



Missouri Department of Natural Resources

Clean Water Act Section 401 Water Quality Certification

2026 General and Specific Conditions

Water Protection Program

Division of Environmental Quality

Consistent with Section 401 of the Clean Water Act (CWA), 33 U.S.C. § 1341, the Missouri Department of Natural Resources (department) has designed these precertification conditions to ensure activities carried out in Missouri pursuant to Nationwide Permits (NWP) authorized by the U.S. Army Corps of Engineers (USACE) will comply with Missouri water quality requirements. Unless otherwise stated, these conditions are in addition to, not a replacement for, any federal requirements or conditions.

The conditions outlined in this programmatic Water Quality Certification (WQC) apply to those authorized projects where the project proponent has chosen to accept these conditions instead of pursuing an individual CWA Section 401 WQC for the following NWPs:

- Only General Conditions apply to projects authorized by NWPs 5, 6, 7, 13, 15, 16, 18, 19, 22, 23, 25, 27, 29, 30, 31, 32, 36, 37, 39, 40, 42, 43, 45, 46, 54, and 59.
- Both General and Specific Conditions apply to projects authorized by NWPs 3, 4, 12, 14, 20, 33, 41, 53, 57, and 58.

Alternatively, a project proponent may apply to the department for individual WQC if it does not wish to accept the conditions outlined in this document.

NWPs 1, 2, 8, 9, 10, 11, 28, and 35 authorize projects pursuant to Section 10 of the Rivers and Harbors Act of 1899 only. These NWPs do not require CWA Section 401 WQC because they authorize activities which, in the opinion of the USACE, could not reasonably be expected to result in a discharge into waters of the United States. An activity needing only a Section 10 permit may require a WQC if that activity can reasonably be expected to result in any discharge either during construction or operation of the facility. Thus, if the USACE determines the activity is likely to result in a discharge during construction or operation, the department has discretion to require a WQC for the Section 10 activity. The USACE may advise a Section 10 permit project proponent that it might need a WQC if there is a reasonable expectation that a discharge will occur either during the construction or operation of the project.

Pursuant to Section 644.037, RSMo, the department shall certify without conditions NWPs as they apply to impacts on wetlands in Missouri. Because NWPs are minimal impact, Missouri does not have water quality standards specific to wetlands, and only the general criteria apply, discharges to wetlands from projects authorized by NWPs will comply with water quality requirements.

Pursuant to Section 644.038, RSMo, the department shall certify without conditions all NWPs for impacts in all waters of the state for the construction of highways and bridges approved by the Missouri Highway and Transportation Commission. A Memorandum of Understanding between the Missouri Departments of Natural Resources and Transportation contains the requirements by which the Missouri Department of Transportation will design and construct such projects in order to protect the water quality of waters of the state. Therefore, the department grants programmatic WQC for all NWPs without conditions for the construction of highways and bridges approved by the Missouri Highway and Transportation Commission, because any discharges from these projects will comply with water quality requirements.

These general and specific conditions were written in accordance with the Missouri Code of State Regulations (CSR) as of May 2025. Citations and references to specific parts of the CSR used in this document may change over time. Regardless of this, all projects that receive a WQC will be subject to following these conditions over the course of the entire project as well as ensuring that Missouri State Water Quality Standards will not be violated.

GENERAL CONDITIONS

1. A stream's pattern, profile, dimension, and gradient shall not be altered outside of the designs provided for the USACE Nationwide Permit Authorization process. This includes but is not limited to sinuosity, slope, and channel width. Additionally, certified projects shall not promote or accelerate stream bed or bank erosion after the completion of project construction [10 CSR 20-7.031(4)(H)].
2. Hard armoring of both sides, and the bottom of a stream within the same reach for over 100 linear feet (LF) is not allowed unless required for a bank stabilization or linear transportation project. Widening of the stream channel is not allowed unless required for proper grading during bank stabilization projects or for replacement or repair of an existing culvert or bridge system as part of a linear transportation project. Burial of a stream is not allowed [10 CSR 20-7.031(4)(H)].
3. No new or expanded wet stormwater retention basins or similar impoundment structures may be constructed in the stream channel. In-channel dry stormwater detention basins are allowable if the stream channel is either temporarily or not adversely affected by the basin. Following these requirements will ensure compliance with the Missouri Water Quality Standards [10 CSR 20-7.031(4)(H)].
4. Only clean, nonpolluting fill shall be used. The following materials are not suitable where contact with water is expected and shall not be used due to their potential to cause violations of the general criteria of Missouri's Water Quality Standards [10 CSR 20-7.031(4)(A)-(H)]:
 - a. Earthen fill, gravel and broken concrete where the material does not meet the Suitable Material specifications stated in the "Missouri Nationwide Permit Regional Conditions" (<https://usace.contentdm.oclc.org/digital/collection/p16021coll11/id/2662/>) in locations where erosive flows are expected to occur on a regular basis, such as streambanks and/or lake shorelines.
 - b. Asphalt.
 - c. Concrete with exposed rebar.
 - d. Tires, vehicles or vehicle bodies, and construction or demolition debris are solid waste and are excluded from placement in the waters of the state.
 - e. Liquid concrete, including grouted riprap, if not placed in forms as part of an engineered structure.
 - f. Any material containing chemicals that would result in violation of Missouri Water Quality Standards general criteria [10 CSR 20-7.031(4)] or specific criteria [10 CSR 20-7.031(5)].
5. Waste concrete or concrete rinsate shall be disposed of in a manner that does not result in discharge to any jurisdictional water ways [10 CSR 20-7.031(4)(A), (D), and (H)].
6. Missouri Water Quality Standards antidegradation requirements dictate that all appropriate and reasonable Best Management Practices related to erosion and sediment control, project stabilization, and prevention of water quality degradation are applied and maintained [10 CSR 20-7.031(3)(B)]; [10 CSR 20-7.031(4)(A)-(H)].
7. Only the minimum amount of trees and vegetation shall be removed for the proposed activity to be accomplished. This excludes the removal of invasive or noxious species. [10 CSR 20-7.031(3)(B)]. Invasive/noxious species shall be replaced with species native to the project area whenever possible.
8. Care shall be taken to keep machinery out of waterways. If work in the waterway is unavoidable, the duration, as well as the amount of disturbance to banks, substrate, and vegetation shall be minimized to prevent increases in turbidity. Fuel, oil, other petroleum products, equipment, construction materials, and any solid waste shall not be stored below the ordinary high-water mark at any time. Storage of these materials in flood-prone areas shall also be minimized. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent waters because of this operation [10 CSR 20-7.031(3)(A) and (B)] [10 CSR 20-7.031(4)(C) and (G)].
9. Any petroleum products and/or hazardous substances spilled into water or onto banks, or spilled products that may enter waters of the state shall be immediately cleaned up and properly disposed of. Any such spills shall be reported to the Department of Natural Resources' Environmental Emergency Response team within 24 hours at

573-634-2436, or <https://dnr.mo.gov/reporting/environmental-concern> [Chapter 260.015, RSMo]; [10 CSR 20-7.031(4)(B)-(G)].

10. All efforts shall be made to minimize exposure of unprotected soils. Whenever possible, project activity shall be conducted at times of little or no rainfall to limit the amount of sediment disturbance [10 CSR 20-7.031(3)(B)].
11. Programmatic WQC is denied for any NWP issued on a water (stream/river segment or lake) that is listed in the Section 305(b) Integrated Water Quality Report that has been most recently approved by the EPA for: organic sediment, inorganic sediment, sedimentation/siltation, suspended solids, lead, cadmium, zinc, metals, aquatic macroinvertebrate bioassessments, fishes bioassessments, habitat assessment-streams, habitat loss, physical substrate habitat alterations, or unknown impairments [10 CSR 20-7.031(4-5)]. The Section 305(b) Integrated Water Quality Report includes the both the 303(d) impaired waters list and approved Total Maximum Daily Loads.
12. Programmatic WQC is denied for projects authorized by NWPs 17, 21, 34, 38, 44, 48, 49, 50, 51, 52, 55, and 56. Although intended to result in minimal impacts, these NWPs authorize activities that may contribute to impairments and result in noncompliance with Missouri's general water quality criteria [10 CSR 20-7.031(4)], including the requirement that all waters of the state shall be free from physical, chemical, and hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(H)], or noncompliance with Missouri's specific water quality criteria [10 CSR 20-7.031(5)]. Because programmatic WQC General or Specific Conditions cannot be established to address all concerns from the variety of impairments and activities authorized by these NWPs, the department requires individual review for WQC for these NWPs. Requirements for individual WQC will be determined on a case-by-case basis based on the specific projects, and additional testing, design, disposal, or BMP considerations may be required.
13. Compensatory Mitigation for loss of stream resources shall be completed in accordance with the Missouri Stream Mitigation method or other mitigation guidance currently approved for use in Missouri. Stream impacts shall only be mitigated with instream or riparian corridor credits. Compensatory mitigation shall only be performed within the state of Missouri [10 CSR 20-7.031(3)].

SPECIFIC CONDITIONS

1. **Nationwide Permit 3 *Maintenance***
Silt, sediment, and debris removal shall be limited to a maximum cumulative total of 400 LF [10 CSR 20-7.031(3)].
2. **Nationwide Permit 4 *Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities***
Any inorganic or extraneous debris, such as may be found on Christmas trees shall be removed to qualify as clean, nonpolluting fill [10 CSR 20-7.031(4)(A) and (I)].
3. **Nationwide Permit 12 *Oil and Natural Gas Pipeline Activities*,
Nationwide Permit 57 *Electric Utility Line and Telecommunications Activities*, and
Nationwide Permit 58 *Utility Line Activities for Water and Other Substances***
 - a. For project crossings that must disturb a water body, work shall be conducted in such a manner as to seal off the work area from flow and minimize sediment transport. Material resulting from the activity shall not be side-cast into waters of the state for more than one month [10 CSR 20-7.031(3)(B)] [10 CSR 20-7.031(4)(B), (C), and (H)].
 - b. If Horizontal Directional Drilling is used, drilling mud and/or other materials shall not be discharged into waters of the state. Best Management Practices shall be implemented to prevent possible discharges from reaching waters of the state. In the event materials are inadvertently discharged to waters of the state, notification to the Department of Natural Resources is required within 24 hours by calling 573-634-2436 [10 CSR 20-7.031(3)(B)] [Section 260.015 RSMo].
 - c. Project crossings shall be placed as close to perpendicular as possible and shall be limited to a maximum crossing length of no more than one and one-half times the width of the stream [10 CSR 20-7.031(3)].

4. **Nationwide Permit 14 *Linear Transportation Projects***
 - a. The permittee shall propose and employ measures to mitigate the removal of impounded sediment (e.g., sand, gravel) in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project [10 CSR 20-7.031(4)(C) and (H)]. Accumulated gravel may be allowed to naturally deposit into downstream plunge pool voids. Consultation with a hydrologist or other scientist is recommended if the amount of accumulated unconsolidated gravel exceeds the volume of plunge pool voids.
 - b. Where this NWP is used to authorize bridge and culvert structures, stream channel work shall be limited to a maximum cumulative total of 400 LF, upstream or downstream, of the bridge or culvert. For purposes of this condition, a channel modification is any activity that alters the width, depth, length and/or sinuosity of a waterway [10 CSR 20-7.031(3)]; [10 CSR 20-7.031(4)(H)].
5. **Nationwide Permit 20 *Response Operations for Oil and Hazardous Substances***

Oil and hazardous substance releases shall be reported to the Department of Natural Resources' Environmental Emergency Response number at 573-634-2436. Continue to report updates with regard to the containment and cleanup of releases [Section 260.015 RSMo].
6. **Nationwide Permit 33 *Temporary Construction, Access and Dewatering***
 - a. The use of this NWP shall be limited to impacts of six months or less in duration [10 CSR 20-7.031(3)]
 - b. Any removal of accumulated sediment (e.g., sand, gravel) upstream of a proposed project shall be limited to the quantity necessary to relieve any obstruction or to protect downstream habitat. The permittee must propose and employ measures to mitigate the removal of impounded sediment in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project [10 CSR 20-7.031(4)(C) and (H)].
7. **Nationwide Permit 41 *Reshaping Existing Drainage Ditches***

In-channel disposal of excavated material not used for reshaping activities is prohibited. [10 CSR 20-7.031(3)(B)] [10 CSR 20-7.031(4)(B), -(C), and -(H)].
8. **Nationwide Permit 53 *Removal of Low-Head Dams***
 - a. The permittee must propose and employ measures to mitigate the removal of impounded sediment (e.g., sand, gravel) in the unstable area upstream of a proposed project to prevent it from being transported downstream and/or construct a notched weir to slow the release of impounded sediment from upstream of the proposed project [10 CSR 20-7.031(4)(C) and (H)]. Accumulated gravel may be allowed to naturally deposit into downstream plunge pool voids. Consultation with a hydrologist or other scientist is recommended if the amount of accumulated unconsolidated gravel exceeds the volume of plunge pool voids.
 - b. Stream channel work shall be limited to a maximum cumulative total of 400 LF [10 CSR 20-7.031(3)]; [10 CSR 20-7.031(4)(H)].
 - c. Restoration of the stream channel to its former, natural state is authorized. Individual WQC is required for non-natural channel modifications [10 CSR 20-7.031(4)(H)]. For purposes of this condition, a channel modification is any activity that alters the width, depth, length and/or sinuosity of a water way.

Requests for WQC should be sent electronically to 401@dnr.mo.gov. The request should include a project narrative for the proposed project, a copy of the permit application submitted to USACE, and any readily available water quality related materials that informed the development of USACE permit or application. The department may request additional information prior to providing a WQC decision to ensure Missouri water quality requirements are met, such as a response to comments from the department, other resource agencies, and/or the public; planned compensatory mitigation; and/or an analysis of practicable alternatives.

For more information:
Missouri Department of Natural Resources
Water Protection Program
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Jefferson City, MO 65102-0176
401@dnr.mo.gov 800-361-4827 or 573-522-4502