

March 6, 2025

Colonel Andrew T. Niewohner,
Kansas City District
U.S. Army Corps of Engineers
635 Federal Building, Suite 402
Kansas City, MO 64106-2896

RE: U.S. Army Corps of Engineers, Kansas City District, GP-45/NWK-2020-00282; SWL-2020-00137; MVS-2020-00194-MVM-2020-00146 in Multiple Counties

Dear Colonel Andrew T. Niewohner:

The Missouri Department of Natural Resources' Water Protection Program has reviewed your request for Clean Water Act (CWA) Section 401 Water Quality Certification (WQC) to accompany the U.S. Army Corps of Engineers' (USACE) Permit for GP-45/NWK-2020-00282; SWL-2020-00137; MVS-2020-00194; MVM-2020-00146; MVR-2020-00566 in which you are proposing to issue a Regional General Permit (RGP) which would authorize the maintenance of man-made lakes and ponds.

This certification authorizes only the activities authorized by General Permit 45 within the Ordinary High-Water Mark of existing man-made lakes, ponds, and reservoirs. Activities allowed include but are not limited to; mechanical and hydraulic dredging, construction of wave attenuation structures, shoreline stabilization, and fish/wildlife habitat improvements.

This certification does not permit activities occurring in the Lake of the Ozarks and locations in or occurring within two miles upstream of a designated outstanding national or state resource water pursuant to Missouri 10 CSR 20-7.031(3)(C).

This WQC is being issued under Section 401 of Public Law 95-217, the CWA of 1977 and subsequent revisions. Pursuant to Section 121.7(d), this office certifies the proposed project will comply with Missouri water quality requirements, provided the following conditions are met:

1. This WQC applies only to sediment removal activities to return water bodies to original depths, elevations, and contours. Uses of dredged material not specifically authorized in the RGP shall require notification to the department. The department shall respond within 15 days whether or not individual WQC will be required. This will ensure compliance with the Missouri Water Quality Standards general criterion [10 CSR 20-7.031(4)(G)].
2. Notification to the department is required for any NWP issued on a water that is listed for a sediment-related impairment, pollutant contamination, aquatic habitat alteration, channelization, or unknown impairment as listed in the most current Water Quality



Report (Section 305(b) Report) at <http://dnr.mo.gov/env/wpp/waterquality/303d/303d.htm>.

The department shall review the proposed project and respond within 15 days whether or not individual WQC will be required. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirements [10 CSR 20-7.031(3)].

3. Any waiver of RGP requirements by the USACE for a proposed project shall require notification to the department. The department shall review the proposed project and any waived requirements and respond within 15 days whether or not individual WQC will be required. This condition ensures compliance with the Missouri Water Quality Standards antidegradation requirements [10 CSR 20-7.031(3)].
4. After avoidance and minimization for the proposed project, all unavoidable, adverse impacts shall be mitigated appropriately based on type and extent of impacts to ensure compliance with the Missouri Water Quality Standards antidegradation requirement for maintenance and protection of designated uses [10 CSR 20-7.031(3)] and Missouri Clean Water Law, which provides the department authority to adopt remedial measures to prevent, control, or abate pollution [Chapter 644.026.1(9), RSMo] and approval authority for compensatory mitigation associated with WQCs [Chapter 644.026.1(26), RSMo]. Unless the department agrees to an alternative, mitigation for loss of aquatic resources shall be in conformance with compensatory mitigation guidance currently approved for use in Missouri unless the department agrees to an alternative. Compensatory mitigation shall be within the state of Missouri. The project proponent shall comply with the higher value of compensatory mitigation required by either the department or the USACE, but not both unless explicitly noted. Mitigation guidance documents can be located online at www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofMissouri.
5. Water supply intakes or other activities, which may be affected by suspended solids and turbidity increases caused by work in the watercourse, shall be investigated and sufficient notice given to the owners to allow preparation for any changes in water quality. The department's Water Protection Program's Public Drinking Water Branch may be contacted by phone at 573-526-0269 for the presence of such supplies. This condition will ensure compliance with Missouri Safe Drinking Water Law [Chapter 640.100.1, RSMo] and Water Quality Standards antidegradation requirements 10 CSR 20-7.031(3)].
6. The project proponent shall not dispose of dredged materials, waste materials, water, or garbage below the ordinary high-water mark of any other water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland as a result of runoff, flooding, wind, or other natural forces.
7. No project shall contribute to erosion of shoreline within the proposed water body or streambanks upstream and/or downstream of the water body. Only changes intended within the scope of the RGP are allowable.
8. Aside from dredged materials, only clean, nonpolluting fill shall be used. Dredged materials shall be properly armored when used as fill material where erosion may occur. 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. Fragmented 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)].
9. Waste concrete or concrete rinse shall be disposed of in a manner that does not result in any discharge to any jurisdictional water ways. This will ensure compliance with the Missouri Water Quality Standards general criteria requiring waters be free from unsightly bottom deposits [10 CSR 20-7.031(4)(A)]; substances resulting in toxicity 10 CSR 20-7.031(4)(D)]; and physical, chemical, or hydrologic changes that would impair the natural biological community [10 CSR 20-7.031(4)(G)].
10. Temporary fills shall be removed and the fill site restored immediately following construction. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirements for maintenance and protection of designated uses 10 CSR 20-7.031(3)].
11. For projects that may impact aquatic resources, Missouri Water Quality Standards antidegradation requirements dictate all appropriate and reasonable Best Management Practices (BMPs) 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)]. BMPs shall be properly installed prior to conducting authorized activities and maintained, repaired and/or replaced as needed during all phases of the project to limit the amount of discharge of water contaminants to waters of the state. The project shall not involve more than normal stormwater or incidental loading of sediment caused by project activities.
12. Dredging shall be performed in a way that minimizes the duration and amount of any disturbance to shorelines, substrate, and vegetation to prevent increases in turbidity. Clearing of vegetation and trees shall be the minimum necessary to accomplish the activity except for the removal of invasive or noxious species and placement of ecologically beneficial practices. Project activity shall be conducted at low water levels, whenever possible, to limit the amount of sediment disturbance caused by dredging equipment. This will ensure compliance with the Missouri Water Quality Standards antidegradation

requirement for BMPs [10 CSR 20-7.031(3)(B)] and Missouri Water Quality Standards general criteria [10 CSR 20-7.031(3)].

13. Disturbed areas shall be restored to a stable condition to protect water quality as soon as possible. Seeding, mulching, and needed fertilization should be within three days of final contouring. To ensure erosion and deposition of soil in waters of the state are not occurring from this project, onsite inspections of these areas should be conducted as necessary to ensure successful revegetation and stabilization. This will ensure compliance with Missouri antidegradation requirements regarding BMPs [10 CSR 20-7.031(3)(B)].
14. Care shall be taken to keep machinery out of the water way. If work in the water way is unavoidable, it shall be performed in a way that minimizes the duration and amount of any disturbance to banks, substrate, and vegetation to prevent increases in turbidity. Project activity shall be conducted at low flows and water levels to limit the amount of sediment disturbance caused by the heavy equipment. This will ensure compliance with the Missouri Water Quality Standards antidegradation requirement for BMPs [10 CSR 20-7.031(3)(B)] and Missouri Water Quality Standards general criteria [10 CSR 20-7.031(3)].
15. All efforts shall be made to minimize exposure of unprotected soils. To the best of the applicant's ability, project activity shall be conducted at times of little or no rainfall to limit the amount of overland flow and sediment disturbance caused by heavy equipment. This will ensure compliance with Missouri antidegradation requirements for BMPs [10 CSR 20-7.031(3)(B)].
16. Fuel, oil and other petroleum products, equipment, construction materials, and any solid waste shall not be stored below the ordinary high-water mark at any time or in the adjacent flood-prone areas beyond normal working hours. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent waters as a result of this operation. This will ensure compliance with Missouri Water Quality Standards general criteria requiring waters be free from substances that prevent maintenance of beneficial uses; cause unsightly color, turbidity, or toxicity; and/or impair the natural biological community [10 CSR 20-7.031(4)(B)-(G)].
17. Petroleum products spilled into any water or on the banks where the material may enter waters of the state shall be cleaned up immediately and disposed of properly. Any such spills of petroleum shall be reported as soon as possible, but no later than 24 hours after discovery to the department's Environmental Emergency Response phone line at 573-634-2436 or <http://dnr.mo.gov/env/esp/esp-eer.htm>. This will ensure compliance with Missouri Environmental Improvement Authority [Chapter 260.015, RSMo] to provide for the conservation of state air, land, and water resources by the prevention of pollution and proper methods of disposal and Missouri Water Quality Standards [10 CSR 20-7.031(4)(B)-(G)].
18. Acquisition of a WQC shall not be construed or interpreted to imply the requirements for other permits are replaced or superseded, including CWA Section 402 National Pollutant Discharge Elimination System Permits required under Missouri Clean Water Law [Chapter 644.026.1, RSMo]. Permits or any other requirements shall remain in effect. If the activity includes piling dredged material on land, the applicant may need a general permit for return

water from the dredged material. Information regarding permit requirements and applications may be directed to the department's Operating Permits Section by phone at 573-522-4502, Northeast Regional Office by phone at 660-385-8000, Kansas City Regional Office by phone at 816-251-0700, St. Louis Regional Office by phone at 314-416-2960, Southwest Regional Office by phone at 417-891-4300, or Southeast Regional Office by phone at 573-840-9750.

If you were adversely affected by this decision, you may be entitled to an appeal before the Administrative Hearing Commission (AHC) pursuant to Section 621.250, RSMo. To appeal, you must file a petition with the AHC within 30 days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC. Contact information for the AHC is: Administrative Hearing Commission, United States Post Office Building, Third Floor, 131 West High Street, P.O. Box 1557, Jefferson City, MO 65102; phone: 573-751-2422; fax: 573-751-5018; and website: <https://ahc.mo.gov>.

This WQC is part of the USACE's permit. Water Quality Standards must be met during any operations authorized. If you have any questions, please contact Water Protection Program by mail at Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176; phone at 573-526-3337 and email at wpqc401cert@dnr.mo.gov. Thank you for working with the department to protect our aquatic resources.

Sincerely,

WATER PROTECTION PROGRAM



John Hoke
Director

JH:ckj

Enclosure

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