



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

October 5, 2017

Certified Mail No. 7012 1010 0000 9778 0326

Mr. John Webb
Engineering Director
Mississippi State Port Authority
2510 14th Street
Suite 1450
Gulfport, MS 39501

Dear Mr. Webb:

Re: Mississippi State Port Authority
of Gulfport
Harrison County
COE No. SAM200901768DMY
WQC No. WQC2010023

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 Mississippi State Port Authority of Gulfport, an applicant for a Federal License or permit to conduct the following activity:

Mississippi State Port Authority of Gulfport: Impact to 281.5 acres of open water bottom in Mississippi Sound. Construction would consist of filling open water bottom, dredging operation, construction of a new turning basin and other items. The proposed project would consider the existing MSPA port facilities in the proposed project, including the 84-acre fill area that was originally authorized Department of the Army permit MS96-02828-U. The total footprint of the port with the proposed project would be approximately 650.5 acres. The fill material would be obtained from permitted sites along the Tennessee-Tombigbee River and transported into the Port via barge.

The proposed footprint will allow for an expansion to handle 1.7 million Twenty-foot equivalent units (TEUs) annually by 2060. The proposed

features would be elevated up to +25 feet mean sea level to provide protection against future tropical storm surge events.

New work dredging associated with the construction of the project would result in the placement of approximately 7.11 million cubic yards of dredged material at a designated or candidate beneficial use (BU) site or at the Pascagoula Ocean Dredged Material Disposal Site; 560,000 cubic yards of dredged material would be designated for upland disposal. Following construction of the proposed project, maintenance dredging is anticipated to require removal of approximately 486,000 cubic yards to 1.3 million cubic yards every year. [SAM200901768DMY,WQC2010023].

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. Best management practices shall be used at all times during construction to minimize turbidity at the dredge and upland disposal site. These BMPs shall, at a minimum, include measures outlined in the Factors for Application Decisions for the Proposed Port of Gulfport Expansion Project received on June 16, 2017 with subsequent revisions dated September 7, 2017 and The Port of Gulfport East Pier Debris Testing and Removal Plan developed by Anchor QEA dated September 26, 2017 received on September 26, 2017. Additional BMPs may be implemented as a result of adaptive management activities as outlined in Condition 10.
2. No sumps shall be created in open waters by the dredging activities. The water bottom elevations shall gradually decrease to open water.
3. The proposed development shall connect to an Office of Pollution Control approved wastewater collection and treatment system. No construction shall begin until all wastewater approvals are obtained.
4. For the fill activities associated with the project development, appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. In the event of any BMP failure, corrective actions shall be taken immediately.
5. Coverage under a Storm Water Construction General NPDES Permit shall be obtained prior to the start of construction activities. No construction activities shall begin until such approvals are obtained.

6. The post-construction Storm Water Management Plan, submitted by Neel-Schaffer and received on September 7, 2017 with subsequent submittals on September 26, 2017 and October 3, 2017, shall be implemented concurrent with project construction and properly maintained.
7. Mitigation for the impacts to 281.5 acres of open water bottom shall be provided through the implementation of the Final Mitigation Plan dated May 2017 received on September 27, 2017. This plan shall be implemented prior to or concurrent with project construction. Any modifications made to this plan as a result of permit/approval actions by the Mississippi Department of Marine Resources shall be provided to this office within 30 days of modification approval.
8. Prior to the start of any debris removal and dredging activity in the East Pier area, the permittee shall provide the final testing plan to the Department for review and approval at least 45 days prior to start of any testing activities. All test data shall be provided to the Department with documented information for final disposal of debris and use of dredged sediment. This work shall follow the framework outlined in The Port of Gulfport East Pier Debris Testing and Removal Plan developed by Anchor QEA dated September 26, 2017 received on September 26, 2017. No work in this area shall commence until written approval(s) are provided by the Department.
9. Pilings shall be steel, concrete, plastic, vinyl, or timber treated for marine use. No creosote treated materials shall be used.
10. The applicant shall implement an adaptive management strategy to ensure compliance with all requirements provided in this certification. The applicant shall provide the implementation strategies to the Department with a corrective action plan within a reasonable period of time, not to exceed 30 days, when potential issues are identified. Prior to implementation of such strategies, the applicant shall coordinate with the Department to determine if additional approvals are necessary for the proposal.
11. The applicant shall submit detailed monitoring plans documenting water quality monitoring activities water quality monitoring activities to confirm compliance with existing water quality criteria for turbidity, dissolved oxygen, temperature, salinity, and pH throughout the calendar year(s). The plan shall establish baseline conditions and monitor conditions during construction and for two years into operational activities. The plan shall be approved by the Department prior to implementation of any monitoring and

shall comply with methods as outlined in the Mississippi Wastewater regulations including an approved Quality Assurance Project Plan (QAPP).

12. Long-term maintenance of water quality shall be assured on the basis of adequate water quality monitoring for comparison with a baseline through the acquisition of quantitative data.
13. The permittee shall report any non-compliance (including exceedances of water quality criteria) which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A report shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times), and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
14. Other approvals from the Department may be necessary for the construction and operation of the proposed facilities. The applicant shall obtain all necessary permits and authorizations as required by the Department prior to the start of the specific regulated activity. This certification does not alleviate the applicant of other permit requirements and/or responsibilities.
15. Mississippi State Port at Gulfport personnel, having the authority to stop work on the project, shall visit the project site on each day that work is occurring to observe work activity and permit compliance. Should a violation of certification conditions occur, the Department shall be notified and corrective actions should be implemented as required in Condition 10 and Condition 13.
16. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
17. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

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 we can be of further assistance, please contact us.

Sincerely,



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

KR: fb

cc: Mr. Philip Hegji, U.S. Army Corps of Engineers, Mobile District
Ms. Jennifer Wittman, Department of Marine Resources
Mr. Paul Necaie, U.S. Fish and Wildlife Service
Mr. Bill Ainslie, Environmental Protection Agency
Ms. Elizabeth Calvit, CH2MHill
Ms. Cheryl Propst, Atkins Global

