



**STATE OF MISSISSIPPI  
TATE REEVES  
GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

May 21, 2020

Mr. William Cork  
Hancock County Port and Harbor Commission  
854 Highway 90, Suite A  
Bay St. Louis, Mississippi 39520

Dear Mr. Cork:

Re: Hancock County Port and  
Harbor Commission Port  
Bienville Industrial Park  
Hancock County  
COE No. MVK2017847  
WQC No. WQC2019033

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, Hancock County Port and Harbor Commission, an applicant for a Federal License or permit to conduct the following activity:

Hancock County Port and Harbor Commission Port Bienville Industrial Park: Make improvements at the Port Bienville Industrial Park within a parcel identified as Site 4. Work is proposed in two (2) phases. Phase I: includes the construction of an 850 foot bulkhead, placement of crushed gravel loading pad, stormwater management basins, roadways and rail line improvements for the purpose of increasing transportation capacity at the port. Phase II: includes the construction of a new keyhole boat slip (370 feet by 290 feet), additional road improvements, warehouse construction, additional stormwater management basins, and bulk fuel storage area (tank farm) associated with a bulk storage facility for petroleum products. The applicant proposes to dredge and excavate along the proposed bulkhead between the existing keyhold slip and the proposed keyhold slip. Approximately 2,770 cubic yards would be excavated and 22,507 cubic yards would be dredged along the bulkhead. The first phase of the proposed project would include 3.5 acres of permanent wetland impacts (1.4 acres of freshwater marsh impacts,

0.1 acre of emergent wetland impacts, and 2.0 acres of forested wetland impacts. The second phase of the proposed project would include 3.3 acres of permanent wetland impacts (0.8 acre of freshwater impacts, 0.1 acre of emergent wetlands, 2.3 acres of forested wetland impacts) and 0.5 acre of temporary wetland impacts (0.2 acre of emergent wetlands and 0.3 acre of forested wetlands). The total project wetland impacts from Phase I and Phase II includes 6.8 acres of permanent impacted wetlands and 0.5 acre of temporary impacted wetlands. Mitigations has been proposed through the purchasing of credits from an approved mitigation bank. The site is located in Bay St. Louis, Hancock County, Mississippi. [MVK2017847, WQC2019025] [MVK2017847, WQC2019033].

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 an Office of Pollution Control 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.
2. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal: vertical) and shall be immediately seeded, stabilized and maintained.
3. Appropriate best management practices (BMPs) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas and/or waters. Special care shall be taken to prevent the movement of sediment into adjacent wetland areas. In the event of any BMP failure, corrective actions shall be taken immediately.
4. All temporary fills shall be removed in their entirety and the affected areas returned to pre-construction elevations. These restored areas shall be seeded and stabilized with native vegetation.
5. For projects with ground disturbances that total five acres or more including clearing, grading, excavating or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained.

6. Based on SIC Code 4491 – Marine Cargo and Handling, the applicant shall demonstrate compliance with the Baseline Storm Water General Permit For Industrial Activities prior to facility operation.
  
7. The Post Construction Storm Water Management Plan, submitted by Compton Engineering, Inc. received on November 5, 2019 with subsequent submittal on March 6, 2020, shall be implemented concurrent with project construction and properly maintained.
  
8. The Mitigation Plan submitted by Compton Engineering, Inc., on October 29, 2019 with subsequent revision on March 5, 2020, shall be implemented concurrently with certification issuance. The permittee responsible mitigation areas shall be placed in a restrictive covenant. Prior to any land disturbing activities within state waters, the applicant shall record the covenant in the Miscellaneous Document Book, with the Registrar of Deeds, or with another appropriate official charged with the responsibility of maintaining records of title to and interest in real property. A certified copy of the covenants must be furnished to the Department within 30 days of the recording. The covenant shall contain:
  - a. There shall be no clearing, burning, cutting or destroying of trees or vegetation, except as expressly authorized in the Reserved Rights; there shall be no planting or introduction of non-native or exotic species of trees or vegetation except as specifically provided for in the mitigation plan.
  
  - b. No agricultural, industrial, or commercial activity shall be undertaken or allowed.
  
  - c. There shall be no construction or placement of buildings, or other structures in the mitigation area other than structures for wildlife enhancement, viewing, or scientific study.
  
  - d. There shall be no use of off road vehicles, 4 wheel drive vehicles, all-terrain vehicles or similar vehicles except on existing or approved roads and trails and except as necessary to manage the Property and implement the mitigation plan.
  
9. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

10. 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 you have any questions, please contact Montie Glenn.

Sincerely,



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

KR: mhg

cc: Ms. Tarmiko Graham, U.S. Army Corps of Engineers, Vicksburg District  
Mr. Chris Pickering, Department of Marine Resources  
Ms. Tamara Campbell, U.S. Fish and Wildlife Service  
Ms. Molly Martin, Environmental Protection Agency, Region 4  
Ms. Lisa Compton, Compton Engineering, Inc.