



**STATE OF MISSISSIPPI  
TATE REEVES  
GOVERNOR**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHRIS WELLS, EXECUTIVE DIRECTOR**

December 11, 2020

Ms. Jennifer Mallard  
U.S Army Corps of Engineers,  
Vicksburg District  
4155 Clay Street  
Vicksburg, Mississippi 39183-3435

Re: US Army COE,  
Nationwide Permit No. 29  
WQC No. WQC20200056

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, an applicant for a Federal License or permit to conduct the following activity:

US Army COE, Nationwide Permit No. 29:

Nationwide Permits (NWP) are general permits issued on a nationwide basis to streamline the authorization of activities that have no more than minimal and cumulative adverse effects on the aquatic environment. The U.S. Army Corps of Engineers issues NWP to authorize certain activities that require Department of the Army permits under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899.

*29. Residential Developments.* Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential, subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into nontidal wetlands adjacent to tidal waters.

*Subdivisions:* For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

*Notification:* The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 32.) (Authorities: Sections 10 and 404) [NWP No. 29, WQC2020056].

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. Impacts in excess of 300 linear feet to perennial and/or intermittent streams shall not be authorized by this certification. Perennial streams will generally be indicated by a solid blue line on the latest version of the United States Department of the Interior, Geological Survey Quadrangle Map (Scale 1:24,000, 7.5 minute series). Intermittent streams will generally be indicated by a broken blue line on the latest version of the United States Department of the Interior, Geological Survey Quadrangle Map (Scale 1:24,000, 7.5 minute series). (Statement D) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.A(3))
2. For the construction or expansion of golf courses or attendant features, the applicant shall obtain approval or waiver for a Storm Water Quality Management Plan from Mississippi Department of Environmental Quality (the Department) prior to construction. (Statement B) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.A(9))
3. In cases where a pre-construction notification (PCN) is required, a PCN shall be provided to the Department for projects that include channel work within waterways found on the latest version of the State of Mississippi's Section 303(d) List of Impaired Water Bodies for sediment or biological impairment or waterways with a completed Total Maximum Daily Load (TMDL) for sediment or biological impairment. This notification shall include the following:
  - a. Justification of why the impacts cannot be avoided;
  - b. Proposed best management practices that would minimized the impacts to receiving sensitive waters; and
  - c. Compensatory mitigation primarily along the same reach of stream or on another impaired stream within the same drainage basin. (Statement A, D, & E) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.A(3))

4. This certification shall not allow discharges of dredged or fill materials associated with the construction of developments in certain existing subdivisions on the Mississippi Gulf Coast originally platted in lands which, because of the passage of the Federal Act and related laws and/or regulations, are presently unsuitable for development, as described in Exhibit E of 11 Mississippi Administrative Code Part 6, Chapter 1, Subchapter 3 (coastal subdivisions platted prior to the Clean Water Act with waterfront access to estuarine waters by man-made canals). (Statement A, D, & E) (11 Miss. Admin. Code Pt. 6, R. 1.3.4.C.(5))
5. The permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities. (Statement C) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B)
6. For projects greater than five acres of total ground disturbances including clearing, grading, excavating, or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit. For projects greater than one, to less the five acres of total ground disturbances including clearing, grading, excavating, or other construction activities, the applicant shall follow the conditions and limitations of the State of Mississippi's Small Construction Storm Water General NPDES Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained. (Statement B & C) (11 Miss. Admin. Code Pt. 6, R. 1.1.1.B.)
7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.)
8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse. (Statement A) (11 Miss. Admin. Code Pt. 6, R. 2.2.A.(3))

As part of the Scope of Review for Application Decisions, 11 Mississippi Administrative Code Part 6, Rule 1.3.4(B), the above conditions are necessary for the Department to ensure that appropriate measures will be taken to eliminate unreasonable degradation and irreparable harm to waters of the State, such that the activity will not meet the criteria for denial:

(A) The proposed activity permanently alters the aquatic ecosystem such that water quality criteria are violated and/or it no longer supports its existing or classified uses. An example is the channelization of streams

(B) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.

(C) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.

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(D) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.

(E) The proposed activity results in significant environmental impacts which may adversely impact water quality.

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 you have any questions, please contact the Department.

Sincerely,



Krystal Rudolph, P.E., BCEE  
Chief, Environmental Permits Division

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cc: U.S. Army Corps of Engineers, Mobile District  
U.S. Army Corps of Engineers, Memphis District  
U.S. Army Corps of Engineers, Nashville District  
U.S. Army Corps of Engineers, New Orleans District  
Department of Marine Resources  
U.S. Fish and Wildlife Service  
U.S Environmental Protection Agency, Region 4