



STATE OF MISSISSIPPI
TATE REEVES
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

September 4, 2024

Mr. Scott Gill
SMJ Enterprise, LLC
8275 Tournament Drive Suite 100
Memphis, Tennessee 38125

Dear Mr. Gill:

Re: SMJ Enterprise, LLC
Bella Vita
Lafayette County
COE No. MVK-2024-192
WQC No. WQC2024026

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

SMJ Enterprise, LLC: Proposed project to conduct regulated activities in "Waters of the U.S." for the purpose of constructing the Bella Vita Condominiums on a 12, 37-acre site located within Oxford, Lafayette County, Mississippi. This project will include the construction of sixty-one new condo building units with shared parking and drive lanes. Ingress/egress into the site will be provided via Harlan Drive to the north and Stillwater Lane to the south. Potable water will connect to an existing water main located in Stillwater Lane in the southern development. The sanitary sewer will connect to the existing City of Oxford sewer trunk line that follows Bailey Branch. Two detention ponds and two underground detention systems will be used to capture and temporarily detain the stormwater runoff from the site post-construction. The detention systems will discharge into Burney Branch after sufficient settling of any captured sediments and the gradual release of the stormwater.

The project will result in impacts to 4.9 acres of forested wetland and 1,454.6 linear feet of ephemeral stream by grading and filling in those features for the building pads and attendant features of the condominium development. Approximately 626.1 linear feet of new open ditch will be created in the southern part of the development to help facilitate stormwater to Burney Branch.

Approximately 7,905 cubic yards of fill material will be used to fill in and grade the site. The applicant will satisfy any compensatory mitigation requirements for unavoidable impacts to resources by purchasing credits from a USACE approved mitigation bank servicing the project's 8-digit USGS HUC (08030203) [MVK-2024-192, WQC2024026].

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. For construction activities, 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. For construction projects five (5) acres or greater of total ground disturbances including clearing, grading, excavating, or other construction activities shall follow the conditions and limitations of the Large Construction General Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained. Construction activities include a disturbance to the land that results in the change in topography, existing soil cover (both vegetative and non-vegetative), or the existing topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. (Statement F) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
4. The final post-construction Stormwater Management Plan submitted by Precision Engineering Corporation, dated February 19, 2024, 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 the impacts to 4.9 acres of forested wetland 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 4.9 acres of forested wetland. Written verification of credit purchase must be provided to the Department prior to the commencement of any work in the wetland or stream areas. (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 at (601) 961-5249.

Sincerely,



Becky Simonson
Chief, Environmental Permits Division

BS:chb

cc: Jared Everitt, U.S. Army Corps of Engineers, Vicksburg District
Jamie Becker, Environmental Protection Agency
Paul Koshenina, P.E., Precision Engineering Corporation