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November 15, 2011

US Army Corps of Engineers
PO Box 889
Savannah GA 31402-0889

Re: Certification in Accordance with Section 401 of the Clean Water Act, as amended.

US Army Corps of Engineers
Savannah Harbor Expansion Project
Savannah River
Jasper County
P/N 2010 SHEP

Dear Sir,

The Bureau of Water of the South Carolina Department of Health and Environmental Control (Department) has reviewed plans for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the Certification requirements of Section 401 of the Federal Clean Water Act, as amended, and the permitting requirements of R. 19-450 et. seq., 1976 SC Code of Laws.

The Department issued a Notice of Department Decision proposing to deny the Certification for this project on September 30, 2011. Timely requests for review were filed with the Board of Health and Environmental Control by the US Army Corps of Engineers – Savannah District and the Georgia Ports Authority in accordance with S.C. Code Section 44-1-60. Subsequent to the filing of the requests for review, the Department and the parties entered into negotiations towards a settlement. The parties reached an agreement and the DHEC Board adopted the agreement on November 10, 2011, authorizing issuance of this certification on terms consistent with the agreement.

In accordance with the provisions of Section 401, we certify that this project, subject to the indicated conditions, is consistent with applicable provisions of Section 303 of the Federal Clean Water Act, as amended. We also hereby certify that there are no applicable effluent limitations under Sections 301(b) and 302, and that there are no applicable standards under Sections 306 and 307.

This certification is subject to the following conditions:

1. The project must comply with the terms and conditions of the Final Agency Decision of the Board of Health and Environmental Control signed on November 15, 2011.
2. The project must comply with the terms and conditions of the Water Quality Certification issued on February 16, 2011, by the Georgia Department of Natural Resources.

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The Department reserves the right to impose additional conditions on this Certification to respond to unforeseen, specific problems that may arise and to take any enforcement action necessary to ensure compliance with State water quality standards.

Sincerely,



Heather Preston, Director
Division of Water Quality
Bureau of Water

cc: U.S. Army Corps of Engineers,
Charleston District Office
SC DHEC, Beaufort EQC Office District Office
SC DHEC, OCRM