

01/14/2026

M3 Southeast Industrial Development, LLC
Attn: Mr. Joe Moriarty
3 North Aberdeen Street, Apt 301
Chicago, Illinois 60607

Re: Water Quality Certification
Public Notice SAS-2025-00351
Buford Mill Drive Industrial
Upper Chattahoochee River Watershed
Gwinnett County

Dear Mr. Moriarty:

In accordance with Section 401 of the Federal Clean Water Act, 33 U.S.C. § 1341, the State of Georgia has evaluated the Buford Mill Drive Industrial project submitted by M3 Southeast Industrial Development, LLC, an applicant for a federal permit or license related to proposed activity in, on, or adjacent to the waters of the State of Georgia.

The State has examined the information regarding the Buford Mill Drive Industrial project provided to it by ECS Southeast, LLC. In accordance with that information, the State of Georgia issues this Section 401 water quality certification to M3 Southeast Industrial Development, LLC. This Section 401 water quality certification is subject to the following terms and conditions:

1. To assure compliance with state water quality standards, the applicant shall conduct all activities in a manner that will assure water quality adequate or necessary to protect and maintain designated uses. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03(2)(i), (ii).
 - a. To prevent or avoid degradation of water quality downstream, the applicant shall implement Best Management Practices (BMPs) that have been approved for in-water use to the extent practical and feasible, to minimize total suspended solids (TSS) and sedimentation for any work conducted within a state water or within the delineated boundaries of wetlands. 33 U.S.C. § 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.03(5).
 - b. In order to prevent or avoid violations of state water quality standards, the applicant must ensure that any fill placed in state waters must be clean fill that is free of solid waste, toxic, or hazardous contaminants. 33 U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-5-23(c)(2), (6), (9), (15); O.C.G.A. § 12-5-29(a); Ga. Comp. R. and Regs. 391-3-6-.03(5), (6), (11), (14)-(16).

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2. To prevent sedimentation of state waters, the applicant shall ensure that it obtains coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction for discharges comprised of storm water associated with construction activity and any required land disturbing activity permits intended to prevent soil erosion, sedimentation, and deposition into waters of the state. 33 U.S.C. § 1342(p); O.C.G.A. § 12-5-30; O.C.G.A. §§ 12-7-6 to 7; Ga. Comp. R. and Regs. 391-3-6-.06; Ga. Comp. R. and Regs. 391-3-6-.16.
3. To assure compliance with state buffer rules, the applicant shall ensure that it abides by the requirements of any buffer variance applicable to the Project, including provisions to ensure protection, restoration, or mitigation of or related to the buffer, which facilitates the protection of water quality. 33 U.S.C. §§ 1311; 1313(a)-(d); O.C.G.A. § 12-7-6; Ga. Comp. R. and Regs. 391-3-7-.05; 391-3-7-.11.
4. Modifications to this Project may require an amendment to these conditions. Accordingly, the applicant must notify the Georgia Environmental Protection Division of any modifications to the proposed activity including, but not limited to, modifications to the construction or operation of any facility, or any new, updated, or modified applications for federal permits or licenses for the Project. 33 U.S.C. §§ 1311-1313; O.C.G.A. § 12-5-23(c)(2),(6),(9),(15); Ga. Comp. R. and Regs. 391-3-6-.03.

The Georgia Environmental Protection Division may invalidate or revoke this certification for failure to comply with any of these terms or conditions. This certification does not waive any other permit or other legal requirement applicable to this project or relieve the applicant of any obligation or responsibility for complying with the provisions of any other federal, state, or local laws, ordinances, or regulations.

It is your responsibility to submit this certification to the appropriate federal agency. If you have any questions regarding this certification, please contact David Hedeem by email at david.hedeem@dnr.ga.gov or by phone at 470-427-2730.

Sincerely,



Jeffrey W. Cown, Director
Environmental Protection Division

cc: Mr. Nathan Driggers, Corps
Mr. Eric Somerville, EPA
Mr. Peter Maholland, FWS
Mr. Tim O'Halloran, ECS Southeast