

Col. Zachary L. Miller, District Commander
Memphis District Corps of Engineers
167 North Main Street, B-202
Memphis, Tennessee 38103-1894

March 6, 2020

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Memphis, Tennessee 38103-1894

RE: 401 Water Quality Certification **DEQ No. 20200080**—U.S. Army Corp of Engineers-
Seepage Remediation Project, Clay and Greene Counties, Arkansas

Dear Colonel Dixon:

The Arkansas Department of Energy and Environment, Division of Environmental Quality (“DEQ”) has completed its review of the above referenced project for the placement of dredged and fill material in waters of the United States associated with implementing seepage control measures along the St. Francis Levee at two locations. The project includes the construction of landside berms and modification of existing ditches to accommodate drainage. The two project areas are Below Piggott (approximately 9.5 miles long) and Big Island (approximately 2.5 miles long). Mitigation for impacts of these projects will be addressed. The Below Piggott project is located beginning Lat. 36.270991, Lon. -90.109628 and ending Lat. 36.180891, Lon. -90.226487 in Clay County, Arkansas. The Big Island project is located beginning Lat. 36.051361, Lon. -90.362139 and ending Lat. 36.022544, Lon. -90.367172 in Green County, Arkansas.

DEQ has determined that there is a reasonable assurance that this activity will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission’s Regulation No.2, will not physically alter a significant segment of the waterbody and will not violate the water quality criteria.

Pursuant to §401(a)(1) of the Clean Water Act, the DEQ hereby issues water quality certification for this project: **DEQ No. 20200080** contingent upon the following conditions:

- 1) The applicant shall contact DEQ to determine if a Short Term Activity Authorization (STAA) is needed when performing work in the wetted area of any waterbody. More information can be obtained by contacting the Water Division Planning Section of DEQ at 501-682-0040.
- 2) The applicant shall implement all practicable best management practices (BMPs) to avoid excessive impacts of sedimentation and turbidity to the surface waters.
- 3) The applicant will take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel, or other fuels. In the unlikely event such spillage or leakage occurs, the applicant must contact DEQ immediately.
- 4) The applicant shall limit construction to low flow periods as much as possible to minimize adverse effects on water quality and aquatic life.

- 5) If a construction site will disturb equal to or greater than one (1) acre and less than five (5) acres, the applicant shall comply with the requirements in Reg. 6.203 for Stormwater discharge associated with a small construction site, as defined in APC&EC Regulation No. 6. If the construction site will disturb five (5) acres or more, the applicant shall comply with the terms of the Stormwater Construction General Permit Number ARR150000 prior to the start of construction. BMPs must be implemented regardless of the size. More information can be obtained by contacting the NPDES Stormwater Section of DEQ at (501) 682-0621.

In issuing this certification, DEQ does not assume any liability for the following:

- A. Damages to the proposed project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
- B. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity specified in this certification.
- C. Design or construction deficiencies associated with this proposed project.

Please contact Mrs. Melanie Treat, at (501) 682-0040 if you have any questions regarding this certification.

Sincerely,

A handwritten signature in black ink that reads "Bryan Leamons". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bryan Leamons, P.E.
Senior Operations Manager, Office of Water Quality

cc: Kevin Piggott, USACE, Kevin.R.Pigott@usace.army.mil
Wanda Boyd, EPA,
Melvin Tobin, USFWS,
Jennifer Sheehan, AGFC,
Sarah Frasher, DEQ District 3 Inspector
Wes Klasky, DEQ District 3 Inspector