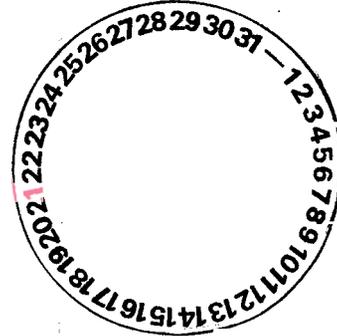




STATE OF MISSISSIPPI  
DAVID RONALD MUSGROVE, GOVERNOR  
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

July 18, 2002



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

Re: U.S. Army Corps of Engineers  
Nationwide Permits Re-issuance  
OPC2001-085

Dear Ms. Guynes:

The Department of Environmental Quality (Department) issued a Section 401 Water Quality Certification (WQC) dated March 15, 2002 for all Nationwide Permits (NWP) except NWPs 21 and 44. The certification for NWPs 21 and 44 was denied. Through discussions regarding NWP 21, the Department hereby modifies the Section 401 WQC dated March 15, 2002 to include issuance of a Section 401 WQC for NWP 21. The Section 401 WQC is modified as follows:

NWP No. 21, *Surface Coal Mining 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. 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 will require the approval of the Office of Pollution Control after March 10, 2003.
2. No sewage, oil, refuse or other pollutants shall be discharged into the watercourse.
3. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

The Department continues to deny NWP 44. The certification for the remaining NWPs remain unchanged. Should you have any questions or need further assistance, please contact Ms. Florance Burnett of my staff at 601/961-5614.

Sincerely,



Phil Bass, Director  
Office of Pollution Control

PB:FB

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