



State of Mississippi

TATE REEVES
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

October 25, 2022

General Permit Contact

Re: Hot Mix Asphalt General Permit (HMAGP)
Letter of Instruction for Recoverage
Facility Name
Coverage No. MSR70
County

The Permit Board on Environmental Quality reissued the Hot Mix Asphalt General Permit (HMAGP – MSR70) on October 24, 2022. This permit replaces the previous general permit that expired on February 29, 2020 and was administratively extended by MDEQ. The permit is reissued for a five-year period that will end on September 30, 2027. This permit covers the State of Mississippi and will authorize discharges of industrial storm water into waters of the State, as well as construction and operation of air emissions equipment, from hot mix asphalt facilities that fall under the Standard Industrial Classification (SIC) code of 2951.

The reissued general permit contains several changes from the previous permit, which are summarized in the “Significant Changes” document available at <https://www.mdeq.ms.gov/hmagp/>. This document is only a summary of significant changes and does not negate the requirement for the coverage recipient to carefully read and be familiar with the permit, all of its conditions, and the updated HMAGP forms. The HMAGP and associated forms are available on MDEQ’s website at: <https://www.mdeq.ms.gov/hmagp/>.

If the company seeking permit coverage is a corporation, a limited liability company, a partnership, or a business trust, then a proof of its registration with the Mississippi Secretary of State and/or its Certificate of Good Standing must be attached to the Notice of Intent (NOI) Form. This registration or Certificate of Good Standing must be dated within 12 months of the date of the submittal of the NOI Form. Coverage will be issued in the company name as it is registered with the Mississippi Secretary of State.

Please be aware that storm water from construction activities is no longer covered by the HMAGP. If construction is still ongoing, the conditions of the Small Construction Storm Water General Permit or the Large Construction Storm Water General Permit must be complied with accordingly.

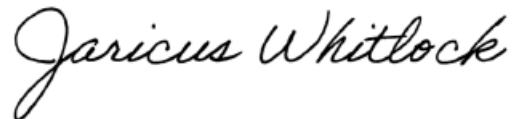
A facility granted coverage under the previous general permit has three options: (1) recoverage under the reissued general permit, (2) termination of general permit coverage, or (3) application submittals for an individual air permit and coverage(s) under general permit(s) for storm water discharges. Please read the following instructions carefully.

1. **Recovery:** In order for the Hot Mix Asphalt facility to remain covered under a valid general permit, the NOI Form must be completed and submitted to MDEQ by **January 9, 2023**. This form is available at <https://www.mdeq.ms.gov/hmagp/>, as well as the instructions for completing it. The “Recovery” box at the top of the form should be checked indicating the request for recovery. An updated Storm Water Pollution Prevention Plan (SWPPP) must be submitted if the previous SWPPP is no longer current or if it is ineffective in controlling pollutants. For a Hot Mix Asphalt facility that is requesting recovery but has not begun construction within 18 months of obtaining initial coverage or has suspended construction for 18 months or more, the applicant may be required to meet the public participation requirements of ACT2 Condition S-3 of the HMAGP. Upon review of the NOI, MDEQ will contact the facility of such determination.
2. **Termination:** To terminate coverage, the coverage recipient must submit the Notice of Termination (NOT) Form, which is available online at <https://www.mdeq.ms.gov/hmagp/>. A Closure Plan must be completed and submitted before coverage can be terminated. Submittal of the NOI Form is not required if a NOT Form is submitted. Until receipt of written termination of coverage from MDEQ, the facility must continue to comply with the conditions of its previous general permit coverage.
3. **Applications for Individual Permits:** In the event the coverage recipient chooses to obtain individual permits, please contact MDEQ as described below to discuss the necessary applications.

To ensure there is no delay in receipt of a request for Recovery, MDEQ encourages facilities to submit the NOI Form or NOT Form and related documents electronically by following the instructions available at <https://www.mdeq.ms.gov/hmagp/>. If submitting the NOI or NOT Form electronically, MDEQ still requires a hard copy be mailed to the address indicated in the Instructions. The facility must continue to follow the conditions of the previous permit until a current certificate of coverage is issued. An updated certificate of permit coverage will be issued when the facility satisfies the recovery requirements. The updated certificate of permit coverage or confirmation of termination will be emailed or mailed to the facility.

If regulated activities are ongoing and the coverage recipient does not apply for recovery under this general permit or for individual permits, the facility will be operating without a valid permit and is subject to potential enforcement action. If you have any questions concerning these instructions, please contact me at jwhitlock@mdeq.ms.gov or (601) 961-5303 or Iva Pilgrim of my staff at ipilgrim@mdeq.ms.gov or (601) 961-5333.

Sincerely,



Jaricus Whitlock, P.E.
Air II Branch Manager
Environmental Permits Division