



STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

March 15, 2002



Ms. Elizabeth Guynes  
Regulatory Branch  
U. S. Army Corps of Engineers, Vicksburg District  
4155 Clay Street  
Vicksburg, Mississippi 39160

Dear Ms. Guynes:

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1251, 1341), the Office of Pollution Control issues this Certification, after public notice and opportunity for public hearing, to the U. S. Army Corps of Engineers, Vicksburg District, an applicant for a Federal license or permit to conduct the following activity:

U. S. Army Corps of Engineers, Vicksburg District: Proposed reissuance of all existing Nationwide Permits (NWP), General Conditions, and definitions with some modifications, and one new General Condition. NWP are general permits issued on a nationwide basis to authorize minor activities which have minimal cumulative impacts on the aquatic environment. A NWP authorization is an expedited process which requires little or no paperwork.

This certification is required for the NWP that may authorize the discharge of dredged or fill material into waters of the United States. The NWP will expire on March 19, 2007 unless otherwise modified, reissued, or revoked. The Corps of Engineers have proposed conditions to ensure that adverse effects will be minimal. The Department of Environmental Quality, Office of Pollution Control conditions are in addition to those required by the Corps.

The Office of Pollution Control certifies that the applicant's above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 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:

The following NWP are authorized by this certification for a period of five years from their effective date, provided the projects comply with the following conditions:

- 1 For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation or other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

*NWP No. 1, Aids to Navigation*

*NWP No. 2, Structures in Artificial Canals*

*NWP No. 3, Maintenance*

*NWP No. 4, Fish and Wildlife, Harvesting, Enhancement and Attraction Devices and Activities*

*NWP No. 5, Scientific Measurement Devices*

*NWP No. 6, Survey Activities*

*NWP No. 7, Outfall Structures and Maintenance*

*NWP No. 8, Oil and Gas Structures*

*NWP No. 9, Structures in Fleeting and Anchorage Areas*

*NWP No. 10, Mooring Buoys*

*NWP No. 11, Temporary Recreation Structures*

*NWP No. 13, Bank Stabilization*

*NWP 15, U. S. Coast Guard Approved Bridges*

*NWP 16, Return Water From Upland Contained Disposal Areas*

*NWP 17, Hydropower Projects*

*NWP 19, Minor Dredging*

*NWP 20, Oil Spill Cleanup*

*NWP 22, Removal of Vessels*

*NWP 23, Approval Categorical Exclusions*

*NWP 24, State Administered Section 404 Programs*

*NWP No. 25, Structural Discharges*

*NWP No. 30, Moist Soil Management for Wildlife*

*NWP No. 32, Completed Enforcement Actions*

*NWP No.33, Temporary Construction Access, and Dewatering*

*NWP No. 34, Cranberry Production Activities*

*WP No. 35, Maintenance Dredging of Existing Basins*

*NWP No. 37, Emergency Watershed Protection and Rehabilitation*

*NWP No. 38, Cleanup of Hazardous and Toxic Waste*

NWP No. 12, *Utility Line Activities*, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

2. OPC shall be notified of projects that are five acres or greater in size and projects that have associated discharge of cuttings, drilling mud, hydrostatic testing water, or any other waste material.
3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation or other land disturbance activity disturbing five or more acres. Construction activity that disturbs one or more acres will require the approval of the Office of Pollution Control after March 10, 2003.
4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 14, *Linear Transportation Crossings*, is authorized by this certification for a period of five years from its effective date, provided projects comply with the following conditions:

1. Extreme care shall be taken to prevent the permanent restriction or impedance of water flow. Pre-construction hydrology shall be maintained.
2. This NWP shall not apply to natural tidal waters for personal transportation.
3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation or other land disturbance activity disturbing five or more acres. Construction activity that disturbs one or more acres will require the approval of the Office of Pollution Control after March 10, 2003.
4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 18, *Minor Discharges*, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

1. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the activity must comply with the following:
  - a. The applicant shall provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.
  - b. A no-fill buffer zone shall be permanently maintained between any construction activity and any waterbody. The minimum buffer zone for the subject parcel is defined by the equation below

$$\text{Minimum Buffer Zone} = (0.15) (\text{Parcel Depth})$$

Where the Parcel Depth is defined as the maximum length of a line extending from the Ordinary High Water Mark (OHWM) and/or top bank or High Tide Line (HTL) to the opposite property boundary. In cases of an asymmetrical parcel, the Parcel Depth will be measured as the

maximum length of a line extending from OHWM or HTL to the junction of two landward property boundaries. The buffer zone shall be measured as the distance between the edge of the construction activity and the top bank of the adjacent water body or HTL.

2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 21, *Surface Coal Mining Activities*. The request for Water Quality Certification for this permit is hereby denied.

NWP No. 27, *Stream and Wetland Restoration Activities*, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

1. For permitting of activities associated with mitigation banking, a Mitigation Banking Instrument approved by the Mitigation Banking Review Team shall be required.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 28, *Modifications of Existing Marinas*, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions.

- 1 This NWP shall only apply to marinas that have an existing operating wastewater pumpout facility with appropriate signage showing its location as well as other appropriate waste disposal information.
2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 29, *Single-Family Housing*, is authorized by this certification for a period of five years from its effective date provided the project complies with the following conditions:

1. The applicant shall provide documentation that the residence can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

A no-fill buffer zone shall be permanently maintained between any construction activity and any waterbody. The minimum buffer zone for the subject parcel is defined by the equation below:

$$\text{Minimum Buffer Zone} = (0.15) (\text{Parcel Depth})$$

Where the Parcel Depth is defined as the maximum length of a line extending from the Ordinary High Water Mark (OHWM) and/or top bank or High Tide Line (HTL) to the opposite property boundary. In cases of an asymmetrical parcel, the Parcel Depth will be measured as the maximum length of a line extending from OHWM or HTL to the junction of two landward property boundaries. The buffer zone shall be measured as the distance between the edge of the construction activity and the top bank of the adjacent water body or HTL.

3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 31, *Maintenance of Existing Flood Control Facilities*, is authorized by this certification for a period of five years from its effective date, provided projects comply with the following conditions.

1. Maintenance work shall not exceed the limitation or contours previously authorized by a Department of the Army Permit.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
3. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health soil and Site Evaluation System/Recommendation for an individual wastewater disposal system/recommendation for an individual wastewater disposal system.
4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 36, *Boat Ramps*, is authorized by this certification for a period of five years from its effective date provided the project complies with the following conditions:

1. Boat ramp parking areas with impervious surfaces (concrete, asphalt) that have a surface area equal to or greater than one acre shall provide for storm water management. The first 0.5 inch of storm water runoff from impervious parking and road surfaces shall be treated using OPC approved best management practices before release. The storm water plan should be submitted upon application for a NWP and shall be forwarded to the OPC.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation

3. and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
4. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.
5. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
6. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 39, *Residential, Commercial and Institutional Developments*, is authorized by this permit for a period of five years from its effective date, provided projects comply with the following conditions:

1. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.
2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System.
3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 40, *Agricultural Activities*, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation or other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.

2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.
3. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.
4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 41, *Reshaping Existing Drainage Ditches*, is authorized by this certification for a period of five years from their effective date, provided projects comply with the following conditions

The side slopes of banks and spoil disposal areas shall be 3:1 (horizontal:vertical).

2. This NWP shall apply to created ditches only. No impacts to naturalized streams shall be allowed.
3. This NWP shall not authorize the modification of greater than 500 linear feet of existing serviceable drainage ditches constructed in non-tidal waters.
4. Buffer zones shall be 25 feet minimum from top of drainage ditch.
5. Spoil disposal areas shall be discontinuous and immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

6. Work shall be conducted from one side of the waterbody only, where possible.
7. Large trees on the work side shall be avoided where possible.
8. Banks shall be immediately seeded and stabilized upon completion of construction.
9. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
10. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
11. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 42, *Recreational Activities*, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

1. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.
2. For the construction or expansion of golf courses or attendant features, the applicant shall obtain approval or waiver for a Storm Water Quality Management Plan from OPC prior to construction.
3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
4. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site

Evaluation System/Recommendation for an individual wastewater disposal system.

5. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
6. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 43, *Storm Water Management Facilities*, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

1. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR10) in order to discharge storm water associated with construction activity including clearing, grading, excavation or other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control after March 10, 2003.
2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.
3. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.
4. This certification shall not authorize in-stream treatment of stormwater.
5. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
6. The turbidity outside the limits of a 750-mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

NWP No. 44, *Mining Activities*. The request for Water Quality Certification for this permit is hereby denied.

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.

If we can be of further assistance, please contact us.

Sincerely,



Phil Bass, Director  
Office of Pollution Control

PB:FB:je

c: U. S. Army Corps of Engineers, Mobile District  
Attention: Mr. Ron Krisman, Regulatory Branch  
U. S. Army Corps of Engineers, Memphis District  
Attention: Mr. Larry Watson  
U. S. Army Corps of Engineers, Nashville District  
Attention: Mr. Ron Gatlin, Regulatory Branch  
Mr. Jerry Brashier, Department of Marine Resources  
Mr. Palmer Hough, EPA, Wetland Regulatory Unit  
Ms. Cathy Mallette, State Clearinghouse