



State of Mississippi

TATE REEVES
Governor

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

CHRIS WELLS, EXECUTIVE DIRECTOR

January 31, 2024

Mr. Gary Dodson
5000 Meridian Blvd., Suite 700
Franklin, Tennessee 37067

Dear Mr. Dodson:

Re: Chief Seven LLC, Car
Dealership
Jackson County
COE No. SAM201200179MJF
WQC No. WQC2023037

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 Chief Seven LLC, an applicant for a Federal License or permit to conduct the following activity:

Chief Seven LLC, Car Dealership: Proposed modification to place fill material in an additional 3.11 acres of jurisdictional wetlands for the construction of a car dealership. The original permit (SAM-2012-00179-MJF) was issued on April 24, 2018, to place fill in 6.57 acres of wetlands and required the purchase of 13.14 mitigation credits. The permitted work and required mitigation has been completed. The permit was modified on February 2, 2017, to extend the expiration date from April 24, 2018, to April 24, 2023. A second permit modification was issued June 19, 2019, to add an additional 2.37 acres of fill material to accommodate the required stormwater management basins. Additional mitigation was also required. This permitted work and mitigation for Modification #2 has also been completed. A transfer of ownership was requested and completed January 5, 2023, from Mr. Marshall Smith to Chief Seven, LLC. The current applicant is requesting the additional fill to accommodate an expanded car dealership layout. The original project would accommodate one dealership with approximately 350 spaces for automobiles, an office center, showroom and service center. The new applicant handles multiple brands and requires two separate showrooms

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and service centers, approximately 600 spaces for automobiles, as well as stormwater management basins. Total impact for the development is approximately 12.05 acres. Mitigation will be purchase of credits from an approved mitigation bank. [SAM201200179MJF, WQC2023037].

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 in accordance with 11 Mississippi Administrative Code Part 6, Chapter 1. (Statement G) (11 Miss. Admin. Code Pt. 6, R.1.1.1.B)
2. For construction activities, 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 offsite and into adjacent avoided wetland areas and adjacent waters. In the event of any BMP failure, corrective actions shall be taken immediately. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. For construction projects five (5) acres or greater of total ground disturbances including clearing, grading, excavating, or other construction activities shall follow the conditions and limitations of the Large Construction General Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained. Construction activities include a disturbance to the land that results in the change in topography, existing soil cover (both vegetative and nonvegetative), or the existing topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
4. The post-construction stormwater management plan submitted on August 23, 2023, prepared by Dennis Stieffel and Associates, Inc., shall be implemented concurrent with project construction and maintained as proposed. (Statement F) (11 Miss. Admin. Code Pt. 6, R.1.3.4.A (9))
5. Mitigation for the impacts to 12.05 acres of wetland shall be provided by the purchase of mitigation credits from an approved mitigation bank. The number of credits must be in accordance with the banking

prospectus and should be based upon that required for impacting 12.05 acres of wetlands. **Written verification of credit purchase must be provided to the Department.** (Statement E) (11 Miss. Admin. Code Pt. 6, R.2.2.A.)

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.(3))
7. 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) There is a feasible alternative to the activity which reduces adverse consequences on water quality and classified or existing uses of waters of the State.
- (C) The proposed activity adversely impacts waters containing State or federally recognized threatened or endangered species.
- (D) The proposed activity adversely impacts a special or unique aquatic habitat, such as National or State Wild and Scenic Rivers and/or State Outstanding Resource Waters.
- (E) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (F) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (G) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.

(H) The proposed activity results in significant environmental impacts which may adversely impact water quality.

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 Carrie Barefoot.

Sincerely,



Chris Sanders, P.E., BCEE
Office of Pollution Control

CS: oe

cc: Maryellen J. Farmer, 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