



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, INTERIM EXECUTIVE DIRECTOR

April 14, 2020

Mr. Kelli Foster
Green Earth Materials, LLC
PO Box 321473
Flowood, Mississippi 39232

Dear Mr. Foster:

Re: Fallen Oaks
Rankin County
COE No. MKV2017739
WQC No. WQC2019056

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 Green Earth Materials, an applicant for a Federal License or permit to conduct the following activity:

Fallen Oaks: The applicant, Green Earth Materials, LLC, is proposing to construct Phase II and Phase III of the Fallen Oaks residential subdivision. The purpose of this project is to construct 41 residential lots to help meet the demand for single-family housing within the Brandon and Flowood area. The subdivision is located in Rankin County within the Riley Creek-Pelahatchie Creek Watershed. The site is approximately 175.6 acres. It contains 24.2 acres of jurisdictional wetlands and 9,173.8 linear feet of streams. The project will fill approximately 4.0 acres of wetlands. This project will also reroute both a perennial stream and an ephemeral stream. Approximately 204.7 linear feet of perennial stream will be rerouted to a new 88.8 linear feet channel, which flows through a box culvert, and approximately 276.56 linear feet of ephemeral stream will be rerouted to a new 276.83 linear feet channel. Approximately 16,000 cubic yards of fill will be discharged into jurisdictional waters. The applicant proposes to purchase mitigation credits that service the project area to offset the unavoidable losses associated with the development. The project is located in Flowood, Rankin County, Mississippi. [MKV2017739, WQC2019056].

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

72446 WQC20190001

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. In the event of any BMP failure, corrective actions shall be taken immediately.
3. 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.**
4. The post-construction Storm Water Management Plan, submitted by Benchmark Engineering and Surveying, LLC received on March 12, 2020, shall be implemented concurrent with project construction and properly maintained.
5. Mitigation for the impacts of 4.0 acres of wetlands, rerouting 204.7 linear feet of perennial stream and, rerouting 276.56 linear feet of ephemeral stream shall be provided by the purchase of mitigation credits jurisdictional wetlands shall be provided from an approved mitigation bank. The number of credits purchased must be in accordance with the banking prospectus and should be based upon that required for permanently impacting approximately of 4.0 acres of jurisdictional wetlands, rerouting 204.7 linear feet of perennial stream and, rerouting 276.56 linear feet of ephemeral 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.
6. The development shall connect to an Office of Pollution Control approved wastewater collection and treatment system. **No construction shall begin until all wastewater approvals are obtained.**
7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
8. 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 you have any questions, please contact Montie Hardaway Glenn at (601) 961-5596.

Sincerely,



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

KR: mhg

cc: Andy Sanderson, U.S. Army Corps of Engineers, Vicksburg District
Tamara Campbell, U.S. Fish and Wildlife Service
Molly Martin, Environmental Protection Agency
Clay Cromwell, Headwaters, Inc.