



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

October 18, 2022

Mr. Bill Lavers
Harrison County Development Commission
12281 Intraplex Parkway
Gulfport, Mississippi 39503

Dear Mr. Lavers:

Re: Harrison County Development Commission,
Industrial Complex Offices
Harrison County
COE No. SAM202100278MJF
WQC No. WQC2021026

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 Harrison County Development Commission, an applicant for a Federal License or permit to conduct the following activity:

Harrison County Development Commission, Industrial Complex Offices: Fill of 2.6 acres of wetlands for construction of a commercial development. The development includes the construction of four commercial buildings, driveways, parking areas, other appurtenances, and stormwater detention. The total project is 19 acres in size with 4.2 acres of wetlands. Mitigation for impacts to 2.6 acres of low-quality wet pine savanna wetlands will be accomplished through the purchase of credits from an approved mitigation bank [SAM202100278MJF, WQC2021026].

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 connect to an Office of Pollution Control approved wastewater collection and treatment system. No construction shall begin until all wastewater approvals are obtained.
(11 Miss. Admin. Code Pt. 6, R. 1.3.4, Statement C)

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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. 1.3.4, Statement 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 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.
(11 Miss. Admin. Code Pt. 6, R. 1.3.4, Statement B)
4. Coverage under a Large Construction Storm Water General NPDES Permit shall be obtained prior to the start of construction activities. No construction activities shall begin until such approvals are obtained.
(11 Miss. Admin. Code Part 6, R. 1.3.4, Statement C)
5. The Post Construction Storm Water Management Plan, submitted by Machado Patano, PLLC, dated June 10, 2021, shall be implemented concurrent with project construction and maintained as proposed.
(11 Miss. Admin. Code Part 6, R. 1.3.4, Statement B)
6. Mitigation for the impacts of 2.6 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 2.6 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 areas.
(11 Miss. Admin. Code Part 6, R. 1.3.4, Statement A and D)
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, Statement E)
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), Statement E)

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) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (D) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (E) The proposed activity results in significant environmental impacts which may adversely impact water quality.

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 Carrie Barefoot.

Sincerely,



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

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cc: Ms. Maryellen Farmer, U.S. Army Corps of Engineers, Mobile District
Ms. Willa Brantley, Department of Marine Resources
Mr. Bill Ainslie, Environmental Protection Agency
Mr. Jack Schmidt, Machado Patano