



**STATE OF MISSISSIPPI  
TATE REEVES  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

February 16, 2023

Marty Windham  
Waring Oil  
12202 Shriners Blvd  
Biloxi, Mississippi 39532

Dear Mr. Windham:

Re: Waring Oil Company, LLC, Industrial Road  
Convenience Store  
Jackson County  
COE No. SAM202200808RCV  
WQC No. WQC2022054

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, Waring Oil, an applicant for a Federal License or permit to conduct the following activity:

Waring Oil Company, LLC, Industrial Road Convenience Store: The applicant will impact 2.08 acres of wetlands adjacent to Bayou Casotte. All impacts will be associated with the construction of a convenience store and associated features. The applicant will purchase mitigation credits to offset any wetland impacts. [SAM202200808RCV, WQC2022054].

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. (Statement C) (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 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. (Statement B) (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 than 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. (Statement B & C) (11 Miss. Admin. Code Pt. 6, R 1.1.1 B.)
5. The post-construction stormwater management plan submitted on February 16, 2023, by Culpepper and Associates shall be implemented concurrent with project construction and maintained as proposed. (Statement B) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (9))
6. Mitigation for the loss of 2.08 acres of wetlands shall be provided by the purchase of mitigation credits from an approved mitigation bank. The purchasing credits must be in accordance with the banking prospectus and should be based upon that required for impacting 2.08 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. (Statement A & D) (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. The turbidity within the beneficial use restoration project areas may reasonably exceed this turbidity standard for temporary periods of time and shall not result in permanent environmental harm. (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))

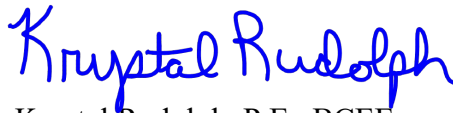
As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, 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. The proposed activity results in significant environmental impacts which may adversely impact water quality.
- 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 Mr. Thomas Schaub.

Sincerely,



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

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cc: Ms. Rudolph Villarreal, U.S. Army Corps of Engineers, Mobile District  
Ms. Willa Brantley, Department of Marine Resources  
Mr. Paul Necaise, U.S. Fish and Wildlife Service  
Ms. Jamie Becker, Environmental Protection Agency  
Mr. Billy Culpepper, Culpepper & Associates