



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

March 2, 2017

Certified Mail No. 7010 18704946 9081

Mr. Johan Vanhee
MS Solar 3, LLC
800 Brickell Avenue, Suite 1100
Miami, Florida 33131

Dear Mr. Vanhee:

Re: MS Solar 3, LLC
Sumrall II Solar Farm
Lamar County
COE No. SAM20161582DEM
WQC No. WQC2017061

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Office of Pollution Control (OPC) issues this Certification, after public notice and opportunity for public hearing, MS Solar 3, LLC, Sumrall II Solar Farm, an applicant for a Federal License or permit to conduct the following activity:

MS Solar 3, LLC - Sumrall II Solar Farm: Proposed development, construction, operation, and maintenance of a 52 MW solar project on an approximately 531-acre property. The photo-voltaic solar plant and electric substation development will include the filling of approximately 10.47 acres of bottomland hardwood wetlands with impacts to approximately 324 linear feet of stream. The applicant will provide in-kind compensatory mitigation through a U.S. Army Corps of Engineers approved mitigation bank. The project is located along Epley Road east of Sumrall, Lamar County, Mississippi [SAM20161582DEM, WQC2017061].

The Office of Pollution Control certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the following conditions:

1. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent


drainage areas. In the event of any BMP failure, corrective actions shall be taken immediately.

2. Coverage under a Storm Water Construction General NPDES Permit shall be obtained prior to the start of construction activities. No construction activities shall begin until such approvals are obtained.
3. Uniform perennial vegetative cover with a density of at least 70% must be maintained throughout the site once all soil disturbing activities have been completed and final stabilization has been achieved.
4. Mitigation for the impact of 10.47 acres of bottomland hardwood wetlands and 324 linear feet of stream shall be provided by the purchase of mitigation credits from an approved mitigation bank. The number of credits must be in accordance with banking prospectus and should be based upon that required for impacting 10.47 acres of wetlands and 324 linear feet of stream. **Written verification of credit purchase must be provided to the Office of Pollution Control prior to the commencement of any work in the wetland areas.**
5. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

The Office of Pollution Control also certifies that there are no limitations under Section 302 nor standards under Sections 306 and 307 of the Federal Water Pollution Control Act which are applicable to the applicant's above-described activity.

This certification is valid for the project as proposed. Any deviations without proper modifications and/or approvals may result in a violation of the 401 Water Quality Certification. If we can be of further assistance, please contact us.

Sincerely,



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

HMW: chb

cc: Mr. Donald Mroczko, U.S. Army Corps of Engineers, Mobile District
Mr. David Felder, U.S. Fish and Wildlife Service
Mr. Bill Ainslie, Environmental Protection Agency
Mr. Michael Noh, Utility Engineering, Inc.