



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

November 22, 2021

Mr. Henry Martinez  
2208 McLaurin St.  
Waveland, MS 39576

Dear Mr. Martinez:

Re: Lot 4 Pompano Circle  
Hancock County  
COE No. SAM-2020-01220-  
AMR  
WQC No. WQC2021021

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, Henry Martinez, an applicant for a Federal License or permit to conduct the following activity:

Martinez, Henry, Private Residence at Lot 4 Pompano Circle: The Applicant proposes to fill approximately 0.097 acres (4,225 square feet) of highly impacted degraded spoil wetland. The wetland on the site is previously filled from the construction of the adjacent tidal canal, however it retains marginally hydric conditions. The purpose of the Project is to support the construction of a single family residence on the applicant's property. [SAM-2020-01220-AMR WQC2021021].

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. The permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 B (7))

79762 WQC20210001

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. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
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. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent avoided wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. A Stormwater Pollution Prevention Plan shall be implemented in accordance with the Small Construction Stormwater General Permit. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (9))
5. Mitigation for the impact of 0.09 acres of wetlands associated with the project shall be provided through avoidance and minimization measures and best management practices. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
6. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.)
7. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, such that the activity will not meet the criteria for denial:

- (A) The proposed activity permanently alters the aquatic ecosystem such that water quality criteria are violated and/or it no longer supports its existing or classified uses. An example is the channelization of streams
- (B) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (C) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.

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 Florance Bass.

Sincerely,



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

KR: doa

cc: Ms. Angela Rangel, U.S. Army Corps of Engineers, Mobile District  
Ms. Jennifer Wilder, Department of Marine Resources  
Ms. Janet Riddell, Office of Budget & Fund Management  
Mr. Billy Culpepper, consultant, Culpepper & Associates