



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

July 27, 2020

Mr. Scott Cumbest
AVC Land Company, LLC
Post Office Drawer 1287
Pascagoula, MS 39568

Dear Mr. Cumbest:

Re: AVC Land Company, LLC,
 Commercial Development
 Jackson County
 COE No. SAM201900961PAH
 WQC No. WQC2019044

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 AVC Land Company, LLC, an applicant for a Federal License or permit to conduct the following activity:

AVC Land Company, LLC, Commercial Development: Construction of commercial retail space has been proposed between existing commercial developments. The commercially zoned project is approximately 1.15 acres of land. The site consists of dense scrub-shrub understory and mixed pine/hardwood flat. The applicant proposes to fill .94 acres of wetlands during the construction of the project. Mitigation has been proposed through the purchase of mitigation credits from an approved mitigation bank. The project is located in Gautier, Jackson County, Mississippi.
[SAM201900961PAH, WQC2019044].

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:

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1. 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.**
2. 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.
3. 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.
4. For construction projects from one to less than five acres of total ground disturbances including clearing, grading, excavating or other construction activities shall follow the conditions and limitations of the enclosed Storm Water Small Construction General NPDES Permit.
5. The final post-construction Stormwater Management Plan, as submitted and approved by MDEQ, shall be implemented concurrent with project construction and properly maintained.
6. Mitigation for the impacts of .94 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 banking prospectus and should be based upon that required for impacting .94 acres of wetland. **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.**
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.

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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 Paul Devine of my staff at 601-961-5336.

Sincerely,



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

KR: pjd

cc: Mr. Philip Hegji, U.S. Army Corps of Engineers, Mobile District
Mr. Greg Cristodoulou, Department of Marine Resources
Ms. Tamara Campbell, U.S. Fish and Wildlife Service
Ms. Molly Martin, Environmental Protection Agency
Ms. Sarah McLellan, Seymour Engineering