

## REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN MISSISSIPPI

### Corps Regional Conditions:

#### Nationwide Permit 7: Outfall Structures and Maintenance.

Activities involving the construction of associated intake structures shall be constructed with fish screening devices.

#### Nationwide Permit 14: Linear Transportation Crossings.

1. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
  - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
  - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.**
  - c. Horn Lake Creek and adjacent wetlands in DeSoto County.**

#### Nationwide Permit 39: Residential, Commercial and Institutional Development.

1. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
  - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
  - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.**
  - c. Horn Lake Creek and adjacent wetlands in DeSoto County.**

#### Nationwide Permit 41: Reshaping Existing Drainage Ditches.

1. Any clearing of vegetation or side casting of excavated material shall be restricted to one side of the drainage ditch with gaps every 50 feet.
2. Banks shall be seeded and stabilized upon completion of excavation activities.
- 3. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:**
  - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
  - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.**
  - c. Horn Lake Creek and adjacent wetlands in DeSoto County.**

#### Nationwide Permit 42: Recreational Facilities.

1. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
  - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.

- b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.**
- c. Horn Lake Creek and adjacent wetlands in DeSoto County.**

Nationwide Permit 43: Stormwater Management Facilities.

- 1. Activities located within Atlantic white cedar stands and pitcher plant bogs shall not be authorized under this nationwide permit in the Coastal Zone of Mississippi without a Coastal Zone Consistency Determination from the Mississippi Department of Marine Resources.**
2. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
  - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
  - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.**
  - c. Horn Lake Creek and adjacent wetlands in DeSoto County.**

Regional Conditions for Water Quality Certification

**The Mississippi Department of Environmental Quality (DEQ) denied water quality certification for NWP No. 21, Surface Coal Mining Activities and NWP No. 44, Mining Activities. Applicants shall obtain certification or a waiver from the Mississippi Department of Environmental Quality prior to commencement of work.**

**The Mississippi Department of Environmental Quality (DEQ) issued water quality certification for the Nationwide Permits listed below with conditions. DEQ will be the primary responsible party for the enforcement of the water quality certification conditions and may be contacted as follows:**

**Mississippi Department of Environmental Quality  
Office of Pollution Control  
Post Office Box 10385  
Jackson, Mississippi 39289-0385  
Telephone: (601) 961-5171**

**Nationwide Permits 3, 4, 5, 6, 7, 11, 13, 15, 16, 17, 19, 20, 22, 23, 25, 30, 32, 33, 37, and 38, are certified for a period of five years from their effective date, provided the projects comply with the following conditions.**

- 1. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.**
- 2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water**

**associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.**

**3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.**

**4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.**

**Nationwide Permit 12, Utility Line Activities, is certified for a period of five years from its effective date, provided the projects comply with the following conditions:**

**1. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.**

**2. The Mississippi Department of Environmental Quality, Office of Pollution Control (OPC) shall be notified of projects that are five acres or greater in size and projects that have associated discharge of cuttings, drilling mud, hydrostatic testing water, or any other waste material.**

**3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.**

**4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.**

**5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.**

**Nationwide Permit 14, Linear Transportation Crossings, is certified for a period of five years from its effective date, provided projects comply with the following conditions:**

**1. Extreme care shall be taken to prevent the permanent restriction or impedance of water flow. Pre-construction hydrology shall be maintained.**

**2. This NWP shall not apply to natural tidal waters for personal transportation projects.**

**3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.**

**4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.**

**5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.**

Nationwide Permit 18, Minor Discharges, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

**1. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the activity must comply with the following:**

**a. The applicant shall provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.**

**b. A no-fill buffer zone shall be permanently maintained between any construction activity and any waterbody (including wetlands). The minimum buffer zone for the subject parcel is defined by the equation below:**

$$\text{Minimum Buffer Zone} = (0.15)(\text{Parcel Depth})$$

Where the Parcel Depth is defined as the maximum length of a line extending from the Ordinary High Water Mark (OHWM) and/or top bank or High Tide Line to the opposite property boundary. In cases of an asymmetrical parcel, the Parcel Depth will be measured as the maximum length of a line extending from OHWM or High Tide Line to the junction of two landward property boundaries. The buffer zone shall be measured as the distance between the edge of the construction activity and the top bank of the adjacent water body or to the landward extent of tidal wetlands.

**2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.**

**3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.**

**4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.**

Nationwide Permit 27, Stream and Wetland Restoration Activities, is certified for a period of five years from its effective date, provided the projects comply with the following conditions:

**1. For permitting of activities associated with mitigation banking, a Mitigation Banking instrument approved by the Mitigation Banking Review Team shall be required.**

**2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.**

**3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.**

**4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.**

Nationwide Permit 29, Single-Family Housing, is certified for a period of five years from its effective date provided the project complies with the following conditions:

**1. The applicant shall provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.**

**2. A no-fill buffer zone shall be permanently maintained between any construction activity and any waterbody (including wetlands). The minimum buffer zone for the subject parcel is defined by the equation below:**

$$\text{Minimum Buffer Zone} = (0.15)(\text{Parcel Depth})$$

Where the Parcel Depth is defined as the maximum length of a line extending from the Ordinary High Water Mark (OHWM) and/or top bank or High Tide Line to the opposite property boundary. In cases of an asymmetrical parcel, the Parcel Depth will be measured as the maximum length of a line extending from OHWM or High Tide Line to the junction of two landward property boundaries. The buffer zone shall be measured as the distance between the edge of the construction activity and the top bank of the adjacent water body or to the landward extent of tidal wetlands.

**3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.**

**4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.**

Nationwide Permit 36, Boat Ramps, is certified for a period of five years from its effective date provided the project complies with the following conditions:

**1. Boat ramp parking areas with impervious surfaces (concrete, asphalt) that have a surface area equal to or greater than one acre shall provide for storm water management. The first 0.5 inch of storm water runoff from impervious parking and road surfaces shall be treated using OPC approved best management practices before release. The storm water plan should be submitted upon application for a NWP and shall be forwarded to the OPC.**

**2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.**

**3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.**

**4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.**

**5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.**

Nationwide Permit 39, Residential, Commercial, and Institutional Developments, is certified for a period of five years from its effective date, provided projects comply with the following conditions:

**1. Intermittent stream impacts in excess of 300 feet shall not be authorized by this certification.**

**2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.**

**3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.**

**4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.**

**5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.**

Nationwide Permit 40, Agricultural Activities, is certified for a period of five years from its effective date, provided the projects comply with the following conditions:

**1. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.**

**2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.**

**3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.**

**4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.**

Nationwide Permit 41, Reshaping Existing Drainage Ditches, is certified for a period of five years from their effective date, provided projects comply with the following conditions:

**1. The side slopes of banks and spoil disposal areas shall be 3:1 (horizontal: vertical).**

**2. The NWP shall apply to created ditches only. No impacts to naturalized streams shall be allowed.**

**3. This NWP shall not authorize the modification of greater than 500 linear feet of existing serviceable drainage ditches constructed in non-tidal waters.**

**4. Buffer zones shall be 25 feet minimum from top of the drainage ditch.**

**5. Spoil disposal areas shall be discontinuous and immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.**

**6. Work shall be conducted from one side of the waterbody only, where possible.**

**7. Large trees on the work side shall be avoided where possible.**

**8. Banks shall be immediately seeded and stabilized upon completion of construction.**

**9. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.**

**10. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.**

**11. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.**

**Nationwide Permit 42, Recreational Facilities, is certified for a period of five years from its effective date, provided the projects comply with the following conditions:**

**1. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.**

**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 OPC prior to construction.**

**3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.**

**4. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.**

5. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

6. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 43, Storm Water Management Facilities, is certified for a period of five years from its effective date, provided the projects comply with the following conditions:

1. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.

2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

3. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 44: Mining Activities.

#### Regional Conditions for Coastal Zone Management Consistency

The Mississippi Department of Marine Resources (DMR) found that Nationwide Permits 18, Minor Discharges, 29, Single-Family Housing, and 44, Mining Activities, were not consistent the Mississippi Coastal Program. Applicants shall obtain consistency or a waiver from DMR prior to commencement of work.

DMR has issued unconditional coastal zone consistency for NWP's 1, 3, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, 20, 21, 22, 23, 25, 27, 30, 32, 33, 35, 37, 38, 39, 40, 41, 42, and 43.

DMR has requested that Regional General Permits be used in Place of NWP's 2, 4, 9, 13, 19, 31, and 36.



