



Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

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May 15, 2006

Mr. Joseph Hughes, Chief
U.S. Army Corps of Engineers
Kansas City District
Regulatory Section
700 Federal Building
Kansas City, MO 64106-2896

Lake of the Ozarks
in Benton, Camden, Miller
& Morgan Counties
PN05-01994/CEK002855
GP-38M

Dear Mr. Hughes:

The Missouri Department of Natural Resources' Water Protection Program has reviewed Public Notice Permit No. PN05-01994 (NWKGP-38M)/CEK002855 in which the applicant, in cooperation with AmerenUE, is seeking to reissue this General Permit. The General Permit authorizes various shoreline development activities including common excavation, dredging, fill activities, and other work lakeward of the ordinary high water mark (OHWM) of the Lake of the Ozarks at elevation 658.5 Union Electric Datum (UED) in Benton, Camden, Miller and Morgan Counties.

This office certifies that the ongoing activities apparently will not cause the general or numeric criteria to be exceeded nor impair beneficial uses established in Water Quality Standards, 10 CSR 20-7.031, provided the enclosed, as well as the following, conditions are met:

1. 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.
2. 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.
3. Clearing of vegetation/trees shall be the minimum necessary to accomplish the activity.
4. Only clean, nonpolluting fill shall be used. Materials containing creosote, pentachlorophenol or other toxics shall not be used.
5. This certification strictly prohibits any work in adjacent wetlands and tributaries above elevation 658.5.



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6. The following materials are not suitable for bank stabilization and should 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 majority of material is less than 12 inches in diameter, 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; and
 - d. Liquid concrete, including grouted riprap, if not placed as part of an engineered structure.

Recycled concrete may be used provided that it is clean material broken into appropriately sized pieces (greater than 12 inches) of riprap with no protruding rebar.

7. The filling of jurisdictional springs is prohibited.

If you were affected by this decision, you may appeal to have the matter heard by the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty (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 administrative hearing commission.

Water Quality Standards must be met during any operations authorized by these permits. If you have any questions, please contact Mr. Don Boos of the NPDES Permits and Engineering Section at (573) 751-1404, e-mail don.boos@dnr.mo.gov, or by mail at Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Refaat Mefrakis, P.E.
NPDES Storm Water Permit Unit Chief

RM/dbp

- c: Mr. Jerry Hogg, Ameren UE
Mr. Mel Stanford, Army Corps of Engineers, Kansas City District, Truman Satellite Office
DNR – KCRO
DNR - SWRO