



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

September 10, 2024

The Summit at Oxford Commons, LLC
Mr. David Blackburn
825 Sisk Avenue, Suite 200
Oxford, MS 38655

Dear Mr. Blackburn:

Re: The Summit at Oxford Commons, LLC
Lafayette County
COE No. MVK-2015-429
WQC No. WQC2024047

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 The Summit at Oxford Commons, LLC, an applicant for a Federal License or permit to conduct the following activity:

The Summit at Oxford Commons, LLC: Proposed project for a mixed-use commercial and residential development that is approximately 77.69 acres in size located near the intersection of Ed Perry Boulevard and Commonwealth Boulevard within Oxford, Lafayette County, Mississippi. The project consists of the construction of The Summit Phase II, which will include the construction of five (5) commercial lots, twenty-one (21) commercial retail buildings, eighteen (18) multi-family residential apartments, 111 single-family townhomes, and attendant features such as streets, parking lots, and utility lines. The project as proposed will impact 0.05 acre of forested wetlands, 1,154.28 feet/0.08 acre of ephemeral features (non-jurisdictional), and 2,333.80 feet/0.45 acre of intermittent tributaries (jurisdictional).

The Summit Phase I was authorized by Nationwide Permit No. 39 on January 31, 2020, and included the construction of Tractor Supply Co. and four (4) commercial lots. The Summit Phase I included approximately 336.19 linear feet/0.02-acre of ephemeral feature fill. It utilized the pre-certified Water Quality Certification for Nationwide Permit No. 39 [MVK-2015-429, WQC2024047].

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 non-vegetative), 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 final post-construction Stormwater Management Plan submitted by Precision Engineering Corporation via Headwaters, Inc. dated July 19, 2024, shall be implemented concurrent with project construction and maintained as proposed or sedimentation basins that are to be converted to be utilized as part of the post-construction stormwater management plan, basin volumes shall be checked, and excess sediment removed from the basins prior to termination of Large Construction Stormwater General Permit. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
5. Mitigation for the impacts to 1,154.28 feet/0.08 acre of ephemeral features (non-jurisdictional) and 2,333.80 feet/0.45 acre of intermittent tributaries (jurisdictional) 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 1,154.28 feet/0.08 acre of ephemeral features (non-jurisdictional) and 2,333.80 feet/0.45 acre of intermittent tributaries (jurisdictional). 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 E) (11 Miss. Admin. Code Pt. 6, R. 1.3.4 A(2))

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,



Becky Simonson
Chief, Environmental Permits Division

BS: po

cc: Spencer Dixon, U.S. Army Corps of Engineers, Vicksburg District
Jamie Becker, Environmental Protection Agency
Cullen Dendy, Headwaters, Inc.
Paul Koshenina, Precision Engineering Corporation