



**STATE OF MISSISSIPPI**  
TATE REEVES  
GOVERNOR

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

April 15, 2024

Mr. Nrupesh Patel  
Cayce 302, LLC  
2194 Ross Road  
Olive Branch, Mississippi 38654

Dear Mr. Patel:

Re: Cayce 302, LLC  
Convenience Store and Gas Station  
Marshall County  
COE No. MVK-2023-347  
WQC No. WQC2023049

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 Cayce 302, LLC, an applicant for a Federal License or permit to conduct the following activity:

Cayce 302, LLC – Convenience Store and Gas Station: Construction of a 5,320 square foot convenience store with five (5) fuel pumps with canopy and four (4) diesel pumps. Ingress/egress into the facility will be from Cayce Road from the east and features will include an access road, a parking lot 26 with parking spaces including two (2) handicap spaces and five (5) semi-trailer spaces, and a tank farm with seven (7) storage tanks. Overhead utility lines currently traverse the site.

The 5.95-acre site will have an estimated total disturbance area of 4.93 acres. The site has an intermittent stream crossing that flows through the site from off-site that is a tributary of Nonconnah Creek and the Coldwater River. Construction of the project will result in the filling of 565.74 feet of the intermittent stream and filling of 0.03 acre of a pond. To compensate for these impacts, the intermittent stream will be rerouted and reconfigured as a water quality swale near the southern property boundary to allow appropriate spacing of the proposed entrance to the site and the current intersection of Highway 302 and Cayce Road. Further, mitigation would be accomplished by implementation and maintenance of best management practices as required by the State of Mississippi's Small Construction Stormwater General Permit. Vegetative buffers

will be established on each side of the rerouted stream channel such that native woody plantings provide shading to help moderate temperatures and promote increased amounts and diversity of food in the form of leaves, algae, and dissolved substances.

The project is located at the southwest corner of the intersection of Goodman Road and Cayce Road in Marshall County, Mississippi [MVK-2023-347, WQC2023049.]

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 a Department approved wastewater collection and treatment system. All wastewater, including process wastewater, shall be properly treated and disposed in accordance with 11 Mississippi Administrative code Part 6, Chapter 1. (Statement G) (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 offsite and into adjacent waters. In the event of any BMP failure, corrective actions shall be taken immediately. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
3. A site-specific Stormwater Pollution Prevention Plan (SWPPP) shall be developed and implemented as required under the Small Stormwater Construction NPDES General Permit prior to the start of construction activities. A copy of the site-specific SWPPP and Notice of Intent shall be kept on-site and available for inspection upon request. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
4. The final post-construction Stormwater Management Plan submitted by Headwaters, Inc. via Civil-Link, LLC November 7, 2023, and revised on March 26, 2024, prepared by Headwaters, Inc. via Civil-Link, LLC, shall be implemented concurrent with project construction and maintained as proposed. (Statement F) (11 Miss. Admin. Code Pt. 6, R.1.3.4.A (9))
5. Mitigation for impacts will be accomplished along the relocated ephemeral streams where vegetative buffers will be maintained. These buffers shall be planted with native hardwood species that are found in the affected ecoregions. (Statement E) (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.(3))
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) There is a feasible alternative to the activity which reduces adverse consequences on water quality and classified or existing uses of waters of the State.
- (C) The proposed activity adversely impacts waters containing State or federally recognized threatened or endangered species.
- (D) The proposed activity adversely impacts a special or unique aquatic habitat, such as National or State Wild and Scenic Rivers and/or State Outstanding Resource Waters.
- (E) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.
- (F) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.
- (G) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.
- (H) The proposed activity results in significant environmental impacts which may adversely impact water quality.

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 Carrie Barefoot.

Sincerely,



Becky Simonson  
Chief, Environmental Permits Division

BS: chb

cc: Emily Sullivan, U.S. Army Corps of Engineers, Vicksburg District  
Nick Kreunen, Civil-Link, LLC  
Jamie Becker, Environmental Protection Agency