



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

January 7, 2022

Mr. Gregory Bertucci
2330 Atkins Road
Biloxi, Mississippi 39531

Re: Bertucci Park
Harrison County
COE No. SAM-2020-00721-MJF
WQC No. WQC2021025

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 Mr. Gregory Bertucci, an applicant for a Federal License or permit to conduct the following activity:

Bertucci Park: The project is for the construction of a subdivision and filling of 2.92 acres of wetlands. The project size is 44.35 acres total with 5 acres of wetlands on site. The 2.92 acres of impacts include 0.88 acres of hardwood wetlands and 2.04 acres of pine savanna wetlands. The wetlands are associated with the Biloxi Back Bay in the Coastal Streams Basin. The project is located along Atkins Road in Biloxi, Harrison County, Mississippi. [SAM-2020-00721-MJF, WQC2021025].

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 development shall be required to connect to an MDEQ Office of Pollution Control approved wastewater collection and treatment system. (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
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. (11 Miss. Admin. Code Pt. 6, R.1.1.1.B.)

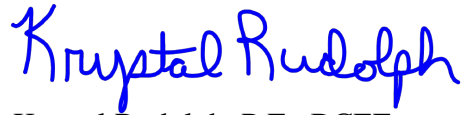
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3. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent avoided wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately. (11 Miss. Admin Code Pt. 6, R. 1.1.1.B.)
4. 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. For projects greater than one, to less the five acres of total ground disturbances including clearing, grading, excavating, or other construction activities, the applicant shall follow the conditions and limitations of the State of Mississippi's Small Construction Storm Water General NPDES Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained. (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
5. The Post Construction Water Quality Plan dated June 1, 2021, shall be implemented concurrent with project construction and maintained as proposed. (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (9))
6. Mitigation for the impacts of 2.92 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 2.92 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 wetland or stream areas. (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (2))
7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (11 Miss. Admin. Code Pt. 6, R. 2.2.A.)
8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3))

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 Leah Drinnon.

Sincerely,



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

KR: ld

cc: Maryellen Farmer, U.S. Army Corps of Engineers, Mobile District
Department of Marine Resources
U.S. Fish and Wildlife Service
Environmental Protection Agency
Dana Sanders