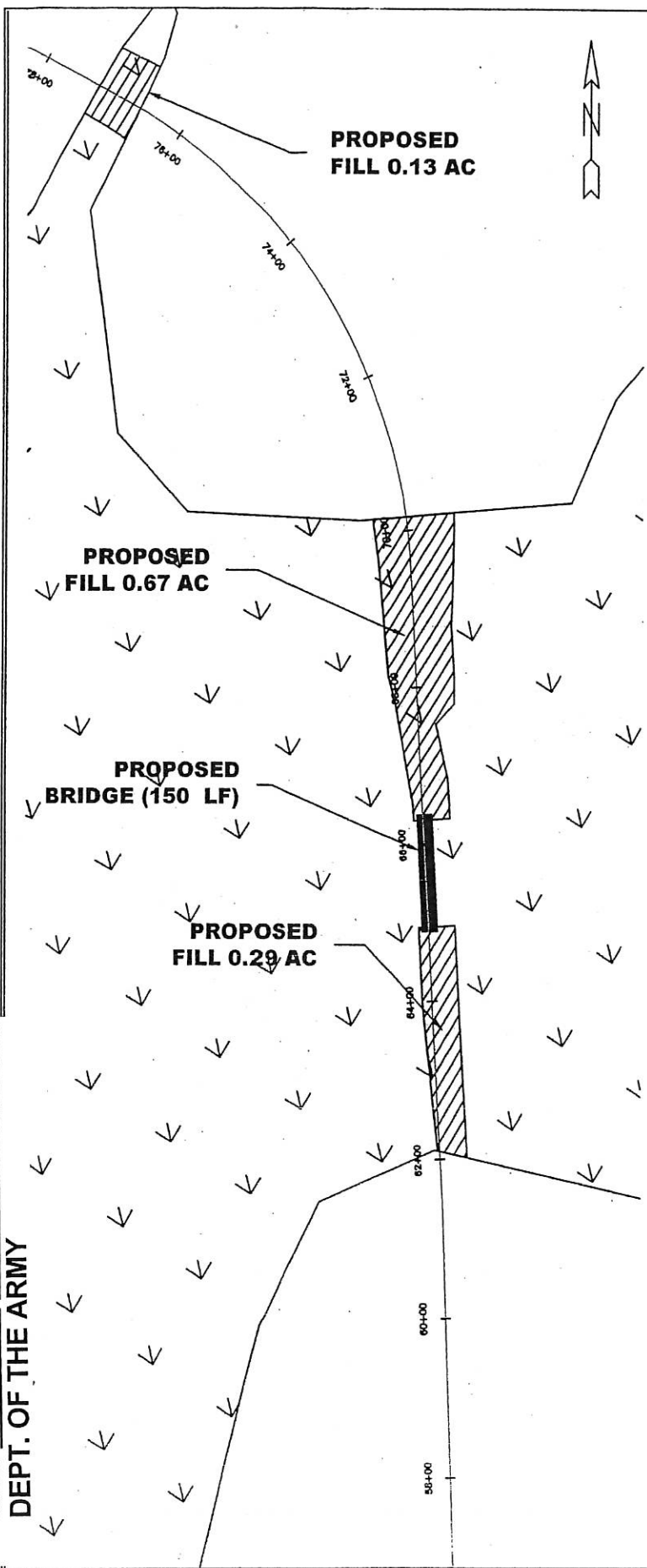
BALDWIN COUNTY MEGASITE  
PROPOSED FILL


SCALE: 1"=200'

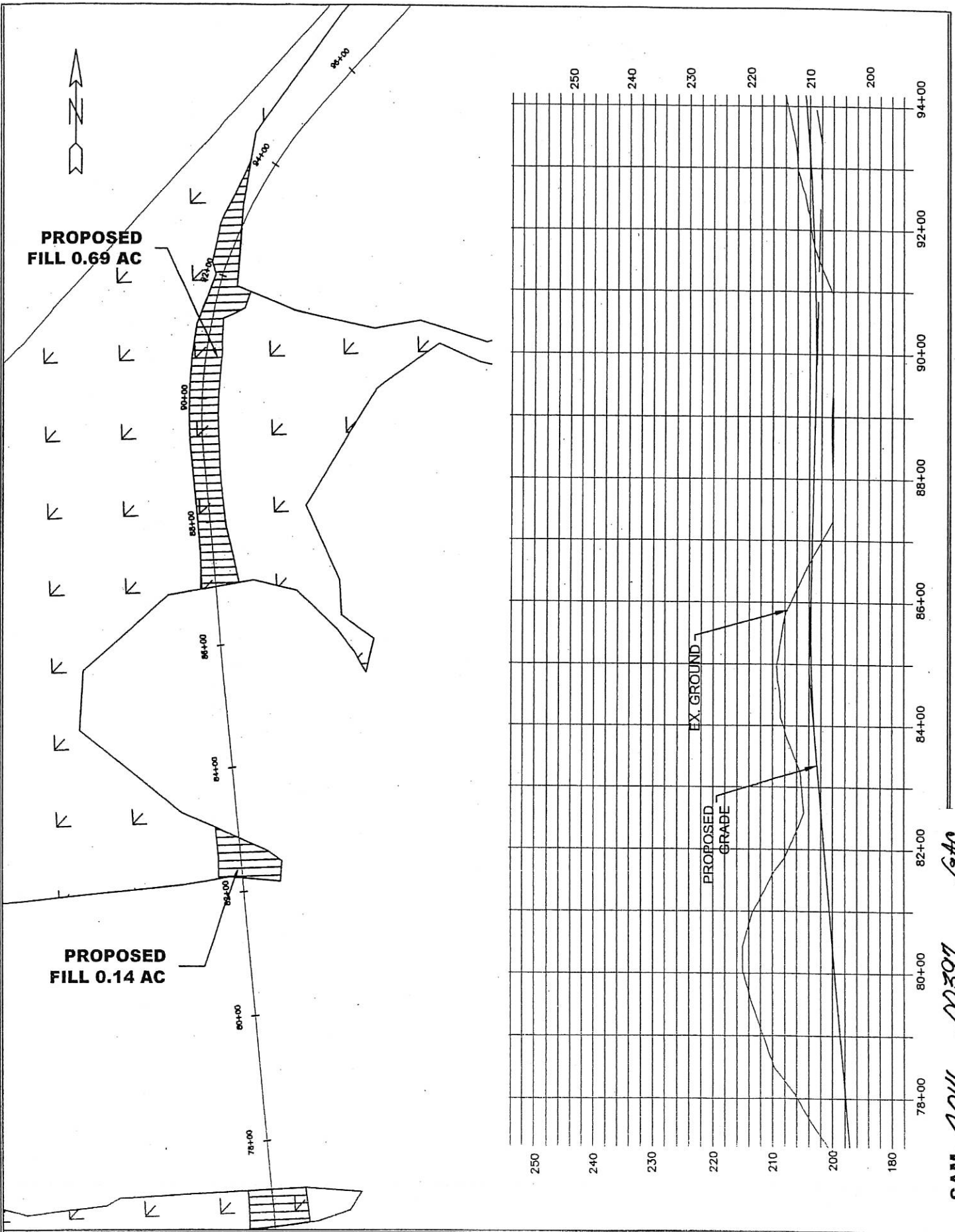
DESIGNED: MJ	REVISIONS:
DRAWN: MJ	1.
CHECKED: BG	2.
DATE: 4/14/14	

© 2014 VOLKERT & ASSOCIATES, INC.  
CONSULTING ENGINEERS-FOLEY, ALA.

SAM-2014 - 00397 - GA  
 DEPT. OF THE ARMY



 NOT FOR CONSTRUCTION	BALDWIN COUNTY MEGASITE PROPOSED FILL SCALE: 1"=200'		DESIGNED: MJ	REVISIONS:
			DRAWN: MJ	1.
			CHECKED: BG	2.
			DATE: 4/14/14	
© 2014 VOLKERT & ASSOCIATES, INC. CONSULTING ENGINEERS-FOLEY, ALA.				



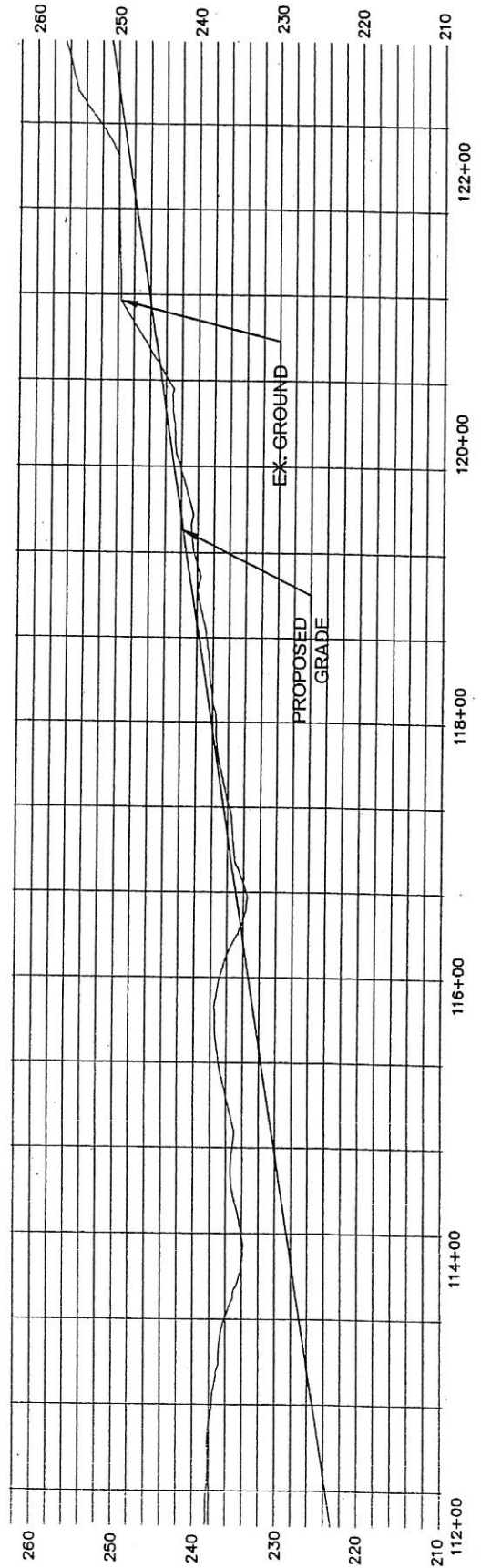
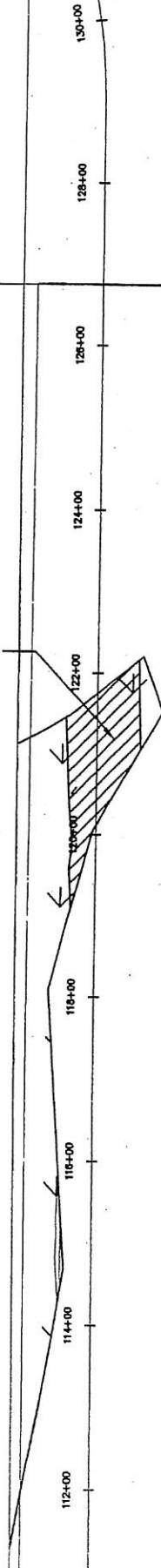
SAM-2014-00397 -GAC  
DEPT. OF THE ARMY

<p><b>VOLKERT</b> NOT FOR CONSTRUCTION</p>	<p>BALDWIN COUNTY MEGASITE PROPOSED FILL</p> <p>SCALE: 1"=200'</p>		<p>DESIGNED: MJ</p>	<p>REVIEWED:</p>
			<p>DRAWN: MJ</p>	<p>1.</p>
			<p>CHECKED: BG</p>	<p>2.</p>
			<p>DATE: 4/14/14</p>	<p>© 2014 VOLKERT &amp; ASSOCIATES, INC. CONSULTING ENGINEERS-FOLEY, ALA.</p>





PROPOSED  
FILL 0.31 AC



SAM-2014-00397 -BAC  
DEPT. OF THE ARMY

**VOLKERT**  
NOT FOR CONSTRUCTION

BALDWIN COUNTY MEGASITE  
PROPOSED FILL

SCALE: 1"=200'

DESIGNED: MJ  
DRAWN: MJ  
CHECKED: BG  
DATE: 4/14/14

REVISIONS

1.

2.

© 2014 VOLKERT & ASSOCIATES, INC.  
CONSULTING ENGINEERS-FOLEY, ALA.

LANCE R. LEFLEUR  
DIRECTOR



ROBERT J. BENTLEY  
GOVERNOR

Alabama Department of Environmental Management  
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

November 4, 2014

Baldwin County Commission  
Attn: Mr. Cal Markert  
P.O. Box 220  
Silverhill, AL, 36576

RE: State of Alabama Water Quality Certification Pursuant to Clean Water Act (CWA) §401(a)  
South Alabama Mega Site, Near King Lane in Baldwin County, AL at 30.9390 N, -87.7385 W  
United States Army Corps of Engineers (USACE) Permit: SAM-2014-00397-GAC  
Alabama Department of Environmental Management (ADEM) Tracking Code: 2014-182-COE-WQC

Dear Mr. Markert:

The ADEM has completed its review of all materials submitted related to your application to permanently fill non-coastal wetlands near Bay Minette, Baldwin County, Alabama. We understand that the activities will involve permanently filling 2.98-acres of medium quality forested wetlands outside of the Coastal Zone to support the installation of a commercial rail spur to service the South Alabama Mega Site industrial park.

The USACE's advertisement of this project by joint public notice with ADEM has been completed. Action pertinent to Water Quality Certification is required by CWA §401(a)(1), 33 U.S.C. §1251, et. seq. If conducted in accordance with the conditions prescribed herein, the ADEM hereby **grants** official certification that there is reasonable assurance that the discharge resulting from the approved activity will not violate applicable water quality standards established under §303 of the CWA and §22-22-9(g), Code of Alabama (1975). This certification terminates coincidentally with the expiration of **SAM-2014-00397-GAC**, but in no case shall this ADEM certification exceed a maximum of five (5) years from the date the USACE issues the permit unless specifically authorized in response to a written request for same.

ADEM certifies that there are no applicable effluent limitations under §§ 301 and 302 nor applicable standards under §§ 306 and 307 of the CWA in regard to the activities specified. However, regulations promulgated by the EPA requiring discharge permits for storm water runoff (i.e. NPDES permits) from individual and commercial facilities may be applicable. This certification does not address the requirements of those regulations.

By accepting this certification from the State of Alabama, you and/or your assigns must allow any duly authorized employee of the ADEM or its contractors, or Attorney General or District Attorney to enter upon the premises on which this project is occurring for the purposes of ascertaining compliance with ADEM's Administrative Code. Deviation from the approved project design **must not** be implemented without prior written notice and approval from the ADEM. Upon such notice, the Director may require the submission of additional information and/or a new permit application, and additional fees may be required.

In recognition that projects are site specific in nature and conditions can change during project implementation, the ADEM reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case-by-case basis, in order to ensure the protection of water quality.

Liability and responsibility for compliance with the requirements of this certification are not delegable by contract or otherwise. You must ensure that any agent, contractor, subcontractor, or other person employed by, under contract, or paid a salary by you understands the approved project design. Violations of the ADEM's Administrative Code may result in an enforcement action.

This certification does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations and in no way purports to vest in (permittee) title to lands now owned by the State of Alabama nor shall it be construed as acquiescence by the State of Alabama of lands owned by the State that may be in (the permittee's) possession. This certification is not transferable without prior written notice and approval of the ADEM. Upon such notice, the Director may require submission of additional information and/or a new permit application, and additional fees may be required.

To protect water quality, the following conditions must be incorporated as part of **SAM-2014-0037-GAC**:

1. You and/or your assigns shall provide to the ADEM written notice of the start and completion of construction activities. Notification of completion shall include: a) Assessment of total site impacts to wetlands, streams, and any other State waters; b) Certification of compliance with all other conditions set forth herein; and c) Certification that all site activities have been performed according to project plans indicated in these conditions, or according to modifications approved by the ADEM.

Birmingham Branch  
110 Vulcan Road  
Birmingham, AL 35209-4702  
(205) 942-6168  
(205) 941-1603 (FAX)

Decatur Branch  
2715 Sandlin Road, S.W.  
Decatur, AL 35603-1333  
(256) 353-1713  
(256) 340-9359 (FAX)

Mobile Branch  
2204 Perimeter Road  
Mobile, AL 36615-1131  
(251) 450-3400  
(251) 479-2593 (FAX)

Mobile-Coastal  
3664 Dauphin Street, Suite B  
Mobile, AL 36608  
(251) 304-1176  
(251) 304-1189 (FAX)

SAM-2014-00397-GAC  
DEPT. OF THE ARMY/ADEM (2 pages)

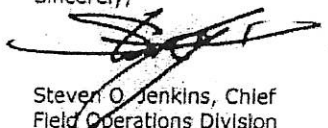
2. You and/or your assigns must implement and maintain appropriate, effective Best Management Practices (BMPs) for prevention and control of nonpoint sources of pollutants, including sediment loss, originating on site during and after site development activities to prevent fill material from entering wetland areas and/or State waters in which disposal of fill has not been authorized by the ADEM. Effective erosion control measures, sediment control measures, and other site pollution management practices are required to be designed, implemented, and continually maintained consistent with the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, ([http://swcc.alabama.gov/pages/erosion\\_handbook.aspx](http://swcc.alabama.gov/pages/erosion_handbook.aspx)). Immediately upon completion of the project, Ron Morrison and/or his assigns must implement and maintain effective measures to ensure permanent re-vegetation or cover to stabilize all disturbed areas.
4. You and/or your assigns shall implement appropriate BMPs to minimize turbidity impacts to the maximum extent practicable. Turbidity generated by the activity must not cause substantial visible contrast nor result in an increase of more than fifty (50) Nephelometric turbidity units (NTU) [above background] in surface waters more than two-hundred (200) feet from the activity. If turbidity generated from project exceeds acceptable levels, you and/or your assigns must cease operations until turbidity is restored to acceptable levels and immediately notify the ADEM Coastal/Facility Section at (251) 304-1176 of resultant work stoppage, with a follow-up written notification no later than seventy-two (72) hours from the beginning of the work stoppage.
5. Upon the loss or failure of any treatment facility, BMP, or other management control measure as identified by responsible on-site staff during day to day construction operations or as identified by ADEM technical staff during facility inspections, you and/or your assigns shall, where necessary to maintain compliance with this certification, suspend, cease, reduce, or otherwise control work/activity and all discharges until effective treatment is restored and immediately notify the ADEM Coastal/Facility Section at (251) 304-1176 of resultant work stoppage, with a follow-up written notification no later than seventy-two (72) hours from the beginning of the work stoppage.
6. You and/or its assigns are required to submit a complete and correct Notice of Intent, including the appropriate fee, requesting NPDES permit coverage prior to conducting any construction or land disturbance. Failure to comply with construction stormwater regulations and maintain a valid NPDES permit, if required, may constitute a violation of this certification.
7. Effective solid waste management practices shall be implemented at the site. All construction debris (e.g. excess construction materials, packaging material, trash, garbage, etc.) must be contained while on-site and regularly removed and disposed of in an approved manner. There shall be regular monitoring and removal of any construction debris or wastes from wetland areas, State waters, or adjacent offsite areas.
8. All materials used as fill shall be non-toxic, non-leaching, non-acid forming, and free of solid waste or other debris.
9. Adequate measures shall be taken to prevent the deposition of airborne pollutants (e.g. spray paint, excess road dust) from entering waters of the state.

If it becomes evident that your project cannot be completed prior to the expiration of this certification, please submit a time extension request to the ADEM in writing 60 days prior to expiration.

Notifications, modification requests, and submissions of other documents as required by the conditions above and any other correspondence related to this project should be submitted to the ADEM Coastal/Facility Section, 3664 Dauphin Street, Suite B, Mobile, AL 36608. Telephone notifications should be made to the ADEM Coastal/Facility Section at (251) 304-1176.

Contact the Mobile-Coastal office anytime with questions. Always include the ADEM tracking code above when corresponding on this matter.

Sincerely,



Steven O. Jenkins, Chief  
Field Operations Division

SOJ/dch File: 401WQ/1385

Enclosures: Site Plans and Project Description (7 Pages)

eCopy: Glen A. Cunningham, USACE  
Palge Collins Felts, Volkert, Inc.  
Phillip Hinesley, ADCNR  
Linda McCool, ADCNR