



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

June 1, 2020

Mr. Andrew Windham
Windham Tractor and Implement Company
592 East Main Street
Philadelphia, Mississippi 39475

Dear Mr. Windham:

Re: Windham Tractor and
Implement Company
Neshoba County
COE No. MVK2019756
WQC No. WQC2020012

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, Windham Tractor and Implement Company, an applicant for a Federal License or permit to conduct the following activity:

Windham Tractor and Implement Company: Construction of a gravel parking and equipment storage area. In November 2019, a Nationwide Permit 39 authorized the applicant for impacts to 0.49 acre of emergent wetlands. Following receipt of verification, the permittee determined additional storage and parking would be necessary to meet the project purpose and need. The current proposal is to fill an additional 0.99 acre of emergent wetlands, and approximately 70 linear feet/0.01 acre of other waters of the U.S. in order to create an 2.25 acre gravel parking lot. The vegetative communities within wetlands on the project area are dominated by buttercup, bahia grass, rush species and flatsedges. Soil within the project site consists of Bib sandy loam listed as a hydric soil by the Natural Resource Conservation Service (NRCS). The applicant proposes to mitigate for the unavoidable loss of jurisdictional impacts through the purchase of credits from a commercial mitigation bank. Regarding the previous Nationwide Permit authorization, the applicant also provided mitigation through the purchase of credits from a commercial

mitigation bank. The project is located in Philadelphia, Neshoba County, Mississippi. [MVK2019756, WQC2020012].

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. In the event of any BMP failure, corrective actions shall be taken immediately.
3. A NPDES Small Construction Notice of Intent package must be completed for this project.
4. Mitigation for the impacts of 1.0 acres of wetlands shall be provided by the purchase of 5.45 of mitigation credits for jurisdictional wetlands from an approved mitigation bank. 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.
5. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
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 Montie Hardaway Glenn at (601) 961-5596.

Mr. Andrew Windham

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Sincerely,



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

KR: mhg

cc: Kristi Hall, U.S. Army Corps of Engineers, Vicksburg District
Tamara Campbell, U.S. Fish and Wildlife Service
Molly Martin, Environmental Protection Agency
Bart Pittman, Pittman Environmental Services, LLC