



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, VICKSBURG DISTRICT
4155 CLAY STREET
VICKSBURG, MS 39183-3435

April 16, 2026

Engineering and Construction Division
Hydraulics Branch

Ms. Carrie Barefoot
Environmental Permits Branch
Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225

Dear Ms. Barefoot:

Attached are the documents requested for storm water coverage for the BS-23-01 Bank Stabilization Project located in Chickasaw County, MS. This project will provide bank stabilization along the Little Topashaw Creek from the installation of three low-head rock riffle grade control structures and two longitudinal peaked stone toe dikes. Also attached is a topographic site map which outlines the Right-of-Way (ROW) of the project area. Construction of these structures shall be permitted through the US Army Corps of Engineers Regional General Permit 32 which addresses regulated activities in waters of the United States associated with the construction of minor drainage and water level control structures.

Construction is scheduled to begin in July 2026 and is scheduled to be completed by November 2026. Prior to starting work, the contractor will be required to submit a completed Prime Contractor Certification form to your office.

If you have any questions or concerns regarding this permit application, please contact Ryan Horton at (601) 862-9820.

Sincerely,

A handwritten signature in black ink, appearing to read "William Bradley", with a stylized flourish at the end.

William Bradley, P.E.
Chief, Engineering and Construction

ENCLOSURE 1. LCNOI

Bank Stabilization 23-01

Large Construction Notice of Intent

AI: 90701

MSR109855

Rec'd via email:
04/20/2026



MISSISSIPPI DEPARTMENT OF
ENVIRONMENTAL QUALITY

LARGE CONSTRUCTION NOTICE OF INTENT (LCNOI) FOR COVERAGE UNDER THE LARGE CONSTRUCTION STORM WATER GENERAL NPDES PERMIT

INSTRUCTIONS

The Large Construction Notice of Intent (LCNOI) is for coverage under the Large Construction General Permit for land disturbing activities of five (5) acres or greater; or for land disturbing activities, which are part of a larger common plan of development or sale that are initially less than five (5) acres but will ultimately disturb five (5) or more acres. Applicant must be the owner or operator. For construction activities, the operator is typically the prime contractor. The owner(s) of the property and the prime contractor associated with regulated construction activity on the property have joint and severable responsibility for compliance with the Large Construction Storm Water General Permit MSR10.

If the company seeking coverage is a corporation, a limited liability company, a partnership, or a business trust, attach proof of its registration with the Mississippi Secretary of State and/or its Certificate of Good Standing. This registration or Certificate of Good Standing must be dated within twelve (12) months of the date of the submittal of this coverage form. Coverage will be issued in the company name as it is registered with the Mississippi Secretary of State.

Completed LCNOIs should be filed at least thirty (30) days prior to the commencement of construction. Discharge of storm water from large construction activities without written notification of coverage is a violation of state law.

Submittals with this LCNOI must include:

- A site-specific Storm Water Pollution Prevention Plan (SWPPP) developed in accordance with ACT5 of the General Permit
- A detailed site-specific scaled drawing showing the property layout and the features outlined in ACT5 of the General Permit
- A United States Geological Survey (USGS) quadrangle map or photocopy, extending at least one-half mile beyond the facility property boundaries with the site location and outfalls outlined or highlighted. The name of the quadrangle map must be shown on all copies. Quadrangle maps can be obtained from the MDEQ, Office of Geology at 601-961-5523.

Additional submittals may include the following, if applicable:

- Appropriate Section 404 documentation from U.S. Army Corps of Engineers
- Appropriate documentation concerning future disposal of sanitary sewage and sewage collection system construction
- Appropriate documentation from the MDEQ Office of Land & Water concerning dam construction and low flow requirements
- Approval from County Utility Authority in Hancock, Harrison, Jackson, Pearl River and Stone Counties
- Antidegradation report for disturbance within Waters of the State

ALL QUESTIONS MUST BE ANSWERED (Answer "NA" if the question is not applicable)

OC

APPLICANT IS THE: OWNER PRIME CONTRACTOR

OWNER CONTACT INFORMATION

OWNER CONTACT PERSON:
OWNER COMPANY LEGAL NAME:
OWNER STREET OR P.O. BOX:
OWNER CITY: STATE: ZIP:
OWNER PHONE #: () OWNER EMAIL:

PREPARER CONTACT INFORMATION

IF NOI WAS PREPARED BY SOMEONE OTHER THAN THE APPLICANT
CONTACT PERSON:
COMPANY LEGAL NAME:
STREET OR P.O. BOX:
CITY: STATE: ZIP:
PHONE # () EMAIL:

PRIME CONTRACTOR CONTACT INFORMATION

PRIME CONTRACTOR CONTACT PERSON:
PRIME CONTRACTOR COMPANY LEGAL NAME:
PRIME CONTRACTOR STREET OR P.O. BOX:
PRIME CONTRACTOR CITY: STATE: ZIP:
PRIME CONTRACTOR PHONE #: () PRIME CONTRACTOR EMAIL:

FACILITY SITE INFORMATION

FACILITY SITE NAME:
FACILITY SITE ADDRESS (If the physical address is not available, please indicate the nearest named road. For linear projects indicate the beginning of the project and identify all counties the project traverses.)
STREET:
CITY: STATE: COUNTY: ZIP:
FACILITY SITE TRIBAL LAND ID (N/A If not applicable):
LATITUDE: ___ degrees ___ minutes ___ seconds LONGITUDE: ___ degrees ___ minutes ___ seconds
LAT & LONG DATA SOURCE (GPS (Please GPS Project Entrance/Start Point) or Map Interpolation):
TOTAL ACREAGE THAT WILL BE DISTURBED 1:

IS THIS PART OF A LARGER COMMON PLAN OF DEVELOPMENT? YES NO

IF YES, NAME OF LARGER COMMON PLAN OF DEVELOPMENT: _____
AND PERMIT COVERAGE NUMBER: MSR10 _____

ESTIMATED CONSTRUCTION PROJECT START DATE: _____
 YYYY-MM-DD

ESTIMATED CONSTRUCTION PROJECT END DATE: _____
 YYYY-MM-DD

DESCRIPTION OF CONSTRUCTION ACTIVITY: _____

PROPOSED DESCRIPTION OF PROPERTY USE AFTER CONSTRUCTION HAS BEEN COMPLETED:

SIC Code: _____ **NAICS Code** _____

NEAREST NAMED RECEIVING STREAM: _____

IS RECEIVING STREAM ON MISSISSIPPI'S 303(d) LIST OF IMPAIRED WATER BODIES? (The 303(d) list of impaired waters and TMDL stream segments may be found on MDEQ's web site: http://www.deq.state.ms.us/MDEQ.nsf/page/TWB_Total_Maximum_Daily_Load_Section) YES NO

HAS A TMDL BEEN ESTABLISHED FOR THE RECEIVING STREAM SEGMENT? FOR WHICH POLLUTANT: Biological Impairment YES NO

ARE THERE RECREATIONAL STREAMS, PRIVATE/PUBLIC PONDS OR LAKES WITHIN ½ MILE DOWNSTREAM OF PROJECT BOUNDARY THAT MAY BE IMPACTED BY THE CONSTRUCTION ACTIVITY? YES NO

EXISTING DATA DESCRIBING THE SOIL (for linear projects please describe in SWPPP):

WILL FLOCCULANTS BE USED TO TREAT TURBIDITY IN STORM WATER? YES NO

IF YES, INDICATE THE TYPE OF FLOCCULANT. ANIONIC POLYACRYLIMIDE (PAM)
 OTHER _____

IF YES, DOES THE SWPPP DESCRIBE THE METHOD OF INTRODUCTION, THE LOCATION OF INTRODUCTION AND THE LOCATION OF WHERE FLOCCULATED MATERIAL WILL SETTLE?

IS A SDS SHEET INCLUDED FOR THE FLOCCULATE? YES NO

WILL THERE BE A 50 FT BUFFER BETWEEN THE PROJECT DISTURBANCE AND THE WATERS OF THE STATE? YES NO

IF NOT, PROVIDE EQUIVALENT CONTROL MEASURES IN THE SWPPP.

¹Acreage for subdivision development includes areas disturbed by construction of roads, utilities and drainage. Additionally, a housesite of at least 10,000 ft² per lot (entire lot, if smaller) shall be included in calculating acreage disturbed.

DOCUMENTATION OF COMPLIANCE WITH OTHER REGULATIONS/REQUIREMENTS
 COVERAGE UNDER THIS PERMIT WILL NOT BE GRANTED UNTIL ALL OTHER REQUIRED
 MDEQ PERMITS AND APPROVALS ARE SATISFACTORILY ADDRESSED

IS LCNOI FOR A FACILITY THAT WILL REQUIRE OTHER PERMITS? YES NO

IF YES, CHECK ALL THAT APPLY: AIR HAZARDOUS WASTE PRETREATMENT
 WATER STATE OPERATING INDIVIDUAL NPDES OTHER: _____

IS THE PROJECT REROUTING, FILLING OR CROSSING A WATER CONVEYANCE OF ANY KIND? (If yes, contact the U.S. Army Corps of Engineers' Regulatory Branch for permitting requirements.) YES NO

IF THE PROJECT REQUIRES A CORPS OF ENGINEER SECTION 404 PERMIT, PROVIDE APPROPRIATE DOCUMENTATION THAT:

- The project has been approved by individual permit, or
- The work will be covered by a nationwide permit and NO NOTIFICATION to the Corps is required, or
- The work will be covered by a nationwide or general permit and NOTIFICATION to the Corps is required

IS THE PROJECT REROUTING, FILLING OR CROSSING A STATE WATER CONVEYANCE OF ANY KIND? (If yes, please provide an antidegradation report.) YES NO

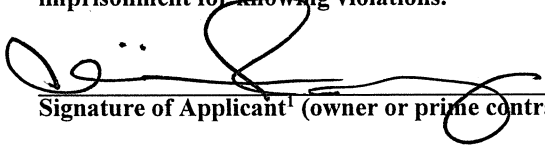
IS A LAKE REQUIRING THE CONSTRUCTION OF A DAM BEING PROPOSED? (If yes, provide appropriate approval documentation from MDEQ Office of Land and Water, Dam Safety.) YES NO

IF THE PROJECT IS A SUBDIVISION OR A COMMERCIAL DEVELOPMENT, HOW WILL SANITARY SEWAGE BE DISPOSED? Check one of the following and attach the pertinent documents.

- Existing Municipal or Commercial System. Please attach plans and specifications for the collection system and the associated "Information Regarding Proposed Wastewater Projects" form or approval from County Utility Authority in Hancock, Harrison, Jackson, Pearl River and Stone Counties. If the plans and specifications can not be provided at the time of LCNOI submittal, MDEQ will accept written acknowledgement from official(s) responsible for wastewater collection and treatment that the flows generated from the proposed project can and will be transported and treated properly. The letter must include the estimated flow.
- Collection and Treatment System will be Constructed. Please attach a copy of the cover of the NPDES discharge permit from MDEQ or indicate the date the application was submitted to MDEQ (Date: _____.)
- Individual Onsite Wastewater Disposal Systems for Subdivisions Less than 35 Lots. Please attach a copy of the Letter of General Acceptance from the Mississippi State Department of Health or certification from a registered professional engineer that the platted lots should support individual onsite wastewater disposal systems.
- Individual Onsite Wastewater Disposal Systems for Subdivisions Greater than 35 Lots. A determination of the feasibility of installing a central sewage collection and treatment system must be made by MDEQ. A copy of the response from MDEQ concerning the feasibility study must be attached. If a central collection and wastewater system is not feasible, then please attach a copy of the Letter of General Acceptance from the State Department of Health or certification from a registered professional engineer that the platted lots should support individual onsite wastewater disposal systems.

INDICATE ANY LOCAL STORM WATER ORDINANCE (I.E. MS4) WITH WHICH THE PROJECT MUST COMPLY:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.


Signature of Applicant¹ (owner or prime contractor)

William Bradley P.E.
Printed Name¹

Date Signed

Chief, Engineering and Construction Division

Title

¹This application shall be signed as follows:

- For a corporation, by a responsible corporate officer.
- For a partnership, by a general partner.
- For a sole proprietorship, by the proprietor.

For a municipal, state or other public facility, by principal executive officer, mayor, or ranking elected official

Please submit the LCNOI form to:

Chief, Environmental Permits Division
MS Department of Environmental Quality, Office of Pollution Control
P.O. Box 2261
Jackson, Mississippi 39225

Electronically:

<https://www.mdeq.ms.gov/construction-stormwater/>

Revised 3/23/22

ENCLOSURE 2. SWPPP

Bank Stabilization 23-01

Storm Water Pollution Prevention Plan and Environmental Protection

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SECTION 01 57 20.00 09

ENVIRONMENTAL PROTECTION
07/97

PART 1 GENERAL

1.1 DEFINITIONS

Environmental pollution and damage is defined as the presence of chemical, physical, or biological elements or agents that adversely affect human health or welfare; unfavorably alter ecological balances of importance to life; or degrade the environment for aesthetic, cultural or historical purposes. Environmental protection is the prevention and/or control of pollution that develops during normal construction practice. The control of environmental pollution and damage requires consideration of air, water, soil, and land resources; and includes management of visual aesthetics; noise; solid, chemical, and liquid waste; radiant energy and radioactive materials; and other pollutants.

1.2 SUBMITTALS

Government approval is required for all submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. The following shall be submitted in accordance with Section 01 33 00 SUBMITTAL PROCEDURES:

SD-01 Preconstruction Submittals

Environmental Protection Plan; G, GA

1.3 ENVIRONMENTAL PROTECTION REQUIREMENTS

A plan shall be developed to provide for environmental protective measures to prevent and/or control pollution that may develop during construction. The plan shall contain protective measures required to prevent or correct conditions that may develop during the construction. The liability for environmental noncompliance shall be borne by the Contractor.

1.3.1 Environmental Protection Plan

Within 15 days after receipt of Notice of Award of the contract and at least 7 days prior to the Preconstruction Conference, the Contractor shall submit in writing an Environmental Protection Plan. No physical work at the site shall begin until the Contracting Officer has approved the plan and provided specific authorization to start a phase of the work. Preparation and submittal of supplemental plan(s) may be necessary for later phases of work. A copy of the complete Environmental Protection Plan shall be maintained on-site at all times during the life of the contract. The environmental protection plan shall include but not be limited to the following:

1.3.1.1 Protection of Features

In accordance with the Contract Clause PROTECTION OF EXISTING VEGETATION, STRUCTURES, EQUIPMENT, UTILITIES, AND IMPROVEMENTS, the Contractor shall

develop methods for the protection of features to be preserved within authorized work areas. The Contracting Officer will prepare a list of resources needing protection and preservation (i.e., trees, shrubs, vines, grasses and ground cover, wetlands, landscape features, air quality, noise levels, surface and ground water quality, fish and wildlife, soil, historic, archaeological and cultural resources). The Contractor's plan shall identify methods to protect these and other resources present and specify measures to protect the environment on the occasion that an accident, natural causes of pollution, or failure to follow the environmental protection plan occur during construction. The Contractor's plan shall specify how the quality and protective measures of these resources shall be monitored. Furthermore the Contractor's plan shall specify how and where waste shall be disposed.

1.3.1.2 Procedures

The Contractor shall implement procedures to provide the required environmental protection and to comply with the applicable laws and regulations. The Contractor shall set out the procedures to be followed to correct pollution of the environment due to accident, natural causes or failure to follow the procedures set out in accordance with the environmental protection plan.

1.3.1.3 Permit or License

The Contractor shall obtain all needed permits or licenses. The Contractor shall be responsible for complying with all permits and licenses throughout the duration of this contract.]

1.3.1.4 Drawings

The Contractor shall include drawings identifying the areas of limited use or nonuse and show locations of any proposed temporary excavations or embankments for haul roads, stream crossings, material storage areas, structures, sanitary facilities, stockpiles of earth materials, and disposal areas for excess earth material and unsuitable earth materials.

1.3.1.5 Recycling and Waste Prevention Plan

The Contractor shall submit as a part of the Environmental Protection Plan, a Recycling and Waste Prevention Plan.

1.3.1.6 Environmental Monitoring Plans

The Contractor shall include environmental monitoring plans for the job site which incorporate land, water, air and noise monitoring.

1.3.1.7 Traffic Control Plan

The Contractor shall include a traffic control plan for the job site. This plan shall focus on reducing erosion of temporary roadbeds by construction traffic, especially during wet weather, and reducing the amount of mud transported onto paved public roads by motor vehicles or runoff.

1.3.1.8 Surface and Ground Water

The Contractor shall establish methods of protecting surface and ground water during construction activities. These water courses, including but not limited to all rivers, streams, bayous, lakes, ponds, bogs, and

wetlands, shall be protected from pollutants such as petroleum products, fuels, oils, lubricants, bentonite, bitumens, calcium chloride, acids, waste washings, sewage, chlorinated solutions, herbicides, insecticides, lime, wet concrete, cement, silt, or organic or other deleterious material. Chemical emulsifiers, dispersants, coagulants, or other cleanup compounds shall not be used without prior written approval from the Contracting Officer. Waters used to wash equipment shall be disposed to prevent entry into a waterway until treated to an acceptable quality. Fuels, oils, greases, bitumens, chemicals, and other nonbiodegradable materials shall be contained with total containment systems and removed from the site for disposal in an approved manner.

1.3.1.9 Noise Intrusion

The Contractor shall exercise controls to minimize damage to the environment by noise from construction activities. All Contractor's, subcontractors', and suppliers' equipment used on or in the vicinity of the job site shall be equipped with noise suppression devices. Equipment not so suppressed and properly maintained must be approved for use in writing by the Contracting Officer. Areas that have noise levels greater than 85 dB continuous or 140 dB peak (unweighted) impulse must be designated as noise hazardous areas. These work areas must have caution signs displayed at the perimeter of the noise area indicating the presence of hazardous noise levels and requiring the use of hearing protection devices.

1.3.1.10 Work Area Plan

The Contractor shall include a work area plan showing the proposed activity in each portion of the area and identifying the areas of limited use or nonuse. The plan shall include measures for marking the limits of use areas.

1.3.1.11 Contaminant Prevention Plan

The Contractor shall identify potentially hazardous substances to be used on the job site and intended actions to prevent accidental or intentional introduction of such materials into the air, water or ground. The Contractor shall detail provisions to be taken regarding the storage and handling of these materials. The plan shall include, but not be limited to, plans for preventing polluted runoff from plants, parked equipment, and maintenance areas from entering local surface and ground water sources.

1.3.1.12 Storm Water Pollution Prevention Plan

As required in Section 01 57 23.009 STORM WATER POLLUTION PREVENTION PLAN, the Contractor shall address the impact of construction upon erosion of the earth's surface and the introduction of pollutants into water courses. The Storm Water Pollution Prevention Plan shall include the Contractor's plan for controlling pollution, sediment and soil erosion and for disposing of wastes. The plan shall identify all temporary and permanent erosion and sediment control measures adopted such as soil stabilization, seeding, mulching, sprinkling, ditching, diking, draining, and constructing sedimentation basins, silt fences, straw bales and diversion ditches.

1.4 ENVIRONMENTAL LITIGATION

- a. If the performance of all or any part of the work is suspended, delayed, or interrupted due to an order of a court of competent jurisdiction as a result of environmental litigation, as defined below,

the Contracting Officer, at the request of the Contractor, shall determine whether the order is due in any part to the acts or omissions of the Contractor, or a Subcontractor at any tier, not required by the terms of the contract. If it is determined that the order is not due in any part to acts or omissions of the Contractor, or a Subcontractor at any tier, other than as required by the terms of this contract, such suspension, delay, or interruption shall be considered as if ordered by the Contracting Officer in the administration of this contract under the terms of the SUSPENSION OF WORK clause of this contract. The period of such suspension, delay, or interruption shall be considered unreasonable, and an adjustment shall be made for any increase in the cost of performance of this contract (excluding profit) as provided in that clause, subject to all the provisions thereof.

b. The term "Environmental Litigation", as used herein, means a lawsuit alleging that the work will have an adverse effect on the environment or that the Government has not duly considered, either substantively or procedurally, the effect of the work on the environment.

PART 2 PRODUCTS (Not Applicable)

PART 3 EXECUTION

3.1 PROTECTION OF ENVIRONMENTAL RESOURCES

The Contractor shall protect the environmental resources, such as, but not limited to, historic, archaeological and cultural resources; land, water (rivers, streams, bayous, lakes, ponds, bogs, and wetlands), and air resources; and fish and wildlife resources within the project boundaries and those affected outside the limits of permanent work under this contract.

3.1.1 Protection of Land Resources

In accordance with the Contract Clause PROTECTION OF EXISTING VEGETATION, STRUCTURES, EQUIPMENT, UTILITIES, AND IMPROVEMENTS, the land resources within the project boundaries and those affected outside the limits of work under this contract shall be preserved in their present condition or be restored to an equivalent condition upon completion of the work. Prior to initiating any construction, the Contractor shall identify all land resources to be preserved within the work area, including those identified by the Contracting Officer. The Contractor shall not remove, cut, deface, injure, or destroy land resources including trees, shrubs, vines, grasses, topsoil, and landforms without permission from the Contracting Officer unless otherwise specified. No ropes, cables, or guys shall be fastened to or attached to any trees for anchorage unless specifically authorized. Where such special emergency use is permitted, the Contractor shall provide effective protection for land and vegetation resources at all times and shall be responsible for any subsequent damage as defined in the following subparagraphs.

3.1.1.1 Work Area Limits

Prior to any construction, the Contractor shall mark the areas within the designated work areas that are not required to accomplish work to be performed under this contract and which are to be protected. Isolated areas within the general work area which are to be saved and protected

shall be marked or fenced. Monuments and markers shall be protected during construction. Where construction operations are to be conducted during darkness, the markers shall be visible. The Contractor shall convey to its personnel the purpose of marking and protecting all necessary objects.

3.1.1.2 Protection of Landscape

Trees, shrubs, vines, grasses, landforms and other landscape features, indicated and defined on the drawings to be preserved shall be clearly identified by marking, fencing, or wrapping with boards, or any other approved techniques.

3.1.1.3 USDA Quarantined Considerations

See Section 01 00 00.00 09 GENERAL CONTRACT REQUIREMENTS, paragraph WORK IN QUARANTINED AREA.

3.1.1.4 Location of Contractor On-Site Facilities

The Contractor's on-site field offices, staging areas, stockpile storage, and temporary buildings shall be placed in approved areas. Temporary movement or relocation of Contractor on-site facilities shall be only on approval by the Contracting Officer.

3.1.1.5 Borrow Areas

Borrow areas on and off Government right-of-way shall be managed by the Contractor to minimize erosion and to prevent sediment from entering rivers, streams, bayous, lakes, ponds, bogs, and wetlands, or affecting known or discovered cultural resource properties. All borrow areas outside the construction limits that are operated by the Contractor shall be reclaimed to provide for the protection and subsequent beneficial use of the mined and reclaimed land. Before obtaining material from any borrow source located outside the project limits, whether operated by the Contractor or by an independent supplier, the Contracting Officer shall be informed in writing of the location of such source(s), the names of the owner and operator, and the types and estimated quantities of materials to be obtained from each source.

3.1.1.6 Disposal of Solid Wastes

Solid wastes (not including clearing debris) shall be any waste excavated or generated by the Contractor. Solid waste shall be placed in accessible containers and disposed on a regular schedule to prevent the accumulation of waste on-site. All handling and disposal shall be conducted to prevent spillage and contamination. The Contractor shall transport all solid waste off government property and dispose properly. The Contractor shall participate in any State or local recycling programs to reduce the volume of solid waste materials at the source whenever practical. The location of on-site waste receptacles cannot be placed on project drawings due to the linear nature of the project. The location of solid waste receptacles is expected to move with the progress of the project.

3.1.1.7 Disposal of Hazardous Wastes

Hazardous waste shall be stored, removed from the work area, and disposed of in accordance with all applicable Federal, State, and local laws and regulations. Hazardous waste shall not be dumped onto the ground; into storm sewers; or open water courses, including but not limited to all

rivers, streams, bayous, lakes, ponds, bogs, and wetlands; or into the sanitary sewer system. Fueling and lubrication of equipment and motor vehicles shall be conducted in a manner that affords the maximum protection against spills and evaporation.

3.1.1.8 Disposal of Discarded Materials

Discarded materials that cannot be included in the solid waste category shall be handled as approved.

3.1.1.9 Disposal of Used Oils

Used oils and/or lubricants shall be disposed of in accordance with all Federal, State, and local laws and regulations. The Contractor shall collect used oil and/or lubricants in leak-tight containers, ensure that all openings on the containers are tightly sealed (including the drum ring and bung closures), and label the containers to clearly indicate contents. Disposal through a used oil recycler is required. The Contractor shall ensure that the recycler has all appropriate State and Federal permits.

3.1.1.10 Refueling Facilities and Equipment Maintenance Areas

Fuel tanks shall have secondary containment measures to ensure that fuel does not leave the construction site and enter into nearby water bodies or wetlands. The contractor shall provide a Spill Prevention, Control, and Countermeasure (SPCC) Plan for fuel tanks that will be stored on-site. Necessary controls to implement the SPCC Plan shall be on-site in an accessible location for use if a spill does occur. All refueling operations shall be performed in a manner as to prevent fuels from leaving the construction site and entering water bodies or wetlands. Equipment maintenance operations shall also be performed in a manner to prevent fuel, oils, and grease from leaving the site and entering water bodies or wetlands. The location of on-site fueling operations and maintenance activities are not on project drawings due to the linear nature of the project. The location of the refueling and maintenance activities is expected to move with the progress of the project.

3.1.1.11 Storage of Herbicides, Pesticides, and Fertilizers

Herbicides, Pesticides, and Fertilizers that are to be used in the construction of the project shall be either stored off-site or in a waterproof container to prevent the movement of these chemicals off-site from stormwater. Due to the linear nature of the project, the location of the storage facilities for herbicides, pesticides, and fertilizers is not shown on the project drawings.

3.1.2 Historical, Archaeological and Cultural Resources

The Contractor shall take precautions to preserve existing historical, archaeological and cultural resources. The Contractor shall install protection for these resources and shall be responsible for their preservation during this contract. If during construction activities the Contractor observes items that may have archaeological or historic value (e.g., when Native American human remains and associated objects are discovered), the Contractor shall stop work in the area, leave the items undisturbed, and immediately report the find to the Contracting Officer. Such items may include historic artifacts of glass, metal and ceramics, or prehistoric artifacts such as stone tools, ceramics, bone, and shell. The Contractor shall not judge the potential significance of any suspected

cultural material, but shall report all findings to the Contracting Officer.

3.1.3 Protection of Water Resources

The Contractor shall keep construction activities under surveillance, management, and control to avoid pollution of surface and ground waters, including but not limited to all rivers, streams, bayous, lakes, ponds, bogs, and wetlands. All construction activities shall meet the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permits for Storm Water Discharges from Construction Sites. Discharges of any pollutant into the water courses is strictly prohibited, unless accepted by the Contracting Officer.

3.1.3.1 Waste Water

Waste water directly derived from washing equipment, or any other construction activities shall not be discharged into any natural water areas, including but not limited to all rivers, streams, bayous, lakes, ponds, bogs, and wetlands.

3.1.3.2 Monitoring of Water Areas Affected by Construction Activities

The Contractor shall be responsible for monitoring all water areas affected by construction activities. In the event that water quality violations result from the Contractor's operation, the Contractor shall suspend the operation or operations causing the pollution, and such suspension shall not form the basis for a claim against the Federal government.

3.1.4 Protection of Aquatic and Wildlife Resources

The Contractor shall keep construction activities under surveillance, management, and control to prevent interference with, disturbance to, and damage to aquatic resources and/or wildlife, including but not limited to all rivers, streams, bayous, lakes, ponds, bogs, and wetlands. Special emphasis shall be placed on protecting wetlands. Species that require specific attention as defined by law or specified by the Contracting Officer, along with measures for their protection, shall be listed by the Contractor prior to beginning of construction operations.]

3.1.5 Protection of Air Resources

The Contractor shall keep construction activities under surveillance, management and control to minimize pollution of air resources. Special management techniques as set out below shall be implemented to control air pollution by the construction activities.

3.1.5.1 Particulates

Dust particles, aerosols, and gaseous by-products from all construction activities, disturbed areas, and/or processing and preparation of materials, such as from asphaltic batch plants, shall be controlled at all times, including weekends, holidays, and hours when work is not in progress. The Contractor shall maintain all excavations, stockpiles, haul roads, permanent and temporary access roads, plant sites, disposal sites, borrow areas, and all other work areas within or outside the project boundaries free from particulates which would cause air pollution standards specified in paragraph PROTECTION OF AIR RESOURCES to be exceeded or which would cause a hazard or a nuisance. Sprinkling, chemical treatment of an approved type, light bituminous treatment, baghouse, scrubbers,

electrostatic precipitators, or other methods will be permitted to control particulates in the work area. Sprinkling shall be repeated at such intervals as to keep the disturbed area damp at all times.

3.1.5.2 Hydrocarbons and Carbon Monoxide

Hydrocarbons and carbon monoxide emissions from equipment shall be controlled to Federal, State, and local allowable limits at all times.

3.1.5.3 Volatile Organic Compound (VOC)

The Contractor shall comply with Federal, State, and local laws and regulations pertaining to emission of VOC vapors at all times.

3.1.5.4 Odors

Odors shall be controlled at all times for all construction activities, including processing and preparation of materials.

3.1.5.5 Monitoring Air Quality

Monitoring of air quality at the construction site(s) shall be the responsibility of the Contractor.

3.2 NONCOMPLIANCE

If the Contracting Officer notifies the Contractor in writing of any observed noncompliance with contract requirements or Federal, State, or local laws, regulations, or permits, the Contractor shall take all necessary action to correct the noncompliance. Such notice, when delivered to the Contractor at the worksite, shall be deemed sufficient for the purpose of notification. If the Contractor fails to comply promptly, the Contracting Officer may issue an order stopping all or part of the work until satisfactory corrective action is taken. No time extensions will be granted or costs or damage allowed to the Contractor for any such suspension. (See also the Contract Clause PERMITS AND RESPONSIBILITIES.)

3.3 CONTAINMENT AND CLEANUP OF CONTAMINANT RELEASES

The Contractor shall provide the Contracting Officer for approval, a contaminant containment and cleanup plan including the procedures, instructions, and reports to be used in the event of an unforeseen substance release. This plan shall include as a minimum:

- a. The name of the individual who will be responsible for implementing and supervising the containment and cleanup.
- b. A list of materials and equipment to be immediately available at the job site, tailored to cleanup work of the potential hazard(s) identified.
- c. The names and locations of suppliers of containment materials and locations of additional fuel oil recovery, cleanup, restoration, and material placement equipment available in case of an unforeseen spill emergency.
- d. The methods and procedures to be used for expeditious contaminant cleanup.

e. The name of the individual who will report any spills or hazardous substance releases and who will follow up with complete documentation. This individual shall immediately notify the Contracting Officer in addition to the legally required reporting channels when a reportable quantity spill of oil or hazardous substance occurs.

3.4 POSTCONSTRUCTION CLEANUP

The Contractor shall clean up areas used for construction and remove all signs of temporary construction facilities; Contractor office, storage and staging areas; quarry and borrow areas, and all other areas used by the Contractor during construction. Furthermore, the disturbed areas shall be graded and filled as approved by Contracting Officer. Restoration of original contours is not required unless specified in another section. (See also the Contract Clause CLEANING UP.)

3.5 RESTORATION OF LANDSCAPE DAMAGE

All landscape features damaged or destroyed during construction operations that were not identified for removal shall be restored. Any vegetation or landscape feature damaged shall be restored as nearly as possible to its original condition. (See also the Contract Clause PROTECTION OF EXISTING VEGETATION, STRUCTURES, EQUIPMENT, UTILITIES, AND IMPROVEMENTS.)

3.6 MAINTENANCE OF POLLUTION FACILITIES

The Contractor shall maintain all constructed facilities and portable pollution control devices for the duration of the contract or for the length of time construction activities create the particular pollutant.

3.7 TRAINING OF CONTRACTOR PERSONNEL IN POLLUTION CONTROL

Contractor personnel shall be trained in environmental protection and conduct environmental protection meetings monthly. The training and meeting agenda shall include methods of detecting and avoiding pollution, wetland identification, familiarization with pollution standards, both statutory and contractual, and installation and care of facilities (vegetative covers, and instruments required for monitoring purposes) to insure adequate and continuous environmental pollution control. Personnel are to be informed of provisions for hazardous and toxic materials container labeling and for managing Material Safety Data Sheets (MSDS). Anticipated hazardous or toxic chemicals shall also be reviewed. Other items to be discussed shall include recognition and protection of archaeological sites, artifacts, and wetlands. The Contractor shall include training topics discussed and attendance as a part of its daily CQC Report.

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SECTION 01 57 23.00 09

STORM WATER POLLUTION PREVENTION PLAN
11/03

PART 1 GENERAL

1.1 REFERENCES

The publications listed below form a part of this specification to the extent referenced. The publications are referred to in the text by basic designation only.

ASTM INTERNATIONAL (ASTM)

ASTM D 4354	(1999; R 2009) Sampling of Geosynthetics for Testing
ASTM D 4439	(2004) Geosynthetics
ASTM D 4491	(1999a; R 2009) Water Permeability of Geotextiles by Permittivity
ASTM D 4533	(2004; R 2009) Trapezoid Tearing Strength of Geotextiles
ASTM D 4632	(2008) Grab Breaking Load and Elongation of Geotextiles
ASTM D 4751	(2004) Determining Apparent Opening Size of a Geotextile
ASTM D 4759	(2002; R 2007) Determining the Specification Conformance of Geosynthetics
ASTM D 4873	(2002; R 2009) Identification, Storage, and Handling of Geosynthetic Rolls and Samples

1.2 SYSTEM DESCRIPTION

All construction activities conducted by the Contractor shall be performed in full compliance with the latest version of the State of Mississippi [Large Construction Storm Water General Permit](#) for storm water discharges from construction activities. Pursuant to the State of Mississippi [Large Construction Storm Water General Permit](#) for storm water discharges from construction activities, the requirements contained herein shall constitute the Storm Water Pollution Prevention Plan, hereafter called the SWPP Plan for this contract. The Contractor shall implement and diligently pursue all measures required herein. The purpose of the SWPP Plan is to control storm water volume and velocity within the site to minimize the soil erosion resulting from construction activities under this contract to prevent sediment from accumulating in existing drainage ditches, leaving the contract rights-of-way, or entering the streams at each site as shown on the drawings [Little Talahatchie](#) and to minimize the downstream channel and stream bank erosion.. Requirements under this section of the specifications are supplemental to and shall become part of the overall

Environmental Protection Plan required by Section 01 57 20.00 09
ENVIRONMENTAL PROTECTION.

1.2.1 Process for Viewing Current Mississippi Large Construction Storm Water General Permit

The latest permit and applicable forms are available on the Internet at http://www.deq.state.ms.us/MDEQ.nsf/page/epd_epdgeneral?OpenDocument. Prior to making an offer, offerors shall view the referenced website for the latest permit requirements and applicable forms. No separate payment will be made for complying with the requirements of this Section, or for complying with requirements of the current Mississippi Large Construction Storm Water General Permit, or for obtaining and complying with any other permits required for this contract.

1.2.2 Permit Notifications

The Contractor shall notify the permitting agency by certifying and submitting a Prime Contractor Certification Form and Notice of Termination as required by the Large Construction Storm Water General Permit for storm water discharges for this project as stated below. The Contractor shall maintain copies of all correspondence with the permitting agency with the SWPP Plan for the duration of this contract.

1.2.3 Prime Contractor Certification Form

A Large Construction Notice of Intent (LCNOI) and the SWPPP required by the State of Mississippi will be filed by the Government with the permitting agency prior to the award of this contract. The Contractor shall complete the Prime Contractor Certification form indicating that he takes responsibility for permit compliance and meeting permit conditions prior to the commencement of construction activities. The Contractor shall certify and submit the Prime Contractor Certification form to the permitting agency at least 48 hours prior to beginning work. The Contractor shall furnish two (2) copies of the submitted documentation to the Contracting Officer.

1.2.4 Notice of Termination (NOT) of Coverage

Upon successful completion of all permanent erosion and sediment controls for this project, and at the direction of the Contracting Officer, the Contractor shall submit a Notice of Termination (NOT) of Coverage to the Mississippi Department of Environmental Quality stating that all permanent erosion and sediment controls have been completed. The Contractor shall also provide three copies of the submitted documentation to the Contracting Officer and one copy to U.S. Army Corps of Engineers, Vicksburg District, 4155 Clay Street, Vicksburg, Mississippi 39183-3435, Attn: Water Quality Section.

1.2.5 Inspection Suspension Form

The Contractor may request the suspension of weekly inspection and monthly reporting requirements on portions of the project area if the Contractor certifies that: (1) land disturbing activities have temporarily ceased; (2) no further land disturbing activities are planned for a period of at least 6 months; (3) the site is stable with no active erosion; and (4) vegetative cover has been established.

The Contractor shall submit to the permitting agency a completed Inspection Suspension Form along with color photographs representative of the site as

stipulated in the Large Construction Storm Water General Permit. The Contractor shall notify MDEQ once construction activities are resumed and the weekly inspections shall commence immediately and as required by the permit. The Contractor shall still be responsible for all permit conditions during any suspension period.

1.3 SUBMITTALS

Government approval is required for all submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. The following shall be submitted in accordance with Section 01 33 00 SUBMITTAL PROCEDURES:

SD-07 Certificates

Filter Fabric

The Contractor shall submit a certificate of compliance attesting that the filter fabric meets the specified requirements.

1.4 SITE DESCRIPTION

1.4.1 Nature of Construction Activity

The work consists of furnishing all plant, labor, materials, and equipment, and constructing three (3) grade control structures, two (2) longitudinal stone toe dikes, and thirteen (13) tiebacks in Chickasaw County, Mississippi. Principle features of work for the grade control structures include clearing and grubbing; excavation, backfill, embankment, control of water; storm water pollution prevention; and environmental protection.

1.4.2 Major Activities Which Disturb Soils

The major activities which will disturb the soil at the site include clearing and grubbing, excavation, embankment construction, and grading.

1.4.3 Estimated Areas Affected

The total area of the construction site is approximately 7.5 acres. The area of soil that will be disturbed is approximately 7.5 acres.

The approximate area of each construction site and the area of soil that will be disturbed within each construction site is: 7.5 acres

Site	Construction Area (Acres)	Disturbed Area (Acres)
YAL-04-30	2.0	2.0
YAL-04-31	1.7	1.7
YAL-04-32	3.75	3.75

1.4.4 Runoff Coefficient

The estimated runoff coefficient at the site will be 0.55 after construction activities are completed.

1.4.5 Contract Drawings and Specifications

The following features are shown on or can be determined from the contract

drawings and specifications:

- a. The approximate slopes after the major construction activities.
- b. Areas of soil disturbance.
- c. The location where stabilization practices are required.
- d. Surface waters.
- e. Locations where storm water is discharged into a surface water.
- f. Typical best management practices which are anticipated to be used in the control of sediment and erosion control.

1.4.6 Waters Affected

The surface water which may be affected by this contract is Topashaw Creek. The surface water which may be affected by this contract is Topashaw Creek. The following TMDLs have been conducted for Topashaw Creek for the following impairments: Biological Impairment. This project along with the proposed BMPs will not contribute to the impairment of the nearby waterbody.

1.4.7 Non-Storm Water Discharges

1.4.7.1 Allowable Non-Storm Water Discharges

- a. Discharges from actual fire-fighting activities.
- b. Fire hydrant flushing.
- c. Water used to control dust.
- d. Potable water sources including uncontaminated water line flushing.
- e. Routine external building wash down that does not use detergents.
- f. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used.
- g. Uncontaminated air conditioning or compressor condensation.
- h. Uncontaminated ground water or spring water.
- i. Foundation or footing drains where flows are not contaminated with process materials such as solvents.
- j. Landscape irrigation.
- k. Water used to wash vehicles, wheel wash water and other wash waters where detergents are not used.

1.4.7.2 Prohibited Non-Storm Water Discharges

- a. Wastewater from washout of concrete (unless managed by appropriate control).
- b. Wastewater from washout and cleanout of stucco, paint, form release

oils, curing compounds and other construction materials

- c. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
- d. Soaps or solvents used in vehicle and equipment washing.
- e. Wastewater from sanitary facilities, including portable toilets.
- f. Dewatering activities, including discharges from dewatering of trenches and excavations unless managed by BMP's.

1.5 CONTROLS

The controls and measures required by the Contractor are described below.

1.5.1 Erosion and Sediment Controls

The Contractor is responsible for the management of storm water.

The Contractor shall maintain a log of the dates when major grading activities occur, (e.g. clearing and grubbing, excavation, embankment construction, and grading); when construction activities temporarily or permanently cease on a portion of the site; and when stabilization practices are initiated.

1.5.1.1 Stabilization Practices

a. General - The stabilization practices required to be implemented shall include permanent seeding or sprigging, mulching, sod stabilization, erosion control matting, protection of trees, preservation of mature vegetation, etc. However, the Contractor may, at its option and at no additional cost to the Government, provide a fall and winter temporary erosion control measure by seeding with rye grass or other approved winter grasses. The Contractor shall maintain a log of the dates when the major grading activities occur, (e.g. clearing and grubbing, excavation, embankment construction, and grading); when construction activities permanently cease on a portion of the site; and when stabilization practices are initiated, and shall attach this log to the SWPP Plan. Vegetative stabilization measures must be initiated immediately whenever any land disturbing activities have temporarily or permanently ceased on any portion of the site and will not resume for a period of fourteen (14) calendar days or more.

b. Interim Stabilization Practices - The interim stabilization practices required are described below.

(1) Only trees that are within the indicated limits to construct the permanent work shall be removed.

(2) Existing vegetative cover shall be preserved to the extent possible to reduce erosion.

c. Permanent Stabilization Practices - The permanent stabilization practices to be implemented are described below.

(1) Permanent seeding (erosion control) shall be performed within 7 days after the final grading is completed in accordance with

Section 32 92 02.00 09 EROSION CONTROL.

(2) Mulch shall be placed on areas of erosion control treatment as specified.

1.5.1.2 Structural Practices

a. General - Structural practices shall be implemented to divert flows from exposed soils, temporarily store flows, or otherwise control runoff in order to prevent sediments from accumulating in existing drainage ditches, leaving the contract rights-of-way, or entering the Yazoo River. The Contractor shall implement the required structural practices and the necessary structural practices as may be required to control runoff for its construction methods and procedures. The installation of these measures may be subject to Section 404 of the Clean Water Act. The Contractor shall be responsible for obtaining the Section 404 permit if required for any structural practice he proposes to implement. Structural practices shall be implemented at the start of the construction process or at the start of each phase of construction to minimize erosion and sediment runoff. Structural practices shall be removed after they have served their intended purpose and after their removal has been approved by the Contracting Officer.

b. Devices - Structural practices may include but shall not be limited to the following devices (typical details are shown on the drawings):

(1) Silt fences

(i) General

Filter fabric shall meet the requirements of PART 2 PRODUCTS, paragraph FILTER FABRIC.

Filter fabric shall contain ultraviolet ray inhibitors and stabilizers to provide a minimum of six months of expected usable construction life at a temperature range of 0 degrees F to 120 degrees F.

If wooden stakes are utilized for silt fence construction, they shall have a minimum diameter of 2 inches when oak is used and 4 inches when pine is used. Wooden stakes shall have a minimum length of 5 feet.

If steel posts (standard "U" or "T" section) are utilized for silt fence construction, they shall have a minimum weight of 1.33 pounds per linear foot and a minimum length of 5 feet.

Wire fence reinforcement for silt fences using standard strength filter fabric shall be a minimum of 14 gauge and shall have a maximum mesh spacing of 6 inches.

(ii) Installation

The height of a silt fence shall be a minimum of 16 inches above the ground surface and shall not exceed 34 inches above the ground surface.

The filter fabric shall be purchased in a continuous roll cut to

the length of the barrier to avoid the use of joints. When joints are unavoidable, filter fabric shall be spliced together only at a support post with a minimum 6 inch lap and securely sealed.

A trench shall be excavated approximately 4 inches wide and 4 inches deep on the upslope side of the proposed location of the measure.

When wire support is used, standard-strength filter fabric may be used. Posts for this type of installation shall be placed a maximum of 10 feet apart. The wire mesh fence shall be fastened securely to the upslope side of the posts using heavy duty wire staples at least 1 inch long, tie wires or hog rings. The wire shall extend into the trench a minimum of 2 inches and shall not extend more than 34 inches above the ground surface. The standard strength fabric shall be stapled or wired to the wire fence, and 8 inches of the fabric shall be extended into the trench. The fabric shall not be stapled to existing trees.

When wire support is not used, extra-strength filter fabric shall be used. Posts for this type of fabric shall be placed a maximum of 6 feet apart. The filter fabric shall be fastened securely to the upslope side of the posts using 1 inch long (minimum) heavy-duty wire staples or tie wires and 8 inches of the fabric shall be extended into the trench. The fabric shall not be stapled to existing trees.

The 4 inch by 4 inch trench shall be backfilled and the soil compacted over the filter fabric.

Silt fences shall be removed upon approval by the Contracting Officer.

(2) Straw Bales.

Bales shall be placed in a single row, lengthwise on the contour, with ends of adjacent bales tightly abutting one another. Bale rows used to retain sediment shall be turned uphill at each end of each row.

All bales shall be either wire-bound or string-tied. Straw bales shall be installed so that bindings are oriented around the sides rather than along the tops and bottoms of the bales in order to prevent deterioration of the bindings.

The barrier shall be entrenched and backfilled. A trench shall be excavated the width of a bale and the length of the proposed barrier to a minimum depth of 4 inches. After the bales are staked and chinked (gaps filled by wedging), the excavated soil shall be backfilled against the barrier. Backfill soil shall conform to the ground level on the downhill side and shall be built up to 4 inches against the uphill side of the barrier.

Each bale shall be securely anchored by at least two stakes (minimum dimensions 2 inches x 2 inches x 36 inches) or standard "T" or "U" steel posts (minimum weight of 1.33 pounds per linear foot) driven through the bale. The first stake or steel post in each bale shall be driven toward the previously laid bale to force the bales together. Stakes or steel pickets shall be driven a

minimum 18 inches deep into the ground to securely anchor the bales.

The gaps between bales shall be chinked (filled by wedging) with straw to prevent water from escaping between the bales. Loose straw may be scattered over the area immediately uphill from a straw bale barrier to increase barrier efficiency.

Straw bale barriers shall be removed upon approval by the Contracting Officer.

(3) Temporary Diversion Dikes

Temporary diversion dikes shall have a maximum channel slope of 2 percent and shall be adequately compacted to prevent failure. The minimum height measured from the top of the dike to the bottom of the channel shall be 18 inches. The minimum base width shall be 6 feet and the minimum top width shall be 2 feet. Temporary diversion dikes shall be located to minimize damages caused by construction operations and traffic.

(4) Sedimentation Basins

General: For drainage areas that serve an area of 10 acres or greater, a temporary sedimentation basin will be provided until final stabilization is achieved. The sediment basin will likely provide at least 3,600 cubic feet of storage per acre drained.

The Contractor shall submit its plans for the location, construction, operation, and maintenance of the temporary sedimentation basin along with the necessary calculations for the outfall structure for review at the time of the pre-construction meeting.

Installation: The sedimentation basin will be installed prior to major site grading. The outlet structure for the sediment basin shall withdraw water from the surface and will be designed for the 2-year, 24 hour storm event.

Due to the linear nature of the project, sediment basins will not be used due to the narrow ROW and the lack of a common drainage area serving 10 or more acres.

(5) Rock Riffle Structure

General: A small temporary structure constructed across a swale or ditch to slow the velocity of water to reduce erosion and off-site transport

Installation: Rock riffle structures shall be constructed of stones. Silt fence material is acceptable for use as rock riffle structures. The rock riffle structure shall be no higher than 2 feet with the center of the rock riffle structure a minimum of 6 inches lower than the outer edges of the rock riffle structure. The complete width of the swale or the drainage ditch shall be covered with the rock riffle structure such that run-off will not flow around the edges of the rock riffle structure. Subsequent check dams shall be placed so that the center of the next rock riffle structure is the same elevation as the bottom of the

previous structure immediately upstream.

(6) Floating Turbidity Barrier

Floating turbidity barriers will not be used with the project because no construction work is to occur within a waterbody.

c. Device Applicability

(1) Straw bales, silt fences, earth dikes, and drainage swales for diversion of runoff upstream from work areas.

(2) Straw bales, silt fences and earth dikes for retention of flow in drains.

(3) Stone outlet protection at culverts.

(4) Sediment containment by providing straw bales or silt fences along the toe of fill and cut slopes.

(5) Earth dikes for temporary sediment basins in major drainage channels downstream from work areas.

Structural practices shall be properly placed to effectively retain sediment immediately after completing each phase of work (e.g. clearing and grubbing, excavation, embankment construction, and grading) in each independent runoff area (e.g. after clearing and grubbing in an area between a ridge and drain). Structural practices shall be placed, and as work progresses, removed/replaced/relocated as needed for work to progress in each runoff area. Structural practices, to the extent necessary to prevent sediment from accumulating in existing drainage ditches, leaving the contract rights-of-way, or entering the Yazoo River, shall be implemented as follows:

(1) Along the downhill perimeter edge of disturbed areas.

(2) Along the top of the slope or top bank of drainage ditches, channels, swales, etc. that traverse disturbed areas.

(3) Along the toe of cut slopes and fill slopes of the construction areas.

(4) Perpendicular to the flow in the bottom of existing drainage ditches, channels, swales, etc. that traverse disturbed areas or carry runoff from disturbed areas. Rows of straw bales or silt fences shall be spaced a maximum of 100 feet apart in such existing drains that are within the limits of the work.

(5) Perpendicular to the flow in the bottom of new drainage ditches, channels, and swales. Rows of straw bales or silt fences shall be spaced a maximum of 200 feet apart in drains with slopes equal to or less than 5 percent and 100 feet apart in drains with slopes steeper than 5 percent.

(6) At the entrance to culverts that receive runoff from disturbed areas.

1.5.2 Storm Water Management

1.5.2.1 Management Practices

The storm water management practices that shall be permanently installed under this contract are as follows:

- a. Erosion control.
- b. Stone protection.
- c. Quarry-run stone paving.

1.5.2.2 Methods

- a. Erosion control shall be in accordance with Section 31 25 00.00 09 EROSION CONTROL.
- b. Stone protection shall be in accordance with Section 35 31 19.00 09 STONE - BANK STABILIZATION.

1.5.2.3 Stormwater Requirements

The contractor will be responsible for appointing a stormwater team who will be responsible for the following: (1) design, installation, maintenance, and/or repair of stormwater controls (including pollution prevention controls), (2) application and storage of treatment chemicals (if applicable), (3) conducting inspections as required in ACT6, S-5 of MDEQ's general permit, and (4) taking corrective actions as required in ACT6, S-2 of MDEQ's general permit. The permittee is responsible for ensuring that all activities on the site comply with the general permit requirements. Employee training records for designated Storm Water Team Members, which are consistent with ACT5, T-20 and T-21 of the general permit shall be maintained on-site with the SWPPP and made available to MDEQ personnel for inspection upon request.

1.5.3 Other Controls

1.5.3.1 Waste Disposal

No solid materials, including building materials, shall be discharged to waters of the United States, except as authorized by a Section 404 permit. Other requirements are included in Section 01 57 20.00 09 ENVIRONMENTAL PROTECTION.

1.5.3.2 Off-site Vehicle Tracking

Off-site vehicle tracking of sediments shall be minimized.

1.5.3.3 Compliance with Regulations

The Contractor shall ensure and demonstrate compliance with applicable State or local waste disposal, sanitary sewer or septic system regulations.

PART 2 PRODUCTS

2.1 FILTER FABRIC FOR SILT SCREEN FENCE

The geotextile, as defined by ASTM D 4439, shall consist of polymeric

filaments which are formed into a stable network such that filaments retain their relative positions. The filament shall consist of a long-chain synthetic polymer composed of at least 85 percent by weight of ester, propylene, or amide, and shall contain stabilizers and/or inhibitors added to the base plastic to make the filaments resistance to deterioration due to ultraviolet and heat exposure. The geotextile shall conform to the physical property requirements in paragraph ACCEPTANCE REQUIREMENTS, subparagraph TESTING.

2.2 ACCEPTANCE REQUIREMENTS

2.2.1 General

All brands of geotextile to be used will be accepted on the following basis.

2.2.2 Mill Certificates or Affidavits

The mill certificate or affidavit shall attest that the filter fabric and factory seams meet chemical, physical, and manufacturing requirements specified. The mill certificate of affidavit shall specify the actual Minimum Average Roll Values and shall identify the fabric supplied by roll identification numbers.

2.2.3 Testing

If requested by the Contracting Officer, Government personnel shall collect filter fabric samples in accordance with ASTM D 4354 for testing to determine compliance with any or all of the requirements specified pursuant to ASTM D 4759 and the following table:

EXTRA STRENGTH FILTER FABRIC FOR SILT SCREEN FENCE

PHYSICAL PROPERTY	TEST PROCEDURE	REQUIREMENTS
Grab Tensile Strength	ASTM D 4632	100 lbs. min.
Elongation (%)	ASTM D 4632	30 % max.
Trapezoid Tear	ASTM D 4533	55 lbs. min.
Permittivity	ASTM D 4491	0.2 sec-1 min.
AOS (U.S. Std Sieve)	ASTM D 4751	20-100

NOTE: Standard strength filter fabric for silt screen fence shall meet the same minimum requirements for AOS and Permittivity as the extra strength filter fabric, but may have lower strengths for the remaining properties listed in the table.

2.3 IDENTIFICATION, STORAGE AND HANDLING

Filter fabric shall be identified, stored and handled in accordance with ASTM D 4873.

PART 3 EXECUTION

3.1 MAINTENANCE

The Contractor shall maintain the temporary and permanent vegetation,

erosion and sediment control measures, and other protective measures in good and effective operating condition by performing routine inspections to determine condition and effectiveness, by restoration of destroyed vegetative cover, and by repair of erosion and sediment control measures and other protective measures. The following procedures shall be followed to maintain the protective measures identified in the SWPP Plan.

a. Silt Fences

Silt fences shall be inspected in accordance with paragraph INSPECTIONS. Any required repairs shall be made promptly. Close attention shall be paid to the repair of damaged silt fence resulting from end runs and undercutting. Whenever the fabric on a silt fence decompose or become ineffective, and the barrier is still necessary, the fabric shall be replaced promptly. Sediment deposits shall be removed when deposits reach one-third of the height of the barrier or a maximum height of 9 inches. When a silt fence is no longer required, it shall be removed. The immediate area occupied by the fence and any sediment deposits shall be shaped to an acceptable grade. The areas disturbed by this shaping shall be seeded in accordance with Section 32 92 06.00 09 EXISTING TURF MAINTENANCE AND NEW TURF ESTABLISHMENT, paragraph SEEDING, except that the coverage requirements in paragraph ESTABLISHMENT do not apply to these areas.

b. Straw Bales

Straw bale barriers shall be inspected in accordance with paragraph INSPECTIONS. Close attention shall be paid to the repair of damaged bales, end runs and undercutting beneath bales. Necessary repairs to barriers or replacement of bales shall be accomplished promptly. Sediment deposits shall be removed when deposits reach one-half of the height of the barrier. When a straw bale barrier is no longer required, it shall be removed. The immediate area occupied by the bales and any sediment deposits shall be shaped to an acceptable grade. The areas disturbed by this shaping shall be seeded in accordance with Section 32 92 06.00 09 EXISTING TURF MAINTENANCE AND NEW TURF ESTABLISHMENT, paragraph SEEDING, except that the coverage requirements in paragraph ESTABLISHMENT do not apply to these areas.

3.2 INSPECTIONS

3.2.1 General

Disturbed areas of the construction site, areas used for storage of materials that are exposed to precipitation that have not been finally stabilized, stabilization practices, structural practices, other controls, and areas where vehicles exit the site shall be inspected by the Contractor at least weekly for a minimum of four inspections per each month; and as often as necessary to ensure that appropriate erosion and sediment controls have been properly constructed and maintained, and to determine if additional or alternative control measures are required. The Contractor shall perform a "walk through" inspection of the construction site before anticipated storm events. Where sites have been finally stabilized, such inspection shall be conducted at least once every month.

3.2.2 Field Inspections

Disturbed areas and areas used for material storage that are exposed to

precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPP Plan shall be observed to ensure that they are operating correctly. Discharge locations or points shall be inspected to ascertain whether storm water pollution prevention measures are effective in preventing significant impacts to receiving waters. Locations where vehicles exit the site shall be inspected for evidence of offsite sediment tracking.

3.2.3 Inspection Reports

For each inspection conducted, the Contractor shall complete a Inspection and Certification Form for Erosion and Sediment Controls. The report shall be signed by the Contractor. The report shall be furnished to the Contracting Officer within 24 hours of the inspection as a part of the Contractor's daily CQC REPORT. A complete log of the inspections shall be maintained on the job site and become a part of the SWPP Plan.

3.2.4 Revisions to the SWPP Plan

Based on the results of the inspection and immediately after the inspection, the Contractor shall provide to the Contracting Officer any recommended changes to the SWPP Plan. The Contracting Officer will approve or disapprove the proposed changes within seven (7) calendar days after receipt. Changes to the SWPP Plan shall be implemented within seven (7) calendar days following approval.

3.3 RECORD RETENTION

MVK will retain all storm water records of the project for a minimum of three years after construction activity concludes.

-- End of Section --

ENCLOSURE 3. Order of Work

Bank Stabilization 23-01

1.11 ORDER OF WORK

The work shall be carried on in accordance with the Project Schedule as required by SECTION 01 32 01.00 09 PROJECT SCHEDULE. In preparing the schedule, the Contractor shall adhere to the following order of work:

- a. The Contractor shall also notify the below, as applicable to the location of work, at least 14 days (2 weeks) prior to any operations in the vicinity. Mississippi OneCall Phone: 811 (call from land line for proper location ID) www.ms1call.org
- b. Erosion control measures will be implemented in the following order according to MDEQ's general permit guidelines prior to the commencement of any construction activity: (1) establishment of construction entrance/exit, (2) installation of silt fence, (3) installation of hay waddles, (4) establishment of the lay down area.
- c. Construct Grade Control Structures beginning at the most downstream structure and continue working upstream, unless otherwise instructed by the Contracting Officer Representative.
- d. Construct Longitudinal Peak Stone Toe Dikes and Tiebacks beginning at the most downstream structure and continue working upstream, unless otherwise instructed by the Contracting Officer Representative. Construction shall be limited to no more than one structure site at any given time. Another site may commence when construction at any one site is substantially complete excluding erosion control work as specified. Time for establishment of vegetation, to the extent prescribed by the Contract, will be exempted from liquidated damages. Any proposed variance from this order of work must be approved by the Contracting Officer in writing.
- e. Achieve Plant Establishment with a minimum density of at least 70% over the entire area.
- f. At the completion of work activity all construction equipment shall be removed as well as any waster or local refuse. Construction shall be limited to no more than one structure site at any given time. Another site may commence when construction at any one site is substationally complete excluding erosion control work as specified. Time for establishment of vegetation, to the extent prescribed by the Contract, will be exempted from liquidated damages. Any proposed variance from this order of work must be approved by the Contracting Officer in writing.

ENCLOSURE 4. SITE MAP

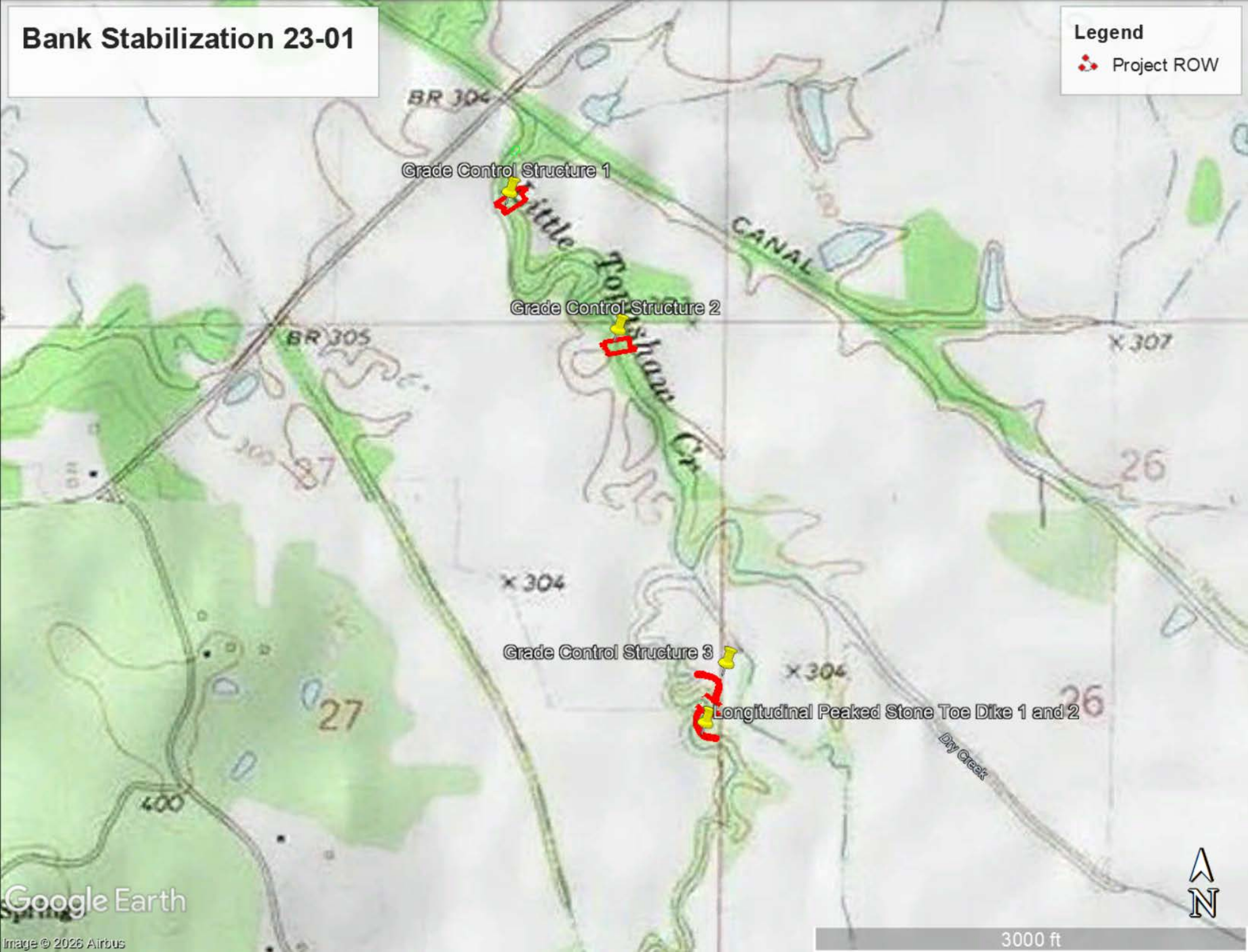
Bank Stabilization 23-01

Site Location Map – Quad Map

Bank Stabilization 23-01

Legend

- Project ROW



Grade Control Structure 1

Grade Control Structure 2

Grade Control Structure 3

Longitudinal Peaked Stone Toe Dike 1 and 2

ENCLOSURE 5. Water Quality Certification Letter

Bank Stabilization 23-01

This permit is covered under the US Army Corps of Engineers Regional General Permit 32 for regulated activities in waters of the United States associated with the construction of minor drainage and water level control structures within the regulatory jurisdiction of the Vicksburg District in Arkansas, Louisiana, and Mississippi.



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

July 3, 2019

Certified Mail No. 7017 0530 0000 5971 6896

Colonel Michael C. Derosier
U.S. Army Corps of Engineers, Vicksburg District
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Dear Colonel Derosier:

Re: US Army COE, Vicksburg
District, General Permit 32
Warren County
COE No. MVK-2019-263
WQC No. WQC2019016

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 U.S. Army Corps of Engineers, Vicksburg District, an applicant for a Federal License or permit to conduct the following activity:

US Army COE, Vicksburg District, General Permit 32: Re-issuance of a Department of the Army General permit for the construction of drainage structures and the associated discharge of dredged and/or fill material into waters of the United States. Widely used drainage structures include, but are not limited to, cantilever overfall pipes, drop inlet structures, water level control structures, and grade and erosion control structures.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application for an individual permit will be required. Construction, dredging, or fill operations not specifically authorized by this General Permit are prohibited unless authorized by a separate permit.

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General

Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal.

The following must be provided by the applicant in writing in request for authorization under the General Permit:

- a. State the number of the General Permit under which the work will be conducted. (General Permit 32) (GP 32)
- b. Statement that the work will be conducted in compliance with the terms and conditions of GP 32 and will not adversely impact adjoining properties.
- c. A location description including: latitude and longitude; Section, Township, Range; County or Parish, and State; a plan-view (including a digital aerial overlay), and location map showing the proposed worksite.
- d. Estimated starting and completion dates of the project.
- e. Name, mailing address, telephone number, and e-mail address of the party (person and agency) applying for authorization.
- f. A description of the proposed activity and its purpose, including:
 - drawings (plan and profile) of the proposed structure with elevations,
 - indication of the ordinary high water mark (when available),
 - dimensions (in feet), total area impacted (in acres for wetlands; in both acres and linear feet for streams), and
 - amounts of excavated and fill material (in cubic yards).
- g. A delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The applicant may ask the Corps to delineate the special aquatic sites, including wetlands, and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the application evaluation period will not start until the delineation has been submitted by the applicant or completed by the Corps, as applicable.
- h. An informational narrative and/or list detailing:
 - individual aquatic resource impacts (in acres for wetlands; in acres and linear feet for streams),

- total quantity of impacts for each resource type (e.g. emergent wetland, forested wetland, intermittent stream, etc.),
- all impact activities (discharge of dredged and/or fill material, conversion, etc.), impact duration (temporary or permanent),
- the latitude/longitude (approximate centerpoint) for each impact, and,
- current site photos representative of the WOTUS to be impacted.

[NOTE: An Aquatic Resources Identification and Impacts Spreadsheet is available for use on the Vicksburg District's Regulatory Web Page]:
<https://www.mvk.usace.army.mil/Missions/Regulatory/Permits/>

- i. A narrative describing how impacts to WOTUS were minimized to the maximum extent practicable. For projects that include adverse impacts to WOTUS, the complete application will include information on mitigation in all forms (i.e. avoidance, minimization, and compensation).

For projects with unavoidable adverse functional impacts greater than 0.10 acre to wetlands or greater than 300 linear feet of streams, the complete application will include a statement describing: how, if required, the compensatory mitigation requirement will be satisfied (either through purchase of mitigation credits from an approved mitigation bank or "in lieu fee" provider, or through permittee responsible mitigation); or explaining why the project-specific adverse effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. If the applicant proposes permittee responsible mitigation, the application will not be considered complete until the Corps receives an acceptable permittee responsible mitigation plan.

[NOTE: Information on the Vicksburg District's current mitigation requirements is available on the MVK Regulatory Web Page]:
<https://www.mvk.usace.army.mil/Missions/Regulatory/Mitigation/>

- j. If another Federal agency is involved in the project through technical assistance, funding/grants, or other means: identify the agency; briefly describe the involvement of the agency; and provide a point of contact (name, phone number and email address).
- k. A description of the Best Management Practices that will be used to minimize movement of disturbed soil(s) from the construction into adjacent WOTUS.
- l. For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the

activity is located in designated critical habitat, the application must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act.

- m. For non-Federal permittees, if the activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the application must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act.
- n. For work proposed: on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System; on a property/area owned or managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.), the applicant must submit with their request for authorization under this General Permit, the agency point of contact (including phone number, mailing address, and email address) and proof of initiation of the applicant's request for approval from the managing agency.
- o. For activities affecting structures of works built by the United States: If a GP 32 activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a USACE Federally authorized Civil Works project, the application must include a statement (and any associate documents) confirming that the project applicant has submitted a written request for Section 408 permission to the Vicksburg District office having jurisdiction over that USACE project.

Upon receipt of this information, the District Engineer will evaluate the proposal and advise the inquiring party, in writing, that the work could be authorized under General Permit 32; or would require an individual permit (if it exceeds the authoritative capacity of the General Permit) and/or additional separate authorizations.

Special Conditions:

- 1. The authorized structures would not extend into the channel of the receiving stream so as to interfere with navigation (including

recreational boating) or adversely affect the flow-carrying capacity of the receiving stream.

2. The pipe structure would be covered with at least 1.5 feet of fill material.
3. The amount of material used for fill would not exceed 1,000 cubic yards.
4. Best management practices would be used to prevent off-site movement of disturbed soils. The fill material would be compacted upon completion of construction. The site would be revegetated by sod, seed, or another acceptable method, as necessary, to restore cover and prevent erosion. In areas subject to currents, riprap could be used for slope protection.
5. Material used for fill would be obtained from onsite and/or offsite upland sources. Additional material would not be obtained from WOTUS or any area which would affect an adjacent WOTUS.
6. No activity that has the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, or a site that has previously been unevaluated, could be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional fill material could not be taken from a known historical or archaeological site within or outside of regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they would cease work in the immediate area and notify the District Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Federally recognized Tribe, would comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).
7. Authorized structures would not increase the frequency, duration, or elevation of floodwaters on adjoining property. This General Permit would not authorize the construction of greentree reservoirs.
8. If damage to a revetment were to occur as a result of work in accordance with this General Permit, the permittee would be required

to make necessary repairs at their own expense. These repairs must meet specifications designated by the District Engineer.

9. Activities would not be authorized for work proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, without the appropriate Federal or State authorization.
10. The regulated activity would not occur in a Coastal Zone Management Area without the appropriate State authorization indicating concurrence that the activity would be consistent with the State's Coastal Program (as per the provisions of the Coastal Zone Management Act). The coastal zone concurrence would be submitted with the request for authorization under this General Permit. Therefore, in order to be authorized by this General Permit for work in Hancock County, Mississippi, or St. Tammany Parish, Louisiana, persons planning work in these coastal areas would first send complete plans to the appropriate State agency at the applicable address below:

Mississippi Department of Marine Resources
1141 Bayview Avenue
Suite 101
Biloxi, Mississippi 39530

Louisiana Department of Natural Resources
Office of Coastal Management
Post Office Box 44487
Baton Rouge, Louisiana 70804-4487

11. Dredged, excavated, or fill material used for construction would be nonpolluting material in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.
12. All construction activities would be performed in a manner that would minimize increased suspended sediment/turbidity of the water in the work area and downstream, and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons.
13. All excavated material not used as backfill would be placed in a non-jurisdictional area (i.e., upland) unless specifically approved via separate authorization. If dredged material would be placed in an upland contained disposal area and return water discharged back into

waters of the United States, a separate Department of the Army authorization would be required (See Nationwide Permit No. 16).

14. The discharge would not be located so as to adversely affect a public water supply intake or a national fish hatchery intake.
15. The discharge would not contain unacceptable levels of pathogenic organisms in areas used for activities involving physical contact with the water.
16. The discharge shall not occur in areas of concentrated shellfish production.
17. No activity shall be authorized under this General Permit which would likely to directly or indirectly jeopardize the continued existence of a Federally-listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which would directly or indirectly destroy or adversely modify the critical habitat of such species. No activity would be authorized under this General Permit which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
18. Activities in WOTUS that would impact known wading bird rookeries would be avoided to the maximum extent practicable. The permittee would be responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee would be advised to contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for the activity.
19. The construction activity would not result in the relocation or blockage of a natural stream or river channel or adversely impact or drain wetlands. Weirs and/or water control structures would be constructed in a manner that the overfall (full width or notched) is fixed at a minimum of 6 inches below the ordinary high water mark of the waterbody. On a case-specific basis, a secondary outlet source could be required. When required, the secondary outlet source would be constructed within the flowline of the waterbody, remain open during non-operational periods, and be constructed in a manner that allows free flow at low water stages.

20. No activity would substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water.
21. No sewage, oil, refuse, or other pollutants shall be discharged into the waterbody.
22. Projects located on property encumbered by a Natural resources Conservation Service (NRCS) Wetlands Reserve Program (WRP) easement would not be authorized without written release/approval from the NRCS. Under such situations, the application would not be considered complete until the Corps is provided written documentation of release/approval from the agreement by the NRCS.
23. Activities would not be authorized on a property/area managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.) without documented approval (e.g. special use permit, waiver, etc.) by the managing agency.
24. Authorizations for this General Permit would not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.
25. Conditions on the water quality certifications issued from the State in which the work is proposed shall be incorporated by reference. Enforcement actions resulting from noncompliance with these conditions could be initiated by the State or the Environmental Protection Agency.
26. The permittee would return a Certification of Compliance after completing construction of the authorized activity.

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. Appropriate best management practices (BMP's) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent drainage areas. In the event of any BMP failure, corrective actions shall be taken immediately.

July 8, 2019

2. The Department of Environmental Quality (Department) shall be provided a copy of the final permit and associated enclosures and attachments.
3. The permittee obtaining authorization under General Permit- 32 shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities.
4. Prior to the start of any water withdrawal activities, the permittee obtaining authorization under General Permit-32 shall obtain the appropriate water withdrawal permits from the Office of Land and Water Resources within MDEQ.
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.
6. 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: bgw

cc: Mr. Brian Williamson/Mr. Jerry Bourne, U.S. Army Corps of Engineers,
Vicksburg District
Mr. David Felder, U.S. Fish and Wildlife Service
Ms. Molly Martin, Environmental Protection Agency

ENCLOSURE 6. Reginal General Permit 32 MVK 2019-263

Bank Stabilization 23-01



**US Army Corps
of Engineers**

Vicksburg District

4155 Clay Street

Vicksburg, MS 39183-3435

www.mvk.usace.army.mil

General Permit

FILE NO.: GENERAL PERMIT 32

EFFECTIVE DATE: September 25, 2019

EXPIRATION DATE: September 25, 2024

**FOR: REGULATED ACTIVITIES IN WATERS OF THE UNITED STATES
ASSOCIATED WITH THE CONSTRUCTION OF MINOR DRAINAGE
AND WATER LEVEL CONTROL STRUCTURES**

**WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT IN
ARKANSAS, LOUISIANA, AND MISSISSIPPI**

**BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE
PUBLIC**

The U.S. Army Corps of Engineers (USACE), Vicksburg District, is hereby reissuing a Department of the Army General Permit (General Permit 32), for discharges of dredged and/or fill material in waters of the United States, associated with construction of minor drainage and water level control structures. Widely used drainage and water control structures include, but are not limited to, cantilever overfall pipes, drop inlet structures, water level control structures, and grade and erosion control structures. Attached is a map of the Regulatory boundary of the Vicksburg District (enclosure 1) and typical construction drawings (enclosure 2).

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States (U.S.). These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403); and discharges of dredged and/or fill material into waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1344).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The final

decision regarding a determination that the proposed activities comply with the requirements for issuance of General Permits was made using information that is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Construction activities which include regulated work and/or discharges of dredged or fill material into Section 10/404 or Section 404 regulated Waters of the United States (collectively hereafter referred to as: WOTUS) which are not specifically authorized by this General Permit are prohibited unless specifically approved by the District Engineer via separate authorization. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application for an individual permit will be required.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has obtained water quality certifications (WQCs) from the Arkansas Department of Environmental Quality, Louisiana Department of Environmental Quality and Mississippi Department of Environmental Quality. A copy of the Arkansas, Louisiana, and Mississippi water quality certifications is attached (enclosure 3).

Authorization to conduct work under this General Permit does not negate the responsibility of the applicant to obtain other State or local authorizations or permits required by law for the proposed activity.

REQUEST FOR AUTHORIZATION UNDER GENERAL PERMIT 32 – APPLICATION REQUIREMENTS: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PARTIES PROPOSING THE WORK ARE REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION IN 8 ½ x 11 INCH FORMAT AT LEAST 60 DAYS PRIOR TO THE PLANNED START DATE OF THE WORK:

- a. State the number of the General Permit under which the work will be conducted. (General Permit 32)
- b. Statement that the work will be conducted in compliance with the terms and conditions of General Permit 32 and will not adversely impact adjoining properties.
- c. A location description including: latitude and longitude; Section, Township, Range; County or Parish, and State; a plan-view (including a digital aerial overlay), and location map showing the proposed worksite.
- d. Estimated starting and completion dates of the project.

- e. Name, mailing address, telephone number, and email address of the party (person and agency) applying for authorization.
- f. A description of the proposed activity and its purpose, including:
 - 1. drawings (plan and profile) of the proposed structure with elevations
 - 2. indication of the ordinary high water mark (when available)
 - 3. dimensions (in feet), total area impacted (in acres for wetlands; in both acres and linear feet for streams)
 - 4. amounts of excavated and fill material (in cubic yards)
- g. A delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations will be prepared in accordance with the current method required by the Corps. The applicant may ask the Corps to delineate the special aquatic sites, including wetlands, and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the application evaluation period will not start until the delineation has been submitted by the applicant or completed by the Corps, as applicable.
- h. An informational narrative and/or list detailing:
 - 1. individual aquatic resource impacts (in acres for wetlands; in acres and linear feet for streams)
 - 2. total quantity of impacts for each resource type (e.g. emergent wetland, forested wetland, intermittent stream, etc.)
 - 3. all impact activities (discharge of dredged and/or fill material, conversion, etc.), impact duration (temporary or permanent)
 - 4. the latitude/longitude (approximate center point) for each impact
 - 5. current site photos representative of the WOTUS to be impacted

[NOTE: An Aquatic Resources Identification and Impacts Spreadsheet is available for use on the Vicksburg District's Regulatory Web Page]:

<https://www.mvk.usace.army.mil/Missions/Regulatory/Permits/>

- i. A narrative describing how impacts to WOTUS were minimized to the maximum extent practicable. For projects that include adverse impacts to WOTUS, the complete application shall include information on mitigation in all forms (i.e. avoidance, minimization, and compensation).

For projects with unavoidable adverse functional impacts greater than 0.10 acre to wetlands or greater than 300 linear feet of streams, the complete application shall include a statement describing: how, if required, the compensatory mitigation requirement will be satisfied (either through purchase of mitigation credits from an approved mitigation bank or "in lieu fee" provider, or through permittee responsible

mitigation); or explaining why the project-specific adverse effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. If the applicant proposes permittee responsible mitigation, the application will not be considered complete until the Corps receives an acceptable permittee responsible mitigation plan.

[NOTE: Information on the Vicksburg District's current mitigation requirements is available on the MVK Regulatory Web Page]:

<https://www.mvk.usace.army.mil/Missions/Regulatory/Mitigation/>

- j. If another Federal agency is involved in the project through technical assistance, funding/grants, or other means: identify the agency; briefly describe the involvement of the agency; and provide a point of contact (name, phone number and email address).
- k. A description of the Best Management Practices (BMPs) that will be used to minimize movement of disturbed soil(s) from the construction into adjacent WOTUS.
- l. The name(s) of those federally listed threatened or endangered species that may be affected by the proposed work or that may utilize the designated critical habitat that may be affected by the proposed work. The Service's public-facing website, Information for Planning and Consultation (IPaC) is available at <https://ecos.fws.gov/ipac/>.
- m. For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the application will state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.
- n. For work proposed: on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System; on a property/area owned or managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.), the applicant must submit with their request for authorization under this General Permit, the agency point of contact (including phone number, mailing address, and email address) and proof of initiation of the applicant's request for approval from the managing agency.
- o. For activities affecting structures or works built by the United States: If a General Permit 32 activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a USACE Federally authorized Civil Works project, the application must include a statement

(and any associate documents) confirming that the project applicant has submitted a written request for Section 408 permission to the Vicksburg District office having jurisdiction over that USACE project.

Special Conditions:

1. The authorized structures shall not extend into the channel of the receiving stream so as to interfere with navigation (including recreational boating) or adversely affect the flow-carrying capacity of the receiving stream.
2. The pipe structure shall be covered with at least 1.5 feet of fill material.
3. The amount of material used for fill shall not exceed 1,000 cubic yards.
4. Best management practices shall be used to prevent off-site movement of disturbed soils. The fill material shall be compacted upon completion of construction. The site shall be revegetated by sod, seed, or another acceptable method, as necessary, to restore cover and prevent erosion. In areas subject to currents, riprap could be used for slope protection.
5. Material used for fill shall be obtained from onsite and/or offsite upland sources. Additional material shall not be obtained from WOTUS or any area that will affect an adjacent WOTUS.
6. No activity that has the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, or a site that has previously been unevaluated, could be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional fill material should not be taken from a known historical or archaeological site within or outside of regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they must cease work in the immediate area and notify the District Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Federally recognized Tribe, shall comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).
7. Authorized structures shall not increase the frequency, duration, or elevation of floodwaters on adjoining property. This General Permit does not authorize the construction of greentree reservoirs.

8. If damage to a revetment were to occur as a result of work in accordance with this General Permit, the permittee is required to make necessary repairs at their own expense. These repairs should meet specifications designated by the District Engineer.
9. Activities shall not be authorized for work proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, without the appropriate Federal or State authorization.
10. The regulated activity shall not occur in a Coastal Zone Management Area without the appropriate State authorization indicating concurrence that the activity is consistent with the State's Coastal Program (as per the provisions of the Coastal Zone Management Act). The coastal zone concurrence shall be submitted with the request for authorization under this General Permit. Therefore, in order to be authorized by this General Permit for work in Hancock County, Mississippi, or St. Tammany Parish, Louisiana, persons planning work in these coastal areas should first send complete plans to the appropriate State agency at the applicable address below:

Mississippi Department of Marine Resources
1141 Bayview Avenue
Suite 101
Biloxi, Mississippi 39530

Louisiana Department of Natural Resources
Office of Coastal Management
Post Office Box 44487
Baton Rouge, Louisiana 70804-4487

11. Dredged, excavated, or fill material used for construction shall be nonpolluting material in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.
12. All construction activities shall be performed in a manner that will minimize increased suspended sediment/turbidity of the water in the work area and downstream, and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons.
13. All excavated material not used as backfill shall be placed in a non-jurisdictional area (i.e., upland) unless specifically approved via separate authorization. If dredged material is placed in an upland contained disposal area and return water discharged back into waters of the United States, a separate Department of the Army authorization could be required (See Nationwide Permit No. 16).

14. The discharge shall not be placed so that it will adversely affect a public water supply intake or a national fish hatchery intake.
15. The discharge shall not contain unacceptable levels of pathogenic organisms in areas used for activities involving physical contact with the water.
16. The discharge shall not occur in areas of concentrated shellfish production.
17. No activity is authorized under this General Permit which is likely to directly or indirectly jeopardize the continued existence of a federally listed threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity shall be authorized under this General Permit which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
18. Activities in WOTUS that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.
19. The construction activity shall not result in the relocation or blockage of a natural stream or river channel or adversely impact or drain wetlands. Weirs and/or water control structures shall be constructed in a manner that the overfall (full width or notched) is fixed at a minimum of 6 inches below the ordinary high water mark of the waterbody. On a case-specific basis, a secondary outlet source may be required. When required, the secondary outlet source shall be constructed within the flowline of the waterbody, remain open during non-operational periods, and be constructed in a manner that allows free flow at low water stages.
20. No activity shall substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water.
21. No sewage, oil, refuse, or other pollutants shall be discharged into the waterbody.

22. Projects located on property encumbered by a Natural Resources Conservation Service (NRCS) Wetlands Reserve Program (WRP) easement are not authorized without written release/approval from the NRCS. Under such situations, the application is not considered complete until the Corps is provided written documentation of release/approval from the agreement by the NRCS.
23. Activities are not authorized on a property/area managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.) without documented approval (e.g. special use permit, waiver, etc.) by the managing agency.
24. Authorizations for this General Permit shall not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.
25. Conditions on the water quality certifications issued from the State in which the work is proposed shall be incorporated by reference. Enforcement actions resulting from noncompliance with these conditions could be initiated by the State or the Environmental Protection Agency.
26. The permittee shall return a Certification of Compliance after completing construction of the authorized activity.

General Conditions:

- A. The activity authorized by the permit shall be maintained in good condition and in conformance with the terms and conditions of the permit. The permittee is not relieved of this requirement if the permitted activity is abandoned. However, a good faith transfer to a third party in compliance with General Condition "b.", below, is acceptable. Should the permittee desire to abandon the authorized activity without a good faith transfer, or should the permittee wish to cease to maintain the authorized activity, the permittee shall obtain a modification of the authorization from this office, which could require restoration of the area.
- B. If the property associated with the authorization under General Permit 32 is sold, the permittee shall notify this office to ensure that the authorization is transferred to the new owner.
- C. Representatives from this office shall be allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of your permit.

- D. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- E. This permit does not grant any property rights or exclusive privileges.
- F. This permit does not authorize any injury to the property or rights of others.
- G. An activity that requires Section 408 permission because it will alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project (Activities Affecting Structures or Works Built by the United States, 33 U.S.C. 408) shall not be authorized by General Permit 32 until the appropriate Corps office issues the Section 408 permission to alter, occupy, or use the USACE Civil Works project, and the District Engineer issues a written General Permit 32 authorization.
- H. In issuing this permit, the Federal Government does not assume any liability for the following:
 - 1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
 - 2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.
 - 3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - 4) Design or construction deficiencies associated with the permitted work.
 - 5) Damage claims associated with any future modification, suspension, or revocation of this permit.
- I. In issuing individual authorization under General Permit 32, the Government shall rely on the information and data, which the permittee provides in connection with the permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.
- J. The permittee shall immediately notify the Corps of any unforeseen activities, including emergency activities, that are directly or indirectly associated with the authorized activity and that may require separate authorization.

- K. General Permit 32 is valid for five years from the date of issuance. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

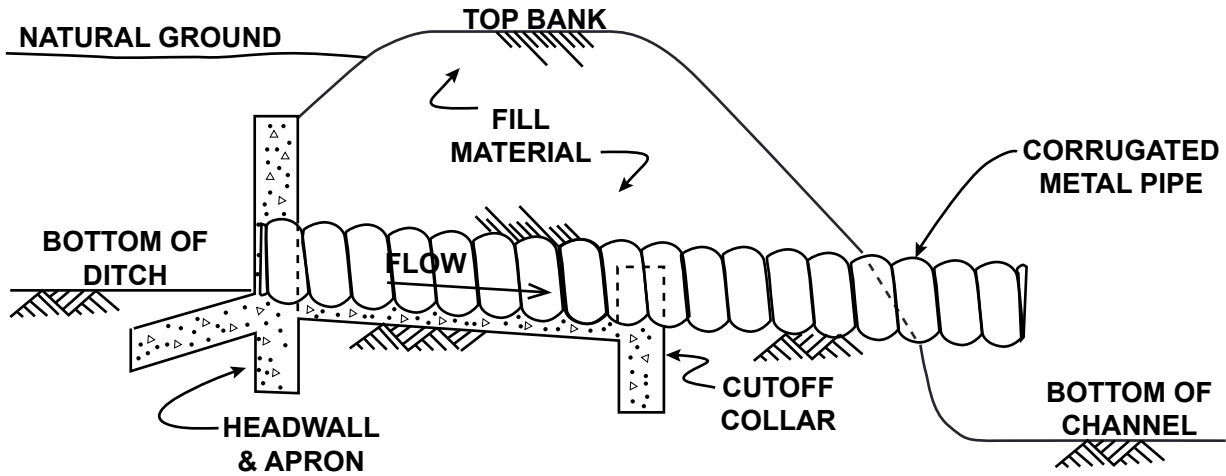
- L. Authorization under General Permit 32 is valid until the General Permit expires. Activities which are under construction, or that are under contract to commence in reliance upon this General Permit, is authorized provided the activity is completed within 12 months of the date of the authorization.



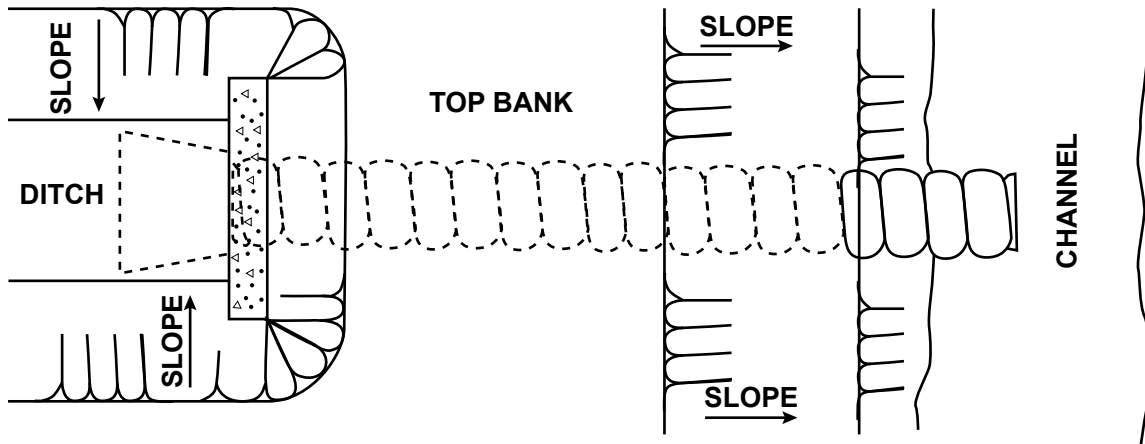
Cori Carraway
Acting Chief, Regulatory Branch

Enclosures

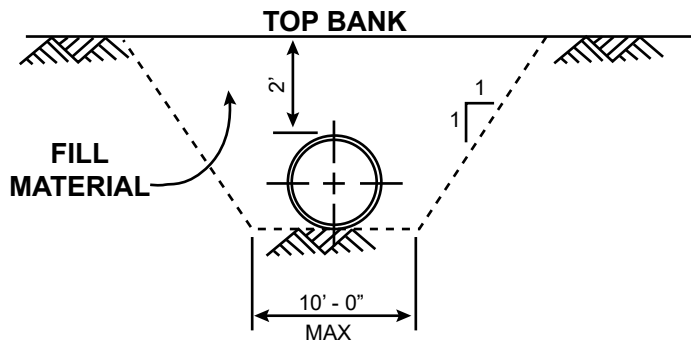
TYPICAL OVERFALL PIPE

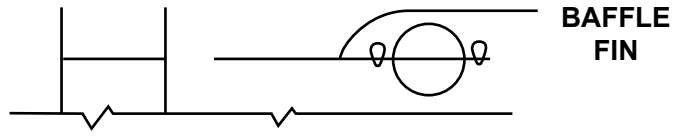


ELEVATION VIEW
NO SCALE

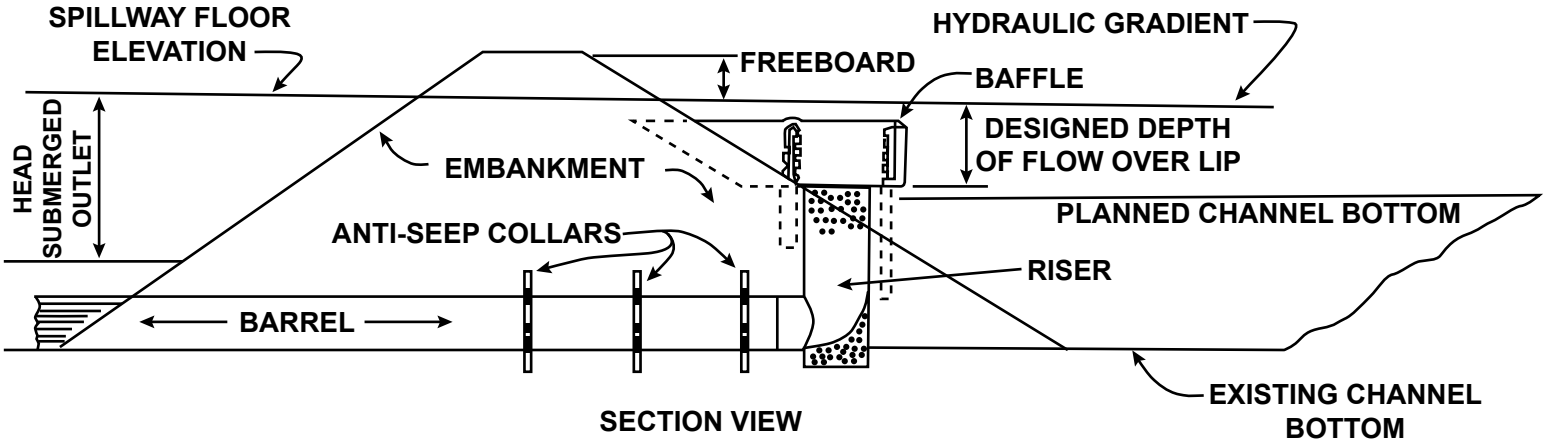


PLAN VIEW
NO SCALE



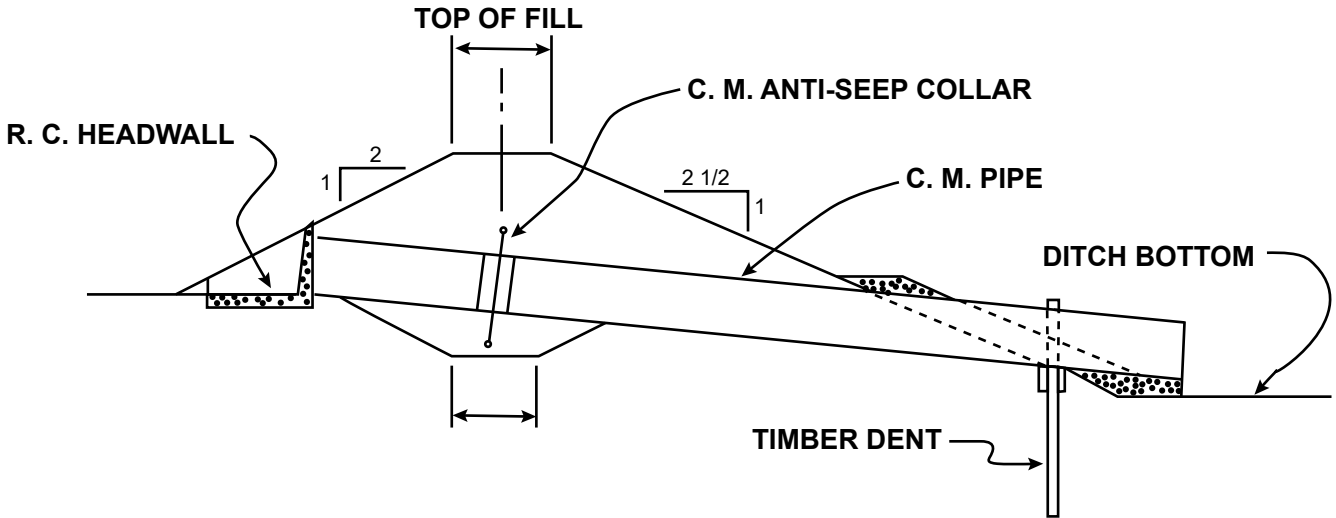


PLAN VIEW OF BAFFLE AND RISER



DROP INLET STRUCTURE

NO SCALE



SECTION ALONG CENTERLINE
GRADE CONTROL STRUCTURE



May 2, 2019

Colonel Michael C. Derosier, District Commander
U.S. Army Corps of Engineers
4155 Clay Street
Vicksburg, MS 39183-3435

RE: 401 Water Quality Certification **MVK-2019-263**- Re-issuance of General Permit 32

Dear Colonel Derosier:

The Arkansas Department of Environmental Quality ("ADEQ") has completed review of the above referenced public notice for the re-issuance of the U.S. Army Corps of Engineers General Permit 32 for the State of Arkansas. General Permit 32 authorizes the construction of minor drainage and water level control structures.

ADEQ 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 permanently violate the water quality criteria.

Pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby issues water quality certification for this project: **MVK-2019-263**, contingent upon the following conditions:

1. Individual Water Quality Certification requests must be submitted to ADEQ for any activity impacting Extraordinary Resource Waters, Ecologically Sensitive Waters, and Natural and Scenic Waters as identified in Regulation No. 2.
2. The applicant shall contact ADEQ for a Short Term Activity Authorization needs determination for activities that have the potential to violate water quality criteria.
3. 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 ADEQ at (501) 682-0621.

In issuing this certification, ADEQ 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 Melanie Treat of the Office of Water Quality at (501) 682-0040 if you have any questions regarding this certification.

Sincerely,



Bryan Leamons, P.E.

Senior Operations Manager, Office of Water Quality

Cc: Jennifer A. Mallard, USACE, generalpermitreissuance@usace.army.mil
Wanda Boyd, EPA, boyd.wanda@epa.gov

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

MAY 01 2019

Ms. Jennifer A. Mallard, Chief
US Army Corp of Engineers, Vicksburg District
ATTN: Regulatory Branch
4155 Clay Street
Vicksburg, MS 39183-3435

AI No.: 115289
Activity No.: CER20190001

RE: Renewal of the General Permit 32 (GP-32)
Regulated Activities in Waters of the United States Associated with the Construction of Minor Drainage
and Water Level Control Structures
Water Quality Certification WQC 190416-01
Corps of Engineers Permit MVK-2019-263

Dear Ms. Mallard:

The Louisiana Department of Environmental Quality, Water Permits Division (LDEQ), has reviewed the application to discharge dredged and/or fill material associated with the construction of minor drainage and water level control structures including but not limited to cantilever outfall pipes, drop inlet structures, water level control structures, and grade and erosion control structures within the regulatory jurisdiction of the Vicksburg District in the State of Louisiana.

The information provided in the application has been reviewed in terms of compliance with State Water Quality Standards, the approved Water Quality Management Plan and applicable state water laws, rules and regulations. LDEQ determined that the requirements for a Water Quality Certification have been met. LDEQ concludes that the discharge of fill will not violate water quality standards as provided for in LAC 33:IX.Chapter 11. Therefore, LDEQ hereby issues the US Army Corp of Engineers, Vicksburg District Water Quality Certification WQC 190416-01 for the General Permit 32.

Should you have any questions concerning any part of this certification, please contact Elizabeth Hill at (225) 219-3225 or by email at elizabeth.hill@la.gov. Please reference Agency Interest (AI) number 115289 and Water Quality Certification 190416-01 on all future correspondence to this Department to ensure all correspondence regarding this project is properly filed into the Department's Electronic Document Management System.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Guilliams".

Scott Guilliams
Administrator
Water Permits Division

c: IO-W

RECEIVED MAY 06 2019



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

July 3, 2019

Certified Mail No. 7017 0530 0000 5971 6896

Colonel Michael C. Derosier
U.S. Army Corps of Engineers, Vicksburg District
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Dear Colonel Derosier:

Re: US Army COE, Vicksburg
District, General Permit 32
Warren County
COE No. MVK-2019-263
WQC No. WQC2019016

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 U.S. Army Corps of Engineers, Vicksburg District, an applicant for a Federal License or permit to conduct the following activity:

US Army COE, Vicksburg District, General Permit 32: Re-issuance of a Department of the Army General permit for the construction of drainage structures and the associated discharge of dredged and/or fill material into waters of the United States. Widely used drainage structures include, but are not limited to, cantilever overfall pipes, drop inlet structures, water level control structures, and grade and erosion control structures.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application for an individual permit will be required. Construction, dredging, or fill operations not specifically authorized by this General Permit are prohibited unless authorized by a separate permit.

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General

Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal.

The following must be provided by the applicant in writing in request for authorization under the General Permit:

- a. State the number of the General Permit under which the work will be conducted. (General Permit 32) (GP 32)
- b. Statement that the work will be conducted in compliance with the terms and conditions of GP 32 and will not adversely impact adjoining properties.
- c. A location description including: latitude and longitude; Section, Township, Range; County or Parish, and State; a plan-view (including a digital aerial overlay), and location map showing the proposed worksite.
- d. Estimated starting and completion dates of the project.
- e. Name, mailing address, telephone number, and e-mail address of the party (person and agency) applying for authorization.
- f. A description of the proposed activity and its purpose, including:
 - drawings (plan and profile) of the proposed structure with elevations,
 - indication of the ordinary high water mark (when available),
 - dimensions (in feet), total area impacted (in acres for wetlands; in both acres and linear feet for streams), and
 - amounts of excavated and fill material (in cubic yards).
- g. A delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The applicant may ask the Corps to delineate the special aquatic sites, including wetlands, and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the application evaluation period will not start until the delineation has been submitted by the applicant or completed by the Corps, as applicable.
- h. An informational narrative and/or list detailing:
 - individual aquatic resource impacts (in acres for wetlands; in acres and linear feet for streams),

- total quantity of impacts for each resource type (e.g. emergent wetland, forested wetland, intermittent stream, etc.),
- all impact activities (discharge of dredged and/or fill material, conversion, etc.), impact duration (temporary or permanent),
- the latitude/longitude (approximate centerpoint) for each impact, and,
- current site photos representative of the WOTUS to be impacted.

[NOTE: An Aquatic Resources Identification and Impacts Spreadsheet is available for use on the Vicksburg District's Regulatory Web Page]:
<https://www.mvk.usace.army.mil/Missions/Regulatory/Permits/>

- i. A narrative describing how impacts to WOTUS were minimized to the maximum extent practicable. For projects that include adverse impacts to WOTUS, the complete application will include information on mitigation in all forms (i.e. avoidance, minimization, and compensation).

For projects with unavoidable adverse functional impacts greater than 0.10 acre to wetlands or greater than 300 linear feet of streams, the complete application will include a statement describing: how, if required, the compensatory mitigation requirement will be satisfied (either through purchase of mitigation credits from an approved mitigation bank or "in lieu fee" provider, or through permittee responsible mitigation); or explaining why the project-specific adverse effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. If the applicant proposes permittee responsible mitigation, the application will not be considered complete until the Corps receives an acceptable permittee responsible mitigation plan.

[NOTE: Information on the Vicksburg District's current mitigation requirements is available on the MVK Regulatory Web Page]:
<https://www.mvk.usace.army.mil/Missions/Regulatory/Mitigation/>

- j. If another Federal agency is involved in the project through technical assistance, funding/grants, or other means: identify the agency; briefly describe the involvement of the agency; and provide a point of contact (name, phone number and email address).
- k. A description of the Best Management Practices that will be used to minimize movement of disturbed soil(s) from the construction into adjacent WOTUS.
- l. For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the

activity is located in designated critical habitat, the application must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act.

- m. For non-Federal permittees, if the activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the application must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act.
- n. For work proposed: on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System; on a property/area owned or managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.), the applicant must submit with their request for authorization under this General Permit, the agency point of contact (including phone number, mailing address, and email address) and proof of initiation of the applicant's request for approval from the managing agency.
- o. For activities affecting structures of works built by the United States: If a GP 32 activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a USACE Federally authorized Civil Works project, the application must include a statement (and any associate documents) confirming that the project applicant has submitted a written request for Section 408 permission to the Vicksburg District office having jurisdiction over that USACE project.

Upon receipt of this information, the District Engineer will evaluate the proposal and advise the inquiring party, in writing, that the work could be authorized under General Permit 32; or would require an individual permit (if it exceeds the authoritative capacity of the General Permit) and/or additional separate authorizations.

Special Conditions:

- 1. The authorized structures would not extend into the channel of the receiving stream so as to interfere with navigation (including

recreational boating) or adversely affect the flow-carrying capacity of the receiving stream.

2. The pipe structure would be covered with at least 1.5 feet of fill material.
3. The amount of material used for fill would not exceed 1,000 cubic yards.
4. Best management practices would be used to prevent off-site movement of disturbed soils. The fill material would be compacted upon completion of construction. The site would be revegetated by sod, seed, or another acceptable method, as necessary, to restore cover and prevent erosion. In areas subject to currents, riprap could be used for slope protection.
5. Material used for fill would be obtained from onsite and/or offsite upland sources. Additional material would not be obtained from WOTUS or any area which would affect an adjacent WOTUS.
6. No activity that has the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, or a site that has previously been unevaluated, could be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Additional fill material could not be taken from a known historical or archaeological site within or outside of regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they would cease work in the immediate area and notify the District Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Federally recognized Tribe, would comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).
7. Authorized structures would not increase the frequency, duration, or elevation of floodwaters on adjoining property. This General Permit would not authorize the construction of greentree reservoirs.
8. If damage to a revetment were to occur as a result of work in accordance with this General Permit, the permittee would be required

to make necessary repairs at their own expense. These repairs must meet specifications designated by the District Engineer.

9. Activities would not be authorized for work proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, without the appropriate Federal or State authorization.
10. The regulated activity would not occur in a Coastal Zone Management Area without the appropriate State authorization indicating concurrence that the activity would be consistent with the State's Coastal Program (as per the provisions of the Coastal Zone Management Act). The coastal zone concurrence would be submitted with the request for authorization under this General Permit. Therefore, in order to be authorized by this General Permit for work in Hancock County, Mississippi, or St. Tammany Parish, Louisiana, persons planning work in these coastal areas would first send complete plans to the appropriate State agency at the applicable address below:

Mississippi Department of Marine Resources
1141 Bayview Avenue
Suite 101
Biloxi, Mississippi 39530

Louisiana Department of Natural Resources
Office of Coastal Management
Post Office Box 44487
Baton Rouge, Louisiana 70804-4487

11. Dredged, excavated, or fill material used for construction would be nonpolluting material in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.
12. All construction activities would be performed in a manner that would minimize increased suspended sediment/turbidity of the water in the work area and downstream, and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons.
13. All excavated material not used as backfill would be placed in a non-jurisdictional area (i.e., upland) unless specifically approved via separate authorization. If dredged material would be placed in an upland contained disposal area and return water discharged back into

waters of the United States, a separate Department of the Army authorization would be required (See Nationwide Permit No. 16).

14. The discharge would not be located so as to adversely affect a public water supply intake or a national fish hatchery intake.
15. The discharge would not contain unacceptable levels of pathogenic organisms in areas used for activities involving physical contact with the water.
16. The discharge shall not occur in areas of concentrated shellfish production.
17. No activity shall be authorized under this General Permit which would likely to directly or indirectly jeopardize the continued existence of a Federally-listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which would directly or indirectly destroy or adversely modify the critical habitat of such species. No activity would be authorized under this General Permit which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
18. Activities in WOTUS that would impact known wading bird rookeries would be avoided to the maximum extent practicable. The permittee would be responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee would be advised to contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for the activity.
19. The construction activity would not result in the relocation or blockage of a natural stream or river channel or adversely impact or drain wetlands. Weirs and/or water control structures would be constructed in a manner that the overfall (full width or notched) is fixed at a minimum of 6 inches below the ordinary high water mark of the waterbody. On a case-specific basis, a secondary outlet source could be required. When required, the secondary outlet source would be constructed within the flowline of the waterbody, remain open during non-operational periods, and be constructed in a manner that allows free flow at low water stages.

20. No activity would substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water.
21. No sewage, oil, refuse, or other pollutants shall be discharged into the waterbody.
22. Projects located on property encumbered by a Natural resources Conservation Service (NRCS) Wetlands Reserve Program (WRP) easement would not be authorized without written release/approval from the NRCS. Under such situations, the application would not be considered complete until the Corps is provided written documentation of release/approval from the agreement by the NRCS.
23. Activities would not be authorized on a property/area managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.) without documented approval (e.g. special use permit, waiver, etc.) by the managing agency.
24. Authorizations for this General Permit would not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.
25. Conditions on the water quality certifications issued from the State in which the work is proposed shall be incorporated by reference. Enforcement actions resulting from noncompliance with these conditions could be initiated by the State or the Environmental Protection Agency.
26. The permittee would return a Certification of Compliance after completing construction of the authorized activity.

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. Appropriate best management practices (BMP's) shall be properly installed and maintained to prevent the movement of sediment off-site and into adjacent drainage areas. Special care shall be taken prior to and during construction to prevent the movement of sediment into adjacent drainage areas. In the event of any BMP failure, corrective actions shall be taken immediately.

July 8, 2019

2. The Department of Environmental Quality (Department) shall be provided a copy of the final permit and associated enclosures and attachments.
3. The permittee obtaining authorization under General Permit- 32 shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities.
4. Prior to the start of any water withdrawal activities, the permittee obtaining authorization under General Permit-32 shall obtain the appropriate water withdrawal permits from the Office of Land and Water Resources within MDEQ.
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.
6. 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: bgw

cc: Mr. Brian Williamson/Mr. Jerry Bourne, U.S. Army Corps of Engineers,
Vicksburg District
Mr. David Felder, U.S. Fish and Wildlife Service
Ms. Molly Martin, Environmental Protection Agency