



**STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHRIS WELLS, EXECUTIVE DIRECTOR**

January 22, 2021

Katherine Driskell,
Oak Grove Land Company, Inc.
PO Box 15007
Hattiesburg, Mississippi 39404

Re: Oak Grove Land Company Inc.
Evelyn Gandy Parkway
Commercial Retail Site
Forrest County
COE No. SAM-2019-00946-AMR
WQC No. WQC2020082

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, Oak Grove Land Company Inc., an applicant for a Federal License or permit to conduct the following activity:

Oak Grove Land Co. Development: The project is for the fill of 3.47 acres of wetlands associated with the construction of a commercial and retail development along Evelyn Gandy Parkway, in Hattiesburg, Forrest County, Mississippi. The project will include 10 individual buildings and associated parking. The project was originally issued a Nationwide Permit No. 39 Commercial and Institutional Developments, but it was determined that the anticipated for commercial space along Evelyn Gandy Parkway would exceed the original site plan and impacts. The Nationwide Permit was issued for 0.49 acres of wetland impacts. [SAM-2019-00946-AMR, WQC2020082].

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)

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. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent avoided 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.)
3. All fill material and excavation areas shall have side slopes of 3:1 (horizontal:vertical) or flatter and shall be immediately seeded, stabilized and maintained. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
4. The Post Construction Water Quality Plan submitted on December 30, 2020, shall be implemented concurrent with project construction and maintained as proposed. (Statement D) (11 Miss. Admin. Code Pt. 6, R. 1.3.4 A (9))
5. Mitigation for the impacts of 3.47 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 3.47 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 or stream areas. (Statement D) (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.)
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

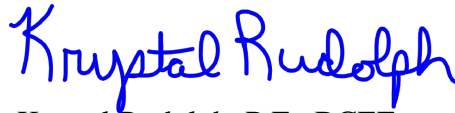
January 22, 2021

- (B) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (C) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (D) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.

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 Leah Drinnon.

Sincerely,



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

KR: ld

cc: Angela Rangel, U.S. Army Corps of Engineers, Mobile District
David Felder, U.S. Fish and Wildlife Service
Molly Martin, Environmental Protection Agency
Bart Pittman, Pittman Environmental Services, LLC