



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

March 19, 2021

Ms. Vu Nhan
17413 Landon Road
Gulfport, MS 39503

Dear Ms. Nhan:

Re: Nhan Residence
Harrison County
COE No. SAM202000958RCV
WQC No. WQC2021006

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, Vu Nhan , an applicant for a Federal License or permit to conduct the following activity:

Nhan, Vu, Private Residence: The applicant has filled 0.6 acres of wetlands associated with the construction of a single-family residence and septic field. The total project site is approximately 3 acres in size of which 2.7 acres have been identified as wetlands. Impacts include filling 0.6 acres of wet pine savanna wetlands. The applicant proposes to provide in-kind compensatory mitigation through a mitigation bank. Other work performed includes the excavation of a 0.2-acre amenity pond. The purposed project was to include a single-family residence with necessary septic spray field system after the construction of a water-feature pond. The applicant assumed that other authorizations received also covered any associated wetland impacts. The excavated material from pond was subsequently spread across adjacent wetlands surrounding the pond, resulting in the unauthorized impacts. [SAM202000958RCV, WQC2021006].

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:

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1. The permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 B (7))
2. 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. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. 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.)
4. A Stormwater Pollution Prevention Plan shall be implemented in accordance with the Small Construction Stormwater General Permit. (Statement C) (11 Miss. Admin. Code Pt. 6, R 1.3.4 A (9))
5. Mitigation for the impact of 0.6 acres of wetlands and associated with the project shall be provided by the purchase of mitigation credits from an approved mitigation bank. (Statement C) (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:

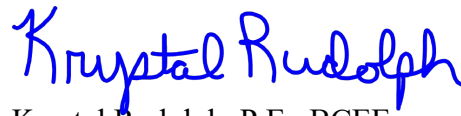
- (A) The proposed activity permanently alters the aquatic ecosystem such that water quality criteria are violated and/or it no longer supports its existing or classified uses. An example is the channelization of streams

- (B) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (C) 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 Daniel Anderson.

Sincerely,



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

KR: doa

cc: Rudolph Villarreal, U.S. Army Corps of Engineers, Mobile District
Willa Brantley, Department of Marine Resources
Molly Martin, Environmental Protection Agency
Patrick Chubb, PAC Services LLC