



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

June 1, 2023

Mr. Billy Anderson
Anderson Homes & Construction, LLC
5266 Highway 613
Lucedale, MS 39452

Dear Mr. Anderson:

Re: Anderson Homes & Construction, LLC
Cedar Lake Commercial Development
Harrison County
COE No. SAM202201050RCV
WQC No. WQC2022065

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Mississippi Department of Environmental Quality (Department) issues this Certification, after public notice and opportunity for public hearing, to Anderson Homes & Construction, LLC, an applicant for a Federal License or permit to conduct the following activity:

Anderson Homes & Construction, LLC, Cedar Lake Commercial Development: The applicant proposes to impact 1.47 acres of wetlands adjacent to Tchoutacabouffa River. All impacts would be associated with the construction of a commercial building and associated parking lot. The applicant proposes the purchase of mitigation credits to offset unavoidable wetland impacts [SAM202201050RCV, WQC2022065].

The Department 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 a Department approved wastewater collection and treatment system. All wastewater, including process wastewater, shall be properly treated and disposed of in accordance with 11 Mississippi Administrative code Part 6, Chapter 1. (Statement D) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)

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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. (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. For construction projects from one (1) to less than five (5) acres of total ground disturbances including clearing, grading, excavating or other construction activities shall follow the conditions and limitations of the Department's Storm Water Small Construction General NPDES Permit. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
5. The final post-construction Stormwater Management Plan, as submitted by Neel-Schaffer on 12/22 and approved by MDEQ shall be implemented concurrent with project construction and properly maintained. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
6. Mitigation for the impacts of 1.5 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 1.5 acres of wetlands. **Written verification of credit purchase must be provided to the Department prior to the commencement of any work in the wetland or stream areas.** (Statement C) (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. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.)
8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3))

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.
- (D) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.

The Department 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 Mr. Thomas Schaub.

Sincerely,



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

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cc: Rudolph Villareal, U.S. Army Corps of Engineers, Mobile District
Willa Brantley, Department of Marine Resources
Paul Necaise, U.S. Fish and Wildlife Service
Jamie Becker, Environmental Protection Agency
Lisa Morrison, Neel-Schaffer