



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

January 22, 2020

Certified Mail No. 7019 1120 0000 4789 1958
Mr. Robert Miller
AptCon, LLC
P.O. Box 12004
Jackson Mississippi 39236

Dear Mr. Miller:

Re: AptCon LLC,
The Landing at D'Iberville
Harrison County
COE No. SAM201900651MJF
WQC No. WQC2019066

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

AptCon LLC, The Landing at D'Iberville: Construct an apartment building that would include a clubhouse, office, mail kiosk, as well as four detached garage buildings containing 18 garages. The property is a 13.6-acre parcel containing approximately .39 acres of jurisdictional wetlands. Mitigation will be provided through the purchase of credits from an approved mitigation bank. The site is located in D'Iberville, Harrison County, Mississippi. [SAM201900651MJF, WQC2019066].

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. 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.
2. 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

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areas. In the event of any BMP failure, corrective actions shall be taken immediately.

3. 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.**
4. The final post-construction Stormwater Management Plan, submitted on January 7, 2019 by Machado Patano on behalf of AptCon, LLC shall be implemented and maintained as proposed shall be implemented concurrent with project construction and properly maintained.
5. Mitigation for the impacts of .39 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 .39 acres of wetland. **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.**
6. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

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 Joseph Paige.

Sincerely,



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

KR: JP

cc: Maryellen J. Farmer, U.S. Army Corps of Engineers, Mobile District
Chris Pickering, Department of Marine Resources
David Felder, U.S. Fish and Wildlife Service
Molly Martin, Environmental Protection Agency
Patrick Chubb, PAC Services, LLC