



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

March 13, 2023

Mr. Christian Griffith  
Arbor Properties, Inc  
4910 North Monroe Street  
Tallahassee, Florida 32303

Dear Mr. Griffith:

Re: Arbor View Apartments  
Harrison County  
COE No. SAM202200452  
WQC No. WQC2022027

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 Arbor Properties, Inc, an applicant for a Federal License or permit to conduct the following activity:

Arbor View LLC, Arbor View Apartments: Construction of a residential apartment complex which requires fill of 0.86 acres of wetlands. The total project size is 6.1 acres, including a green space between buildings and detention pond. Mitigation includes the purchase of credits from an approved mitigation bank. [SAM202200452, WQC2022027].

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/facility shall connect to an Office of Pollution Control approved wastewater collection and treatment system. No construction shall begin until all wastewater approvals are obtained (Statement C)(11 Miss. Admin Code Pt. 6, R. 1.1.1.B.)

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, 6 1.1.1.B.)
4. Coverage under a Stormwater Construction General NPDES Permit shall be obtained prior to the start of construction activities. No construction activities shall begin until such approvals are obtained (Statement B) (11 Miss Admin. Code Pt. 6, R. 1.1.1.B.)
5. The Post-Construction Stormwater Quality Management Plan for the project shall be implemented and maintained as proposed, received 2/1/2023. (Statement B)(11 Miss. Admin Code Pt. 6, R. 1.1.1.B.)
6. Mitigation for the impact of 0.86 acres of wetlands associated with the project shall be provided b the purchase of mitigation credits from an approved mitigation bank. (Statement C) (11 Miss. Admin Code Pt. 6, R. 1.1.1.B.)
7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (Statement D) (11 Miss Admin Code Pt 6, R. 1.3.4 A(2))
8. 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:

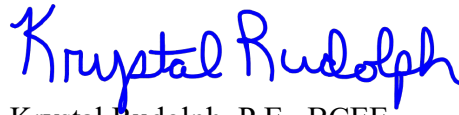
- (A) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (B) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (C) The proposed activity in conjunction with other activities may result in adverse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

(D) 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 of channelization of streams.

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 Mr. Thomas Schaub.

Sincerely,



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

KR: ts

cc: Ms. Mary Ellen Farmer, U.S. Army Corps of Engineers, Mobile District  
Ms. Willa Brantley, Department of Marine Resources  
Mr. David Felder, U.S. Fish and Wildlife Service  
Ms. Jamie Becker, Environmental Protection Agency  
Mr. Dana Sanders, D.R. Sanders and Associates, Inc.