

ENVIRONMENTAL PROTECTION DIVISION  
PUBLIC NOTICE  
WATERSHED PROTECTION BRANCH

September 29, 2025  
Notice Issue Date

Gwinnett County  
City / County

October 29, 2025  
Notice Close Date

SAS-2025-00351  
Control Number

Sec. 401 Water Quality Certification  
Buford Mill Drive Industrial Site – US Army Corps of Engineers Sec. 404 Permit Application

This notice is issued to inform the public that a request has been received for water quality certification (WQC) in accordance with Section 401 of the Clean Water Act. The public is invited to comment during this 30-day period on the proposed activity. Information pertaining to the project is attached to this notice. Since the request is specific to the WQC, only comments pertaining to water quality are considered under the certification review process. Comments may be submitted via e-mail to: [EPD.WQC@dnr.ga.gov](mailto:EPD.WQC@dnr.ga.gov). Comments may also be provided in writing to: Program Manager, Wetlands Unit, 2 Martin Luther King, Jr. Dr. SE, Suite 1052 East, Atlanta, GA 30334. Include the words “Water Quality Certification Comment” and the Control Number above in the e-mail subject line or at the top of the first page of written comments to ensure that your comments will be forwarded to the appropriate staff. For additional information, contact Yaling Covey at [yaling.covey@dnr.ga.gov](mailto:yaling.covey@dnr.ga.gov).

Type of Permit Application: 401 Water Quality Certification

Applicable Law: Federal Clean Water Act, 33 U.S.C. § 1341

Applicable Rules: 40 CFR part 121

Description and Location of Proposed Activity:

M3 Southeast Industrial Development, LLC is seeking a Section 401 Water Quality Certification for aquatic resource impacts associated with the construction of a light industrial facility and distribution system. The 10-acre project site is located along Buford Mill Drive, south of E Maddox Road, west of S Bogan Road, and north of Buford Drive in the City of Buford, Gwinnett County, Georgia (34.08808, -83.98582). According to the 404 application, the proposed project includes the construction of a light industrial warehouse, a parking lot with truck loading bays, a detention pond, and a singular access roadway.

The project, as currently proposed, requires a USACE Section 404 permit and entails impacting 0.112 acres of wetland and 934 linear feet (LF) of perennial stream. Specifically, the impacts would be associated with the construction of the facility, roadway, and other impervious surfaces. To offset the loss in aquatic function associated with the above impacts, the applicant has proposed the purchase of 0.08 (2018 riverine)/0.64 (legacy) wetland mitigation credits and 699.45 (2018 perennial)/8,393.40 (legacy) stream credits from a U.S. Army Corps of Engineers approved mitigation bank servicing the project area.

Name and Address of Permit Applicant: Joe Moriarty  
M3 Southeast Industrial Development, LLC  
3 North Aberdeen Street  
Chicago, Illinois 60607



September 23, 2025

Ms. Yaling Covey  
Georgia Environmental Protection Division  
4244 International Parkway  
Atlanta, Georgia 30354

**Reference:** Request for 401 Water Quality Certificate  
Buford Mill Drive Industrial  
Buford, Gwinnett County, Georgia  
ECS Project Nos: 49:25576 / 491:1124

Dear Ms. Covey,

ECS Southeast, LLC (ECS) is pleased to submit this request for a 401 Water Quality Certificate for the Buford Mill Drive Industrial project. ECS is acting on behalf of our client/applicant, M3 Southeast Industrial Development, LLC, the client's contact information is provided below:

Mr. Joe Moriarty  
M3 Southeast Industrial Development, LLC  
3 North Aberdeen Street, Apt 301  
Chicago, Illinois 60607  
[joebmoriarty@gmail.com](mailto:joebmoriarty@gmail.com)  
(913) 787-7206

#### **Minimum Contents of a Request for Certification 121.5**

**1. A description of the proposed activity, including purpose of proposed activity and type(s) of discharge(s) that may result**

The proposed project involves developing the parcel along Buford Mill Drive for industrial use with a 125,000 square foot multi-tenant facility which would include impervious pavement consisting of a driveway that ties into Buford Mill Drive for site access, 121 auto spaces along the front and both ends of the building, multitenant buildings require a higher auto parking ratio than single-tenant buildings, a minimum 135-foot truck court for loading and unloading, full circulation around the facility for traffic flow, safety, security, and fire-lane usage in the event of an emergency. A stormwater detention pond will be constructed within the northern portion of the site to pre-treat stormwater before discharge.

The proposed development has gone through several redesigns and numerous alternatives were assessed which had their own individual complications including greater stream and wetland impacts, significant floodplain development, site location and size, zoning restrictions, and significant changes in topography that would require extensive grading.

The proposed site plan includes revisions specifically designed to reduce and avoid additional stream/wetlands impacts. The proposed site plan includes a 135 truck court, which is the minimum required truck court depth, and doesn't offer onsite trailer parking. While a 185 truck court with trailer stalls is preferred by users, reducing the truck court for the proposed site plan to the minimum depth of 135 and removing additional trailer stalls greatly reduces stream impacts vs both alternative plans. The proposed site plan offers less auto parking and includes a single row of auto parking across the front of the building (as opposed to stacked auto stalls). Both alternative plans include a portion of stacked stalls along the front and offer more auto parking. This is important for users that have a heavy employee count, and more auto parking is particularly important for multitenant buildings. However, the combination of reduced auto parking and a 135 truck court generates no impacts to portion of Stream 2 behind the detention pond. By avoiding the majority of Stream 2, the proposed plan greatly reduces onsite impacts. Alternative Site Plan 1 proposed 1,734 linear feet of stream impacts and 0.12 acre of wetland impacts due to additional impacts to Stream 2 for more parking, truck court space, and significant grading impacts which would require piping stream. Alternative Site Plan 2 proposed 2,060 linear feet of stream impacts and 0.12 acre of wetland

impacts for an even larger project footprint that would have encroached on Stream 2 due to additional impervious pavement for parking, truck court, and significant grading impacts which would require piping Stream 2. Alternative Site Plan 3 proposed 1,160 linear feet of stream impacts and 0.12 acre of wetland impacts, these impacts were reduced by implementing retaining walls along the proposed driveway at the stream crossing to reduce grading impacts and the length of the culvert, another retaining wall will be installed at the edge of pavement towards the western site boundary to reduce the amount of impacts to Stream 1 by reinforced concrete pipe (RCP) which was proposed to outlet at the confluence of Stream 1 and 2, but will now outlet at the retaining wall

### Purpose and Need

The Northeast Atlanta industrial submarket, encompassing Gwinnett, DeKalb, and Hall counties - three of Georgia's ten most densely populated counties - has experienced rapid growth in line with Atlanta's broader population expansion. Anchored by the I-85/I-285 interchange and extending along I-985 to Gainesville, this corridor features a dynamic mix of residential and commercial development and boasts the regions largest concentration of both consumers and labor.

Following the post-COVID industrial boom, new development in this submarket focused heavily on bulk distribution centers of 250,000 SF or more, targeting largescale users. However, due to higher per-square-foot costs, few developers pursued facilities in the 100,000 - 150,000 SF range, despite strong demand from smaller users, particularly those seeking +/-50,000 SF spaces. These users are best served by mid-sized buildings that allow for efficient multi-tenant configurations, which bulk distribution centers cannot accommodate cost-effectively.

Since January 2020, 28 modern distribution buildings have been delivered within a 5-mile radius of the subject site. Of these, only five fall within the 100,000 - 150,000 SF range, only 7.7% of total square footage developed. Among 14 additional projects currently under construction or proposed, only two fall in this size range - just 7.4% of the total pipeline. This existing and under construction inventory totals 11.8 MSF, of which only 897,000 accounts for buildings ranging in size of 100,000 - 150,000 SF, and the average building size is 281,812 SF, underscoring a significant mismatch between supply and demand.

The purpose of the proposed development is to directly address this supply gap by delivering functional, right-sized distribution space to meet the needs of underserved smaller users in Atlanta's largest and most active industrial submarket.

### **2. The specific location of any discharge(s) that may result from the proposed activity**

The site contains three wetlands and two streams; these features were delineated by ECS on April 3, 2025 and the USACE issued an ARDR on August 19, 2025 under Action ID. SAS-2025-00351. The proposed development would result in permanent impacts to Stream 1 due to piping the stream and filling the original channel; Stream 2 due to a roadway crossing; and Wetlands 2 and 3 due to fill/grading needed for the proposed development.

To construct the industrial facility, the proposed development would install 899 linear feet of 72-inch RCP to divert flow around the western side of the facility, this would result in 820 linear feet of permanent impacts to Stream 1. From the inlet of the pipe, the first 492 linear feet would be at a 0.50% slope, the remaining 407 would be at a 3.50% slope and will have interior sills/baffles to reduce flow velocity to minimize scouring, and allow for sediment colonization. The upstream/downstream invert of the pipe will be buried/embedded to a depth of 14 inches (20%). Stream 1 is a perennial stream, in order to pipe the stream, the stream will be dewatered using a pump and filter bag. The water will be discharged at a low flow rate into uplands to minimize turbidity and water quality impacts to downstream waters. The project will be planned to minimize the time that the stream will be diverted.

To construct the driveway for site access, the proposed development will cross Stream 2 which will result in 100 linear feet of permanent impacts due to installing a 62-foot 72-inch RCP. The culvert will be installed at a 2.88% slope to be within 25% of the streambed slope. The upstream/downstream invert of the pipe will be buried/embedded to a depth of 14 inches (20%) to allow natural substrate to colonize and encourage movement of aquatic species. 14 LF of Riprap will be embedded in the streambed at the outlet of the culvert to prevent scouring and erosion. Stream 2 is a perennial stream, a bypass pump and impervious dike will divert the flow of the watercourse from the inlet of the discharge hose to the outlet of the discharge

hose into riprap before discharging to the stream. Water will be discharged at a low flow rate to minimize turbidity and erosion at the outlet of the discharge hose. The project will be planned to minimize the time that the stream will be diverted.

To construct the driveway for site access, the proposed development will fill Wetland 2, which would result in 0.03 acre of permanent wetland impacts.

To construct the industrial facility and associated impervious pavement, the proposed development will fill the three sections of Wetland 3, which would result in 0.082 acre of permanent wetland impacts.

The development will be constructed via standard construction procedures. Proper erosion and sediment control measures will be utilized and maintained throughout the project. Typical materials and machinery will be used on-site during the construction process.

**3. *Map or diagram of the proposed activity site, including proposed activity boundaries in relation to local streets, roads, and highways***

See Attachment B for Impact exhibits depicting the proposed project footprint and associated impacts. Attachment B also include the following figures: Figure 1 – Site Location Map; Figure 2 – USGS Topographic Map; Figure 3 – USDA-NRCS Web Soil Survey; Figure 4 – USFWS National Wetlands Inventory Map; Figure 5 – FEMA FIRM National Flood Hazard Zone Map; Figure 6 – USGS Digital Elevation Model; Figure 7 – Potential Waters of the U.S. Map.

**4. *Description of current activity site conditions, including but not limited to relevant site data, photographs the represent current site conditions, or other relevant documentation***

The project study area (PSA) consists of one parcel totaling approximately 14.43 acres. According to the Gwinnett County GIS Database website, the Parcel Identification Number (PIN) is R7219 157 (14.43 acres). The site consists of wooded land with streams and wetlands throughout the property. Based on review of aerial imagery, portions of the PSA have been clear-cut in the past, but no development has occurred. ECS reviewed Georgia's 2024 303(d) List for impaired waters within the PSA and general vicinity. No waters within the PSA are present on the 303(d) list, the nearest impaired receiving waterbody is Suwanee Creek, which is located approximately 3,000-feet northwest of the PSA.

See Attachment A for a Photograph Log of existing site conditions

**5. *Date(s) on which the proposed activity is planned to begin and end and, if known, the approximate date(s) when any discharges may commence***

The target date to begin project activities is late-March 2026; however, project activities will not begin until all required permits are received. When project activities do commence, construction is anticipated to be ongoing for a year.

**6. *A list of all other Federal, interstate, Tribal, state, territorial, or local agency authorizations required for the proposed activity and the current status of each authorization***

ECS submitted an Individual Permit application to the U.S. Army Corps of Engineers on August 27, 2025, which is currently under review. The Public Notice for the Individual Permit is scheduled to be submitted on September 23, 2025. At this time, a Phase I Cultural Resources Survey has not been conducted; should a survey be required by the State Historic Preservation Office, the applicant will engage a Registered Professional Archaeologist to conduct a survey in the area of potential effect. A Buffer Variance from the Georgia Environmental Protection Division (EPD) will be required to impact the 25-foot statewide riparian buffer. A copy of the Individual Permit application and the supporting documents were sent to Georgia EPD on September 15, 2025.

Request for 401 Water Quality Certificate  
Buford Mill Drive Industrial  
Buford, Gwinnett County, Georgia  
ECS Project No: 49:25576 / 491: 1124

**7. Documentation that a pre-filing meeting request was submitted to certifying authority in accordance with applicable submission procedures, unless the pre-filing meeting request requirement was waived**

ECS requested to schedule a pre-filing meeting with the Georgia EPD on September 9, 2025; the pre-filing meeting was held on September 16, 2025 and included members from Georgia EPD, Timothy O'Halloran (Environmental Consultant – ECS), Joe Moriarty (Applicant – M3 Southeast Industrial Development, LLC), and John Wise (Civil Engineer - Paulson, Mitchell, Wise, Inc.)

See Attachment C for documentation that a pre-filing meeting request was submitted to certifying authority in accordance with applicable submission procedures.

**Closing**

Should you have any questions or require any additional information please do not hesitate to contact Mr. Timothy O'Halloran at [tohalloran@ecslimited.com](mailto:tohalloran@ecslimited.com) or (980) 920-9615.

Respectfully submitted,

**ECS Southeast, LLC**



Timothy O'Halloran, PWS  
Environmental Project Manager II  
[tohalloran@ecslimited.com](mailto:tohalloran@ecslimited.com)

**Enclosed:**

ATTACHMENT A – Photograph Log  
ATTACHMENT B – Impact Exhibit & Site Figures  
ATTACHMENT C – Pre-filing Documentation

## **ATTACHMENT B**

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### **Impact Exhibit & Site Figures**



(X:\2025\25102\CP8 Profiles.dwg) 2025102 CP8 Profiles.dwg, 10/22/2025 10:22:25 AM, 10/22/2025 10:22:25 AM



**VICINITY MAP**  
SCALE: NTS

**PAULSON-MITCHELL-WISE**  
 CIVIL ENGINEERS & PLANNERS  
 INFO@CIVILPMW.COM  
 770.650.7685  
 CIVILPMW.COM  
 85-A MILL STREET  
 SUITE 200  
 ROSWELL, GA 30075

**PROJECT:**  
**BUFORD MILL DRIVE INDUSTRIAL**  
 BUFORD MILL DRIVE & BUFORD DRIVE  
 CITY OF BUFORD  
 GWINNETT COUNTY, GEORGIA

**FOR:**  
**M3 SOUTHEAST INDUSTRIAL DEVELOPMENT, LLC**  
 THREE NORTH ABERDEEN STREET,  
 APARTMENT 301  
 CHICAGO, IL 60607

**ZONING INFORMATION**

**ZONING CLASSIFICATION**

JURISDICTION: CITY OF BUFORD  
 EX. ZONING: C-2 (GENERAL BUSINESS DISTRICT)  
 OVERLAY DISTRICT: --  
 PR. ZONING: M-1 (LIGHT INDUSTRIAL)

**BUILDING SETBACKS**

FRONT: 50' FROM R/W  
 MAJOR SIDE: 50' ABUTTING RESIDENTIAL  
 MINOR SIDE: 20'  
 REAR: 40' ABUT. RES. / 15'

**BUFFERS**

LANDSCAPE STRIP: 10'  
 ZONING BUFFER: 50' ADJACENT TO RESIDENTIAL  
 STATE STREAM BUFFER: 25'  
 COUNTY STREAM BUFFER: 50' UNDISTURBED  
 CITY STREAM BUFFER: 75'

**PARKING SUMMARY**

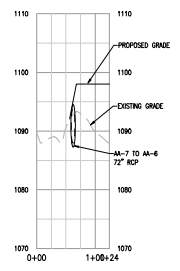
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 STALL: 9' X 19'

**LANDSCAPE REQ.**

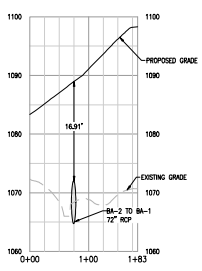
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 MAXIMUM BUILDING COVERAGE: \_\_\_ %

**ENVIRONMENTAL**

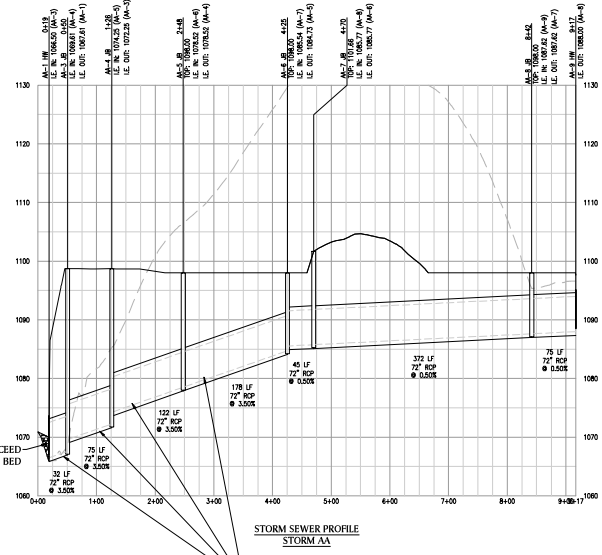
FLOOD PLAN PRESENT (NO): FEMA/GWINNETT GIS  
 STREAMS PRESENT (YES): NRI/GWINNETT GIS  
 WETLANDS PRESENT (YES): NRI/GWINNETT GIS  
 TOPOGRAPHY DATA: GWINNETT GIS  
 2025102 CP8 Profiles.dwg 08.22.25



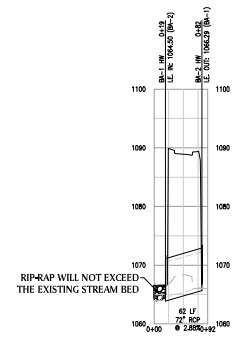
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STA. 0+00.00 to STA. 1+24.16



**STREAM 2 CROSS SECTION**  
STA. 0+00.00 to STA. 1+83.27



**STORM SEWER PROFILE**  
STORM AA



**STORM SEWER PROFILE**  
STORM BA

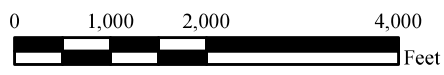
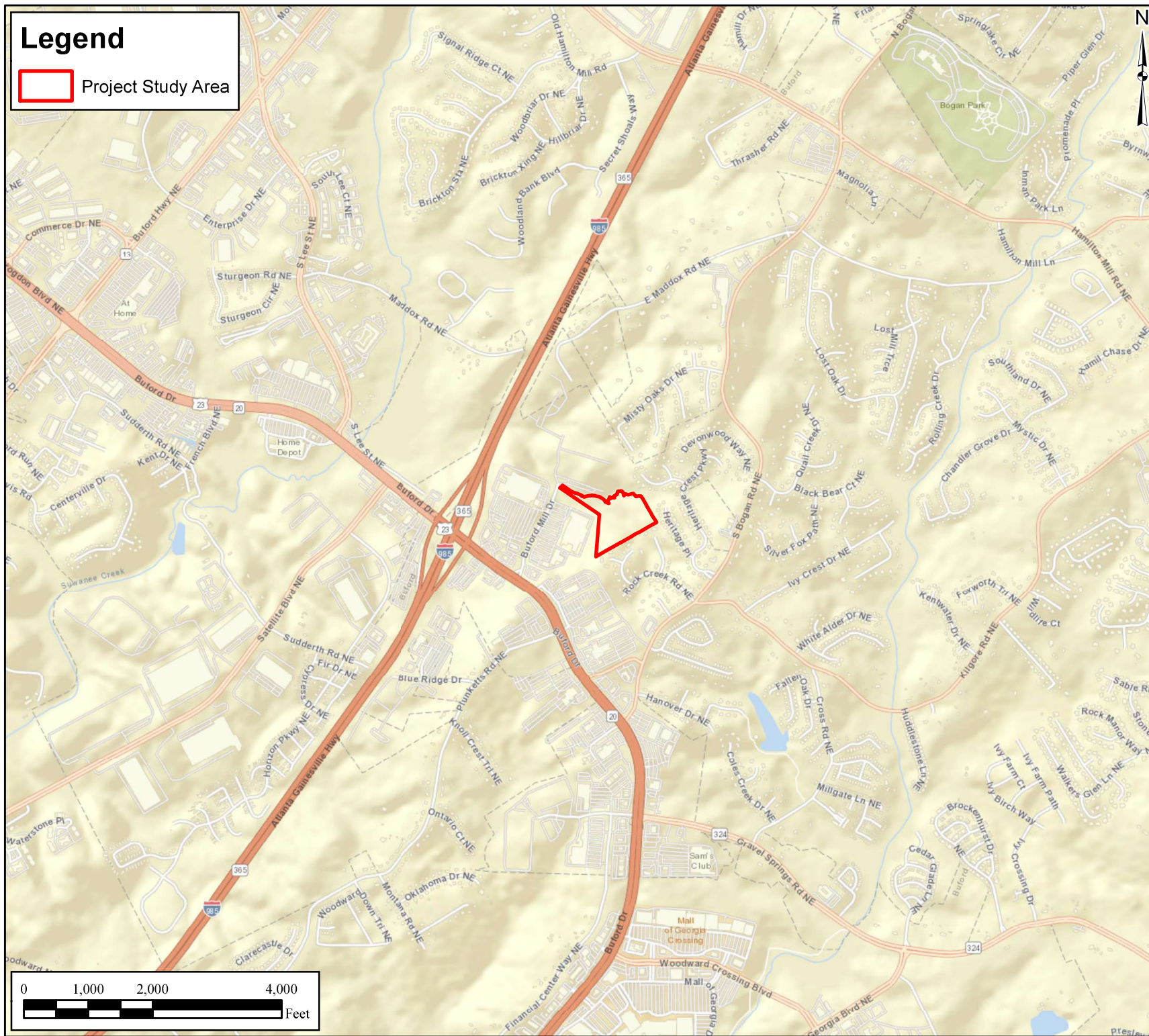
**PROFILE LEGEND**

	PROPOSED GRADE
	EXISTING GRADE
	STORM SEWER PROFILE

**STORM PROFILES**

# Legend

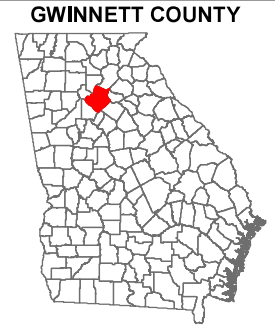
 Project Study Area



**Client:**  
M3 SOUTHEAST  
INDUSTRIAL  
DEVELOPMENT,  
LLC

**Project:**  
BUFORD MILL  
SITE  
BUFORD MILL DRIVE  
BUFORD,  
GWINNETT COUNTY,  
GEORGIA

**Title:**  
SITE LOCATION  
MAP



**Drawn By:**  
AMC

**Scale:**  
1" = 2,000'


**Approved By:**  
WBF

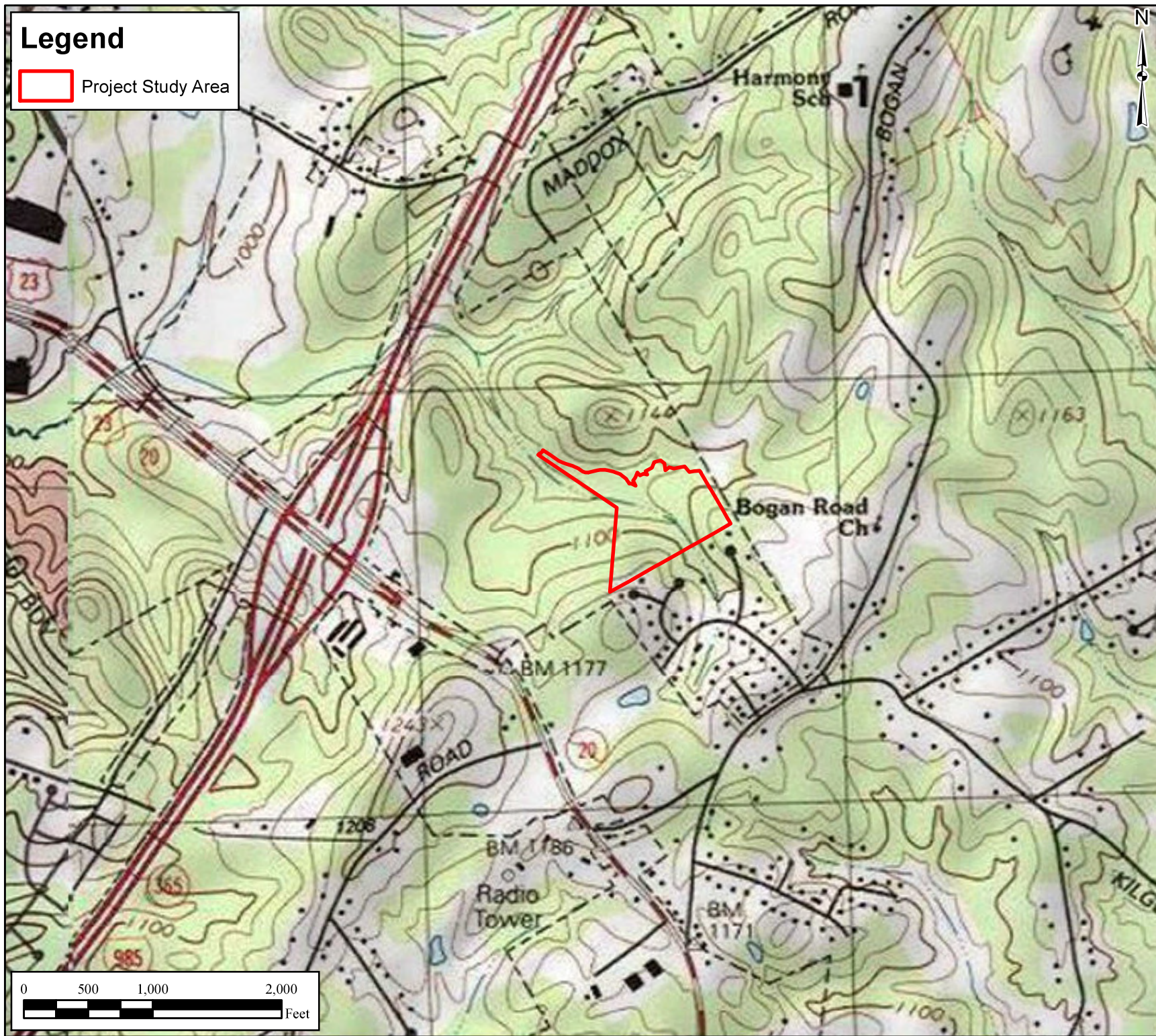
**Date:**  
04/02/2025

**ECS Project No.**  
49: 25576

**FIGURE 1**

**Legend**

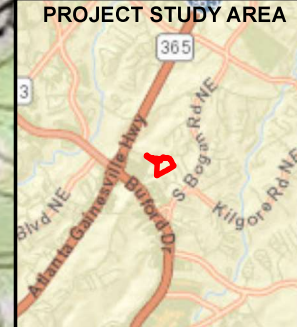
 Project Study Area



Client:  
M3 SOUTHEAST  
INDUSTRIAL  
DEVELOPMENT,  
LLC

Project:  
BUFORD MILL  
SITE  
BUFORD MILL DRIVE  
BUFORD,  
GWINNETT COUNTY,  
GEORGIA

Title:  
USGS TOPOGRAPHIC  
MAP  
HOT MOUNTAIN, GA  
QUADRANGLE  
DATED: 1992



Drawn By: AMC  
Scale: 1" = 1,000'

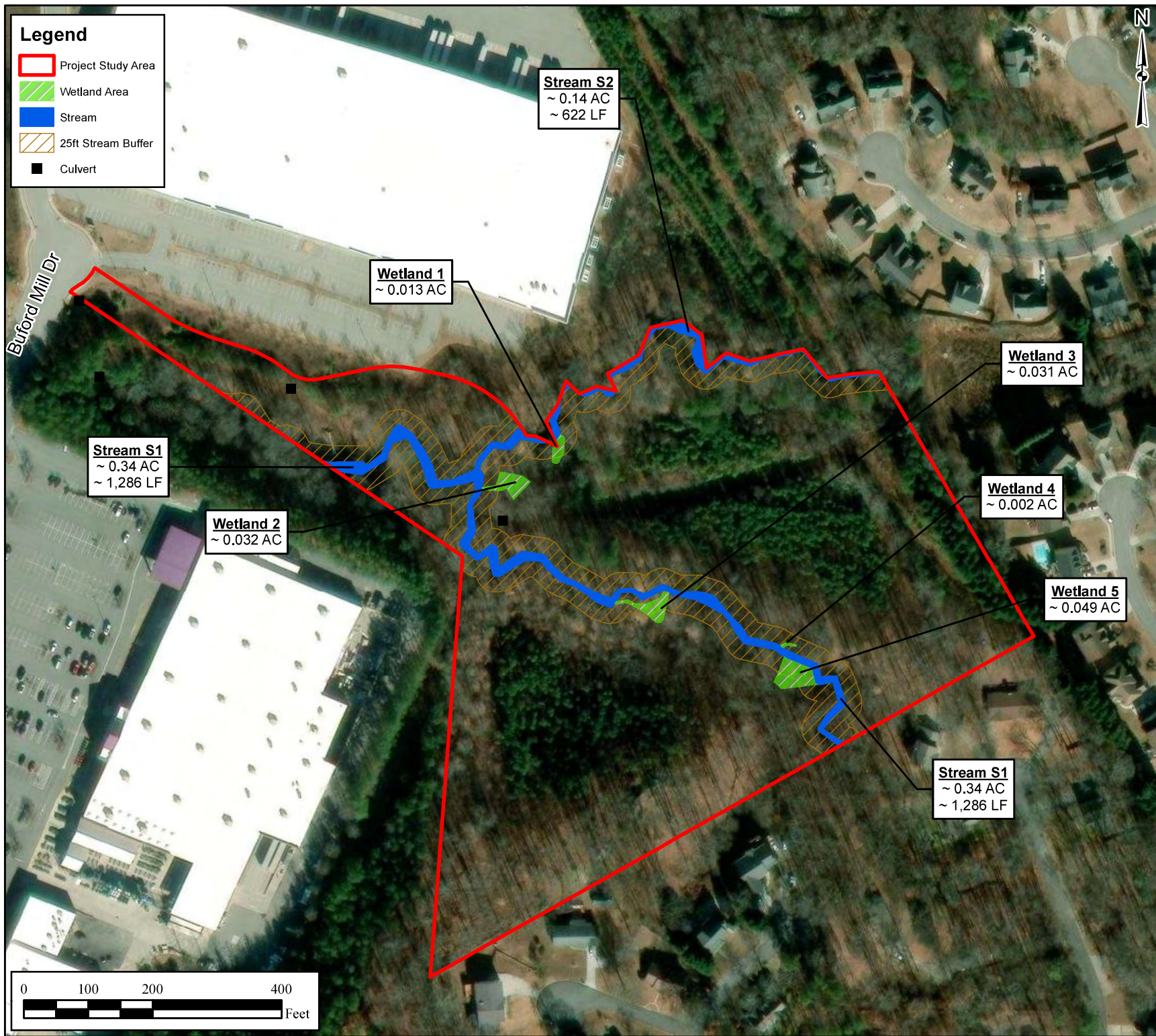
Approved By: WBF  
Date: 04/02/2025

ECS Project No.  
49: 25576

**FIGURE 2**

**Legend**

- Project Study Area
- Wetland Area
- Stream
- 25ft Stream Buffer
- Culvert



**Client:**  
M3 SOUTHEAST INDUSTRIAL DEVELOPMENT, LLC

**Project:**  
BUFORD MILL SITE  
BUFORD MILL DRIVE  
BUFORD, GWINNETT COUNTY, GEORGIA

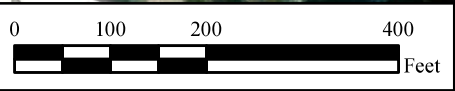
**Title:**  
POTENTIAL WATERS OF THE U.S. MAP

1. POTENTIALLY JURISDICTIONAL WATERS OF THE U.S. WERE OBSERVED BY ECS ON APRIL 3, 2025.
2. FINDINGS DEPICTED ON THIS MAP HAVE NOT BEEN VERIFIED BY THE USACE AND DELINEATION FINDINGS ARE SUBJECT TO CHANGE BASED ON AGENCY VERIFICATION.
3. THIS MAP SHOULD BE USED FOR PRELIMINARY PLANNING PURPOSES.

<b>Drawn By:</b> AMC	<b>Scale:</b> 1" = 200'
<b>Approved By:</b> WBF	<b>Date:</b> 04/07/2025

**ECS Project No.**  
**49: 25576**

**FIGURE 7**



**ATTACHMENT C**

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**Pre-filing Documentation**

## Timothy P O'Halloran, PWS

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**From:** Covey, Yaling <Yaling.Covey@dnr.ga.gov>  
**Sent:** Tuesday, September 16, 2025 4:14 PM  
**To:** Timothy P O'Halloran, PWS  
**Cc:** Hedeem, David; Joe Moriarty; John Wise; Michelle Savage-Measday, PWS  
**Subject:** [EXTERNAL] RE: 401 Request  
**Attachments:** Excerpt- 40 CFR Part 121.5- Request for 401 WQC.pdf; Excerpt- Minimum Contents for Request.pdf

Hi, all,

Thank you again for meeting with us today.

Tim,

Like we discussed, you are welcome to submit the request for 401 water quality certification at your convenience. Although not required at the time of your request submittal, we do ask that you also submit to us a copy of the final version of the 404 individual permit application as well as any water quality-related documents pertaining to the project when they are ready.

Just to reiterate, the minimum contents of the certification request can be found in 40 CFR Part 121.5 of the CWA Section 401 (please see attached again). The request should be signed and dated. It can be in the format of a letter with a bullet for each of the responses fulfilling the seven minimum contents. Please also indicate the applicant's name, company, and address somewhere in the request.

The request and all other documents can be submitted to me via email at [yaling.covey@dnr.ga.gov](mailto:yaling.covey@dnr.ga.gov). If you have any questions, please let me know.

Thank you,  
Yaling

Yaling Covey (*she/her*)  
Environmental Compliance Specialist  
Water Supply Program – Wetlands Unit  
[Environmental Protection Division](#)  
O: (470) 607-3516

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*A division of the*  
[GEORGIA DEPARTMENT OF NATURAL RESOURCES](#)

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**From:** Timothy P O'Halloran, PWS <tohalloran@ecslimited.com>  
**Sent:** Monday, September 15, 2025 1:13 PM  
**To:** Covey, Yaling <Yaling.Covey@dnr.ga.gov>  
**Cc:** Hedeem, David <david.hedeem@dnr.ga.gov>; Joe Moriarty <jobmoriarty@gmail.com>; John Wise <jwise@civilpmw.com>; Michelle Savage-Measday, PWS <MMeasday@ecslimited.com>  
**Subject:** RE: 401 Request