STATE OF MISSOURI GENERAL CONDITIONS FOR NATIONWIDE PERMITS

These conditions ensure that activities carried out under Nationwide Permits (NWPs) 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/or impacts to the biological and chemical integrity of the waterbody. These general conditions and the specific conditions are in addition to, not a replacement for, those conditions included by the federal authorities. To further reduce the potential for water quality impacts, parties are encouraged to conduct the permitted activity(s) during periods of low moisture and/or low flow to the extent possible. These general conditions apply to NWPs 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 27, 30, 31, 33, 36, 40, 41, 42, 43, 45, 46 and 47.

The remaining NWPs, which will require individual certifications by the Missouri Department of Natural Resources, are: 17, 29, 32, 34, 37, 38, 39, 44, 48, 49 and 50.

MISSOURI GENERAL CONDITIONS are as follows:

1. NWPs shall not allow the filling of jurisdictional springs.

2. Acquisition of a NWP(s) and attendant water quality certification(s) shall not be construed or interpreted to imply the requirements for other permits are replaced or superceded. Any national pollutant discharge elimination system (NPDES) permits, general permits for land disturbance, or other requirements shall be complied with. Applicants with questions are encouraged to call the Water Protection Program, NPDES Permits and Engineering Section, at (573) 526-3589.

3. 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.

4. 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.

5. Only clean, nonpolluting fill shall be used. The following materials are not suitable for bank stabilization and shall not be used due to their potential to cause violations of the general criteria of the Water Quality Standards, 10 CSR 20-7.031 (A) – (H):
   a. Earthen fill, gravel, broken concrete where the material does not meet the specifications outlined below, 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;

d. Liquid concrete, including grouted riprap, if not placed as part of an engineered structure; and
e. Any material containing chemical pollutants (for example: creosote or pentachlorophenol).

Recycled or broken concrete may be used provided that it is reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150 pound pieces. Applicants must break all large slabs to conform to the well-graded requirement. Generally, the maximum weight of any piece shall not be more than 500 pounds. Gravel and dirt shall not exceed 15% of the total fill volume. All protruding reinforcement rods, trash, asphalt and other extraneous materials must be removed from the broken concrete prior to placement.

Recycled or broken concrete being used simply as fill need not conform to the well-graded requirement. It shall, however, be free of extraneous materials and shall be placed to eliminate voids within the fill.

6. Clearing of vegetation/trees shall be the minimum necessary to accomplish the activity. A vegetated corridor shall be maintained from the high bank on either side of the jurisdictional channel to protect water quality and to provide for long-term stability of the stream channel, unless physical barriers prevent such a corridor. 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.

7. This water quality certification is not valid for any Section 404 permit issued on a waterbody that:
   a. Is listed as impaired pursuant to Section 303(d) of the Clean Water Act;
   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); or
   c. If the activities are located in a designated metropolitan no-discharge stream.

   Waters on the 303(d) list can be found at http://www.dnr.mo.gov/env/wpp/waterquality/2002_303d_list.pdf. *Outstanding National/State Resource Waters* and *Metropolitan No-Discharge Streams* can be found in 10 CSR 20-7.031, Tables D, E and F or at http://www.sos.mo.gov/adrules/csr/current/10csr/10c20-7b.pdf. If more detail than what is provided at these web sites is needed to precisely pinpoint your location, please call (573) 522-2552.

8. Streambed gradient shall not be permanently altered during project construction.

9. NWPs involving a loss of more than 1/10 acre of wetlands with a predominance of bottomland hardwoods that are comprised mainly of different species of gum, oak and bald cypress shall require individual water quality certification by the state.

10. NWPs issued by the Army Corps of Engineers (Corps) for which the 300 linear feet threshold for stream impacts is waived by the district engineer on classified waterbodies as defined by 10 CSR 20-7.031 shall require individual water quality certification by the state.

11. No project under a NWP shall accelerate bed or bank erosion.

12. Planting of any required vegetated buffer shall maximize the use of native, flood tolerant species to provide soil stabilization and wildlife benefits. Invasive, non-native species are prohibited.

13. Pursuant to Chapter 644.038, RSMo, the department certifies all NWPs for impacts in all waters of the state without the above-stated or any other conditions for the construction of highways and bridges approved by the Missouri Highway and Transportation Commission.

STATE OF MISSOURI SPECIFIC CONDITIONS:

Note: There are no specific conditions for NWPs 5, 15, 18, 21, 23, 25, 27, 30, 31, 45 and 46. For these NWPs only general conditions apply.

NATIONWIDE PERMIT 3
Maintenance

1. Silt, sediment and debris removal shall be limited to a maximum of 50 linear feet upstream and downstream of structures.

3. During dewatering, water shall not be returned directly to the waterway but shall be pumped upland and filtered through an appropriate treatment device as prescribed in any existing separate permit authorizing the discharge of return water. If, however, instream flow is 1 cubic foot per second (cfs) or greater and the return rate is set at 1 csf or less, return may be made directly to the stream.

3. This condition applies to any regulated activity, which involves the construction of a new or replacement culvert on a Class P or C stream in Missouri. All culverts must be designed to allow the natural passage of aquatic organisms. The culvert design must mimic the natural shape and flow of the channel. For all triple cell culverts on Class P and C streams, the opening of the center culvert must be slightly lower than the adjacent culverts to concentrate low flows for the passage of aquatic organisms. Class P and C streams in Missouri can be found at http://www.sos.mo.gov/adrules/csr/current/10csr/10c20-7c.pdf.

NATIONWIDE PERMIT 4
Fish and Wildlife Harvesting, Enhancement, and *Attraction Devices and Activities*

1. Any inorganic or extraneous debris such as may be found on Christmas trees shall be removed to qualify as clean, nonpolluting fill.

NATIONWIDE PERMIT 6
Survey Activities

1. Water, fines and excavated materials displaced by activities such as borings, shall not be returned directly to the waterway, but shall be pumped upland and filtered through an appropriate treatment device as prescribed in any existing separate permit authorizing the discharge of return water.

NATIONWIDE PERMIT 7
Outfall Structures and Associated Intake Structures

1. Water quality certification does not replace or negate the need to obtain any or other required state permits under the Missouri Clean Water Law (Chapter 644, RSMo) for construction of wastewater treatment facility components, including outfall structures, or permits to release wastewater effluents or for the construction of components related to public water supplies, including intake structures, as may be required by the Missouri Safe Drinking Water Law (Chapter 640, RSMo).

NATIONWIDE PERMIT 12
Utility Line Activities

1. Material resulting from activity may not be temporarily sidecast into waters of the state for more than one month.

2. Directional boring under the streambed to avoid impacts to waters of the state is recommended. For utility crossings that must disturb the streambed, work shall be conducted in such a manner as to seal off the work area from flow.

3. Utility line crossings shall be placed as close to perpendicular as possible, and be limited to a maximum crossing length of no more than one and one-half times the width of the stream.

4. For any wetland impacts permitted under this nationwide permit, the applicant shall segregate and store separately the top 12 inches of soil to be replaced as top fill in the final trench closure. This condition will be waived if, due to special circumstances, the district engineers of the Army Corps of Engineers specifically require a different methodology in their permit.

NATIONWIDE PERMIT 13
Bank Stabilization

1. Channelization of streams is not allowed under this nationwide permit (NWP). Bank stabilization activities along one bank of a stream are permitted, including bank sloping and/or riprapping.

2. The redirection of flow by excavation of the opposite bank of a stabilization project or a stream channel bed is considered a channel modification and is prohibited by this NWP.

NATIONWIDE PERMIT 14
Linear Transportation Projects

1. Culverts authorized as part of the project by this permit shall not exceed the base width of the stable roadbed to include width allowed for special pedestrian crossings.

2. No culvert or stream crossing shall create an impediment to the passage of fish or other aquatic life.

3. When repairing, rehabilitating or replacing low water crossings in a situation where discharges of fill or dredged material would raise or lower elevation of the crossing by a total of 12 inches or more, or when removing the structure, the permittee must propose and employ measures to mitigate the potential impact of impounding gravel above the low water crossing or of releasing impounded gravel downstream of the structure. Such mitigation might include removing impounded gravel in the unstable area upstream of the low water crossing to prevent it from being transported downstream and/or constructing a notched weir to slow the release of impounded gravel from upstream of the low water crossing.

4. Where this nationwide permit is used to authorize bridge and culvert structures, stream channel work is limited to a maximum of 50 feet upstream and a maximum of 50 feet downstream of the bridge or culvert. For purposes of this condition, channel modifications are any activity that alters the width, depth, length and/or sinuosity of a waterway.

5. This condition applies to any regulated activity which involves the construction of a new or replacement culvert on a Class P or C stream in Missouri. All culverts must be designed to allow the natural passage of aquatic organisms. The culvert design must mimic the natural shape and flow of the channel. For all triple cell culverts on Class P and C streams, the opening of the center culvert must be slightly lower than the adjacent culverts to concentrate low flows for the passage of aquatic organisms. Class P and C streams in Missouri can be found at http://www.sos.mo.gov/adrules/csr/current/10csr/10c20-7c.pdf.

NATIONWIDE PERMIT 16
Return Water From Upland Contained Disposal Areas

1. Prior to commencing any dredging activity, the applicant shall acquire a Missouri General Permit 69 for Dredging Lakes/River Harbors if the activity is described as the same. All terms for compliance with the Missouri General Permit 69 are incorporated into the water quality certification. Applications for Missouri General Permit 69 may be obtained by contacting the Missouri Department of Natural Resources at (573) 751-1300.

NATIONWIDE PERMIT 19
Minor Dredging

1. Prior to commencing any dredging activity, the applicant shall acquire a Missouri General Permit 69 for Dredging Lakes/River Harbors, if the activity is described as the same. All terms for compliance with the Missouri General Permit 69 are incorporated into the water quality certification. Applications for Missouri General Permit 69 may be obtained by contacting the Missouri Department of Natural Resources at (573) 751-1300.

NATIONWIDE PERMIT 20
Oil Spill Cleanup

1. Since oil spill cleanup can have many specific tasks or processes involved which may require the acquisition of separate general or site specific permits, all applicants shall contact the Water Protection Program, NPDES Permits and Engineering Section, at (573) 751-6825 to determine any specific requirements. Compliance with requirements, if any, of those permits shall also be part of the water quality certification conditions.

NATIONWIDE PERMIT 22
Removal of Vessels

1. Use of this nationwide permit in Missouri is limited to removal actions only and shall not be used for any disposal of vessels.

NATIONWIDE PERMIT 33
Temporary Construction, Access and Dewatering

1. The use of this nationwide permit shall be limited to impacts of 6 months or less in duration.

2. Any removal of accumulated gravel upstream of a bridge or crossing shall be limited to the quantity necessary to relieve any obstruction or to protect downstream habitat.

NATIONWIDE PERMIT 36
Boat Ramps

1. No project shall be constructed in, or immediately upstream of, any known mussel beds. The Missouri Department of Conservation shall be consulted at (573) 882-9880 to determine if any known beds are present.

2. Any waste concrete or concrete rinsate shall be disposed of in a manner that does not result in any discharge to the jurisdictional waterways.

NATIONWIDE PERMIT 40
Agricultural Activities

1. No farm ponds may be constructed under this nationwide permit within those waters designated as Class P or Class C in the state's Water Quality Standards Regulations (10 CRS 20-7.031, Table H at www.sos.mo.gov/adrules/csr/current/10csr/10c20-7c.pdf).

NATIONWIDE PERMIT 41
Reshaping Existing Drainage Ditches

1. Material from the reshaping activities shall not be sidecast into any jurisdictional waters for more than one month.

NATIONWIDE PERMIT 42
Recreational Facilities

1. The vegetated corridor to be maintained from the high bank on either side of the jurisdictional channel may be used in part for the construction of public recreational trails, including those constructed to standards set by the Americans with Disabilities Act (ADA).

NATIONWIDE PERMIT 43
Stormwater Management Facilities

1. No new or expanded stormwater management facilities may be constructed under this nationwide permit unless the storage facilities are located off-channel.

NATIONWIDE PERMIT 47
Pipeline Safety Program Designated Time Sensitive Inspections and Repairs

1. Material resulting from activity may not be temporarily sidecast into waters of the state for more than one month.