



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

August 13, 2019

Certified Mail No. 7012 1010 0000 9778 0333

Mr. Jonathan Daniels, Executive Director
Mississippi State Port Authority
2510 14th Street, Suite 850
Gulfport, MS 39501

Dear Mr. Daniels:

Re: Mississippi State Port Authority
North Port Property
Harrison County
COE No. SAM201800498PHA
WQC No. WQC2018036

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 the Mississippi State Port Authority – North Port Property, an applicant for a Federal License or permit to conduct the following activity:

Mississippi State Port Authority, North Port Property: Project to fill 3.15 acres of wetlands on a 16-acre site for the creation of a rail spur, staging lots, and a security fence in support of Department of Defense shipments. The applicant proposes purchasing of mitigation credits to offset wetland impacts. The proposed project is located in waters adjacent to Turkey Creek and Brickyard Bayou, in Gulfport, Harrison County, Mississippi [SAM201800498PHA, WQC2018036].

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 the Mississippi Wastewater Regulations.

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. 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.
5. 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.
6. The Post Construction Storm Water Management Plan, submitted by Digital Engineering received on December 17, 2018 with subsequent submittal on February 5, 2019, shall be implemented concurrent with project construction and properly maintained.
7. The plan submitted by Digital Engineering on August 28, 2018 to convert monitoring well MW-14A's riser pipe to flush mount cover shall be implemented as proposed. The requirements of this plan include the following:
 - a. All well construction and conversion activities must be completed by a Mississippi Licensed Well Driller.
 - b. The finished well pad must be sloped above grade to prevent water entrenchment.
 - c. The converted monitoring well must be clearly marked to prevent it from being covered by any objects for an extensive period of time.
 - d. The monitoring well must be surveyed following its conversion activity.
8. Mitigation for the loss of 3.15 acres of freshwater emergent and forested/shrub wetlands shall be provided by the purchase of mitigation credits from an approved mitigation bank in the Turkey Creek watershed. If the permittee is unable to purchase credits from an approved mitigation bank within the Turkey Creek watershed, justification must be provided. Once justification has been approved by the Department, the permittee must then purchase mitigation credits from an approved mitigation bank within the same 8-digit HUC code as Turkey Creek. The purchasing credits must be in accordance with the banking prospectus and should be based upon that required for impacting 3.15 acres of freshwater

emergent and forested/shrub wetlands. **Written verification of credit purchase must be provided to the Office of Pollution Control prior to the commencement of any work in the wetland areas.**

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 we can be of further assistance, please contact us.

Sincerely,



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

KR: chb

cc: Mr. Philip Hegji, U.S. Army Corps of Engineers, Mobile District
Mr. Greg Christodoulou, Department of Marine Resources
Mr. Paul Necaise, U.S. Fish and Wildlife Service
Ms. Molly Martin, Environmental Protection Agency
Mr. Paul Bradley, Volkert, Inc.
Ms. Christina Shurley, Digital Engineering
Mr. John Webb, Mississippi State Port Authority