

**WATER POLLUTION CONTROL PROGRAM**  
**Missouri General Water Quality Certification Conditions for NWP 40**  
**(Agricultural Activities)**

Pursuant to Section 401 of the Clean Water Act of 1972 the following best management practices are included as conditions in the Section 404 U.S. Army Corps of Engineers' Nationwide Permit (NWP). These conditions ensure that the activities do not violate the Water Quality Standards of the State of Missouri resulting in permanent damage to habitat, increased turbidity, reduced bank and channel stability, and impacts to the biological and chemical integrity of the waterbody. Jurisdictional definitions for this activity are explained in the NWP.

Any land disturbance activities disturbing one or more acres of total area for the entire project requires a storm water permit from the Water Pollution Control Program for land disturbance activities. Note that this is one acre of area disturbed for the total project, not one acre of waters of the United States. For questions, please contact the Water Pollution Control Program's Permit Section at (573) 751-6825.

Petroleum products spilled into any waterbody or on the banks where the material may enter waters of the state shall be immediately cleaned up and disposed of properly. Any such spills of petroleum shall be reported as soon as possible to the Missouri Department of Natural Resources' 24-hour Environmental Emergency Response number at (573) 634-2436.

Pursuant to Chapter 644.038, RSMo, the department certifies this nationwide permit without conditions for the construction of highways and bridges approved by the Missouri Highway and Transportation Commission, as it applies to impacts in all waters of the state.

1. The use of the conditions herein is limited to projects not related to wetland impacts.
2. This certification does not allow the filling of a jurisdictional spring or a spring with connectivity to a jurisdictional stream.
3. A minimum 50 foot vegetated corridor, where existing, shall be maintained from the high bank on either side of the jurisdictional channel to protect water quality and to provide long-term stability of the stream channel. For purposes of this NWP, lack of ownership or control of any portion of this corridor, may be considered a legitimate and discretionary cause to waive this requirement on that portion.
4. No channel modification work may be conducted as part of a project authorized by this permit because of cumulative impacts to watersheds, including flooding, bank instability, loss of aquatic habitat (pool and riffle complexes), bed degradation, loss of storm water retention and loss of riparian areas. For purposes of this certification, channel modifications are any activities that alter the width, depth, length and/or sinuosity of a waterway. This would include, but is not limited to, moving/relocating, shortening, cutting off, straightening, widening or modifying the cross section of or fills in a stream channel, whether natural or previously altered. Excavating the opposite bank of a stabilization project or the stream channel bed for the purpose of redirecting flow are considered channel modification activities. For purposes of this NWP drainage tiles are not authorized as they may impact habitat, storm water retention, hydrology and other factors related to water quality.

## NWP 40 (Agricultural Activities)

5. Care shall be taken to keep machinery out of the waterway as much as possible. Fuel, oil and other petroleum products, equipment and any solid waste shall not be stored below the ordinary high water mark at any time or in the adjacent floodway beyond normal working hours. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent waterbodies as a result of this operation.
6. Clearing of vegetation/trees shall be the minimum necessary to accomplish the activity.
7. The riparian area, banks, etc., shall be restored to a stable condition to protect water quality as soon as possible. Seeding/planting of native vegetation, mulching and needed fertilization shall be within three days of final contouring, or as soon as possible as seasonal timing permits. On-site inspections of these areas shall be conducted by the permittee as necessary to ensure successful revegetation and stabilization, and to ensure that erosion and deposition of soil in waters of the state is not occurring from this project.
8. Only clean, unpolluted fill shall be used.
9. Work shall be conducted during low flow whenever possible.
10. The following materials are not suitable for bank stabilization and should not be used due to their potential to cause violations of the general criteria of the Water Quality Standards, 10 CSR 20-7.031 (3) (A) – (H):
  - a. Earthen fill, gravel, broken concrete where the majority of material is less than 12 inches in diameter, and fragmented asphalt, since these materials are usually not substantial enough to withstand erosive flows;
  - b. Concrete with exposed rebar;
  - c. Tires, vehicles or vehicle bodies, construction or demolition debris are solid waste and are excluded from placement in the waters of the state; and
  - d. Liquid concrete, including grouted riprap, if not placed as part of an engineered structure.

Recycled concrete may be used provided that it is clean material broken into appropriately sized pieces (greater than 12 inches) of riprap with no protruding rebar.

11. Water Quality Certification is not valid for any Section 404 permit issued on a water that:
  - a. Is listed as impaired pursuant to Section 303(d) of the Clean Water Act, or
  - b. If the activities are located in or occur within two miles upstream of a designated outstanding state or national resource area (10 CSR 20-7.031).

Waters listed on the 303(d) list or Outstanding National/State Resource Waters (10 CSR 20-7, Tables D, E) can be found at [http://www.dnr.state.mo.us/wpscd/wpcp/tmdl/tmdl\\_list.pdf](http://www.dnr.state.mo.us/wpscd/wpcp/tmdl/tmdl_list.pdf), and page 28 at <http://www.sos.state.mo.us/adrules/csr/current/10csr/10c20-7b.pdf>, respectively, or by calling the Water Pollution Control Program at (573) 751-7428. If more detail than what is provided at these web sites is needed to precisely pinpoint your location please call (573) 522-2552.