

WATER POLLUTION CONTROL PROGRAM
Missouri General Water Quality Certification Conditions for NWP 41
(Reshaping Existing Drainage Ditches)

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 activities pertaining to the reshaping of existing drainage ditches 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. This certification does not allow the filling of a jurisdictional spring or a spring with connectivity to a jurisdictional stream.
2. Material from the reshaping activities may not be temporarily sidecast into any waters of the state for more than one month.
3. 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.
4. 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.

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5. The clearing of vegetation/trees shall be the minimum necessary to accomplish the activity.
6. Work shall be conducted during low flow whenever possible.
7. This 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, 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.