



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

GARY C. RIKARD, EXECUTIVE DIRECTOR

February 2, 2018

Certified Mail No. 7017 1450 0000 4592 1244

Ms. Lucia W. Crenshaw  
Janie V. Paine Residuary Family Trust  
P.O. Box 772898  
Memphis, Tennessee 38177

Dear Ms. Lucia W. Crenshaw:

Re: Janie V. Paine Residuary Family  
Trust, Car Dealership  
Development  
Desoto County  
COE No. MVM2017306  
WQC No. WQC2017106

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, to Janie V. Paine Residuary Family Trust, an applicant for a Federal License or permit to conduct the following activity:

Janie V. Paine Residuary Family Trust, Car Dealership Development: The proposed project involves the development of 30.3 acres of the 65.7-acre property for the construction of car dealerships. The proposed project will consist of three lots totaling 12.1 acres, 10.13 acres, and 8.07 acres, respectively. The property contains two streams totaling 5262 linear feet in length and two wetlands totaling 7.29 acres. Development of the site would consist of the use of fill material to raise the elevation of the buildable area. The proposed site plan would retain a riparian floodway buffer along the eastern side of Rocky Creek and no impacts are proposed to Rocky Creek. The discharge of fill material is being proposed within 5.05 acres of wetland to complete the project. To offset the loss of 5.05 acres of wetlands, mitigation in the form of in-lieu fee payment to the Delta Mitigation Bank is proposed. [MVM2017306, WQC2017106].

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. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal: vertical) and shall be immediately seeded, stabilized and maintained.
2. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas and/or waters. Special care shall be taken to prevent the movement of sediment into adjacent wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately.
3. For projects greater than five acres of total ground disturbances including clearing, grading, excavating or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained.
4. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
5. Retention of the riparian floodway buffer along the eastern side of Rocky Creek shall be maintained along with the 80-foot culverted roadway crossing at the far eastern end of the unnamed tributary on the property to limit impacts to the stream.
6. Mitigation for the impact of 5.05 acres of wetlands shall be provided by the purchase of mitigation credits from an approved mitigation bank. The number of credits must be in accordance with the banking prospectus and should be based upon that required for impacting 5.05 acres of wetlands. Written verification of credit purchase must be provided to the Office of Pollution Control prior to the commencement of any work in the wetlands.
7. The final post-construction Storm Water Pollution Prevention Plan submitted by Kimley-Horn and Associates, Inc. dated November 14, 2017 and received by this office on November 16, 2017 shall be implemented concurrent with project construction and maintained as proposed.
8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

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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,



Krystal Rudolph, P.E.  
Chief, Environmental Permits Division

KR: cs

cc: Mr. James Elcan, U.S. Army Corps of Engineers, Memphis District  
Mr. Paul Necaise, U.S. Fish and Wildlife Service  
Mrs. Molly Martin, Environmental Protection Agency  
Ms. Jennifer L. Morrison, Brophe-Heineke & Associates, Inc.