US Army Corps of Engineers
Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435
www.mvk.usace.army.mil

General Permit

FILE NO.: GENERAL PERMIT - 32
DATE: May 6, 2009
EXPIRES: May 6, 2014

FOR: CONSTRUCTION OF MINOR DRAINAGE STRUCTURES IN WATERS OF THE UNITED STATES AND THE ASSOCIATED DISCHARGE OF DREDGED AND/OR FILL MATERIAL

WHERE: REGULATORY JURISDICTION OF THE VICKSBURG DISTRICT IN ARKANSAS, LOUISIANA, AND MISSISSIPPI

BY WHOM: DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE GENERAL PUBLIC

The Vicksburg District is hereby issuing a Department of the Army General Permit for the construction of minor drainage structures and for the associated discharge of dredged and/or fill material into waters of the United States within the regulatory jurisdiction of the Vicksburg District, in the States of Arkansas, Louisiana, and Mississippi. Widely used minor drainage structures include, but are not limited to, cantilever overfall pipes, drop inlet structures, water level control structures, and grade and erosion control structures. A map of the Vicksburg District (enclosure 1) and typical drawings (enclosure 2) are enclosed.

This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, application will be required for individual permits. Construction, dredging, or fill operations not specifically covered by this General Permit are prohibited unless authorized by a separate permit.

This action is being taken pursuant to Federal regulations printed in the Federal Register on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

General Permits may be issued for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, state, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal. The determination that the proposed activities comply with the requirements for issuance of General Permits was made using information which is available for inspection at the offices of the Vicksburg District's Regulatory Branch at 4155 Clay Street, Vicksburg, Mississippi.

In compliance with requirements of Section 401 of the Clean Water Act, the Vicksburg District has obtained water quality certifications from the Arkansas Department of Environmental Quality, the Louisiana Department of Environmental Quality, and the Mississippi Department of Environmental Quality, stating that the work authorized by the proposed General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Act. Copies of the certifications with required conditions are enclosed (enclosure 3).

Authorization to conduct work under this General Permit will not negate the responsibility of the applicant to obtain other State or local authorizations or permits required by law for the proposed activity.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PERSONS PROPOSING THE WORK ARE REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION AT LEAST 45 DAYS PRIOR TO CONDUCTING THE WORK:

a. State the number of the General Permit under which the work is to be conducted. (General Permit - 32)

b. Statement that the work will be conducted in compliance with the terms and conditions of the General Permit and will not adversely impact adjoining properties.

c. Location map showing the proposed worksite (including section, township, range, county or parish, and state).

d. Drawing of any proposed structures, including dimensions and amounts of excavated and fill material in cubic yards.

e. A brief description of the present condition of the project site and the proposed activity, its purpose, and intended use.

f. Estimated starting and completion dates of construction.

g. Name, mailing address, and telephone number of (person/agency) applying for authorization.

Upon receipt of this information, the District Engineer will advise the inquiring party, in writing, either that the work is authorized under the General Permit; will request additional information, if needed; or will advise that the proposed activity will require an individual permit.

Special Conditions:

a. The authorized structures shall not extend into the channel of the receiving stream so as to interfere with navigation (including recreational boating) or adversely affect the flow-carrying capacity of the receiving stream.

b. The pipe structure shall be covered with at least 1.5 feet of fill material.

c. The amount of material used for fill shall not exceed 1,000 cubic yards. In Louisiana: If fill material is to be removed from a state-owned water body, the applicant must contact the Louisiana Department of Wildlife and Fisheries for fee charges.

d. The fill material shall be compacted upon completion of construction. The site shall be naturally revegetated, seeded or sodded, as necessary, to restore cover and prevent erosion. In areas subject to currents, riprap may be required for slope protection.

e. Material used for fill may be obtained from site preparation. Additional fill shall be obtained from an upland source and must be nonpolluting, in conformance with l., below. Additional material shall not be obtained from any wetland or any area which will affect an adjacent wetland.

f. No activity which may adversely impact a site listed in or eligible for listing in the National Register of Historic Places shall be allowed by this General Permit. Additional material shall not be taken from a known historical or archaeological site such as an Indian Mound. If the permittee, during prosecution of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Department of the Army jurisdiction, he shall immediately notify the District Engineer. The District Engineer, in consultation with the appropriate State Historic Preservation Officer and the Tribal Archaeologists, will comply with 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

g. Authorized structures shall not increase the frequency, duration, or elevation of floodwaters on adjoining property.

h. This General Permit does not authorize the construction of greentree reservoirs.

i. If damage to a revetment occurs as a result of work in accordance with this General Permit, the permittee shall be required to make necessary repairs at his own expense. These repairs must meet specifications designated by the District Engineer.

j. The discharge shall not occur in a component of the National Wild and Scenic River System, or in a component of a State Natural and Scenic River System, without the appropriate Federal or State authorization. Within the State of Arkansas, activities conducted on state owned natural areas require authorization from the Arkansas Natural Heritage Commission.

k. The discharge shall not occur in a Coastal Zone Management Area without the appropriate State and Federal authorization. The coastal zone approval from state and federal agencies shall be submitted with the request for authorization under this General Permit. In order to be authorized by this General Permit, for work in Hancock County, Mississippi, or St. Tammany Parish, Louisiana, persons proposing work are required to send complete plans to the appropriate state at one of the following addresses:

Mississippi Department of Marine Resources
Suite 101
1141 Bayview Avenue
Biloxi, Mississippi 39530

Louisiana Department of Natural Resources
Coastal Management Division
Post Office Box 44487
Baton Rouge, Louisiana 70804-4487

l. Dredged, excavated, or fill material used for construction shall be nonpolluting material, in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.

m. All construction activity shall be performed in a manner that will minimize increased turbidity of the water in the work area and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons.

n. All material not used as backfill shall be placed upland and no runoff water from these disposal sites will be allowed to enter the waterway or adjacent wetlands.

o. The discharge shall not be located so as to adversely affect a public water supply intake or a national fish hatchery intake.

p. The discharge shall not contain unacceptable levels of pathogenic organisms in areas used for sports involving physical contact with the water.

q. The discharge shall not occur in areas of concentrated shellfish beds or in an area that could have significant adverse effects on a nearby concentrated shellfish bed.

r. No activity that is likely to adversely affect Federally listed threatened or endangered species, or that is likely to destroy or adversely modify the critical habitat of such species, is authorized under this General Permit.

s. The construction activity shall not result in the relocation or blockage of a natural stream or river channel, or adversely impact or drain wetlands.

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

u. No work shall be performed within the boundaries of a National or State wildlife refuge, game management area, or similar area without the specific authorization of the facility manager or an appropriate managing agency official.

v. No activity shall substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area.

w. Authorized discharges shall not occur in sites that will adversely affect areas supporting tidal waters or tidally-influenced wetlands.

General Conditions:

a. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition b., below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this authorization from this office, which may require restoration of the area.

b. If you sell the property associated with the authorization under this General Permit, you must contact this office so that the authorization can be transferred to the new owner.

c. You must allow representatives from this office to

inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

d. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

e. This permit does not grant any property rights or exclusive privileges.

f. This permit does not authorize any injury to the property or rights of others.

g. This permit does not authorize interference with any existing or proposed Federal project.

h. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities, or from natural causes.

(2) Damages to the permitted project, or uses thereof, as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

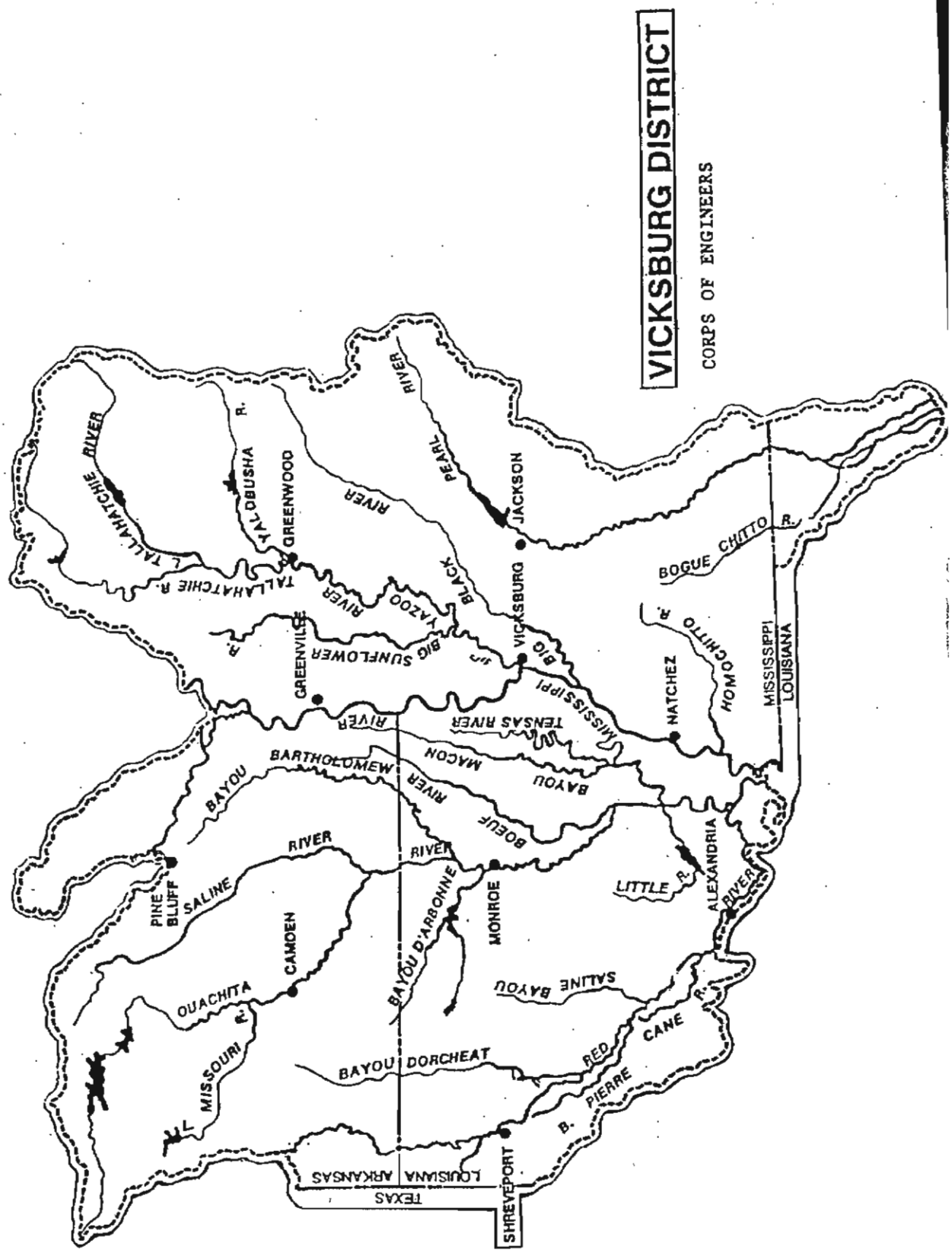
i. In issuing individual authorization under this General Permit, the Government will rely on the information and data which the permittee provides in connection with his permit application. If, subsequent to the authorization, such information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

j. This General Permit is valid for 5 years. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

Additional copies of this notice are available upon request from this office. Requests may be addressed to the USACE, Attention: Regulatory Branch, 4155 Clay Street, Vicksburg, Mississippi 39183-3435.

Michael F. McNair, R.F.
Chief, Regulatory Branch

Enclosures



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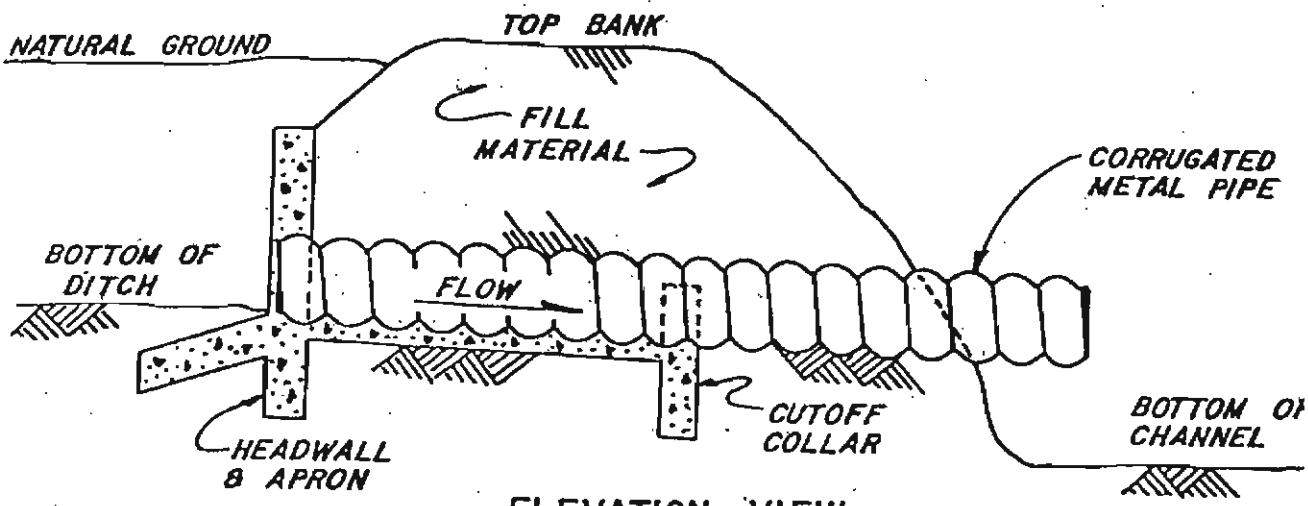
GENERAL PERMIT - 32

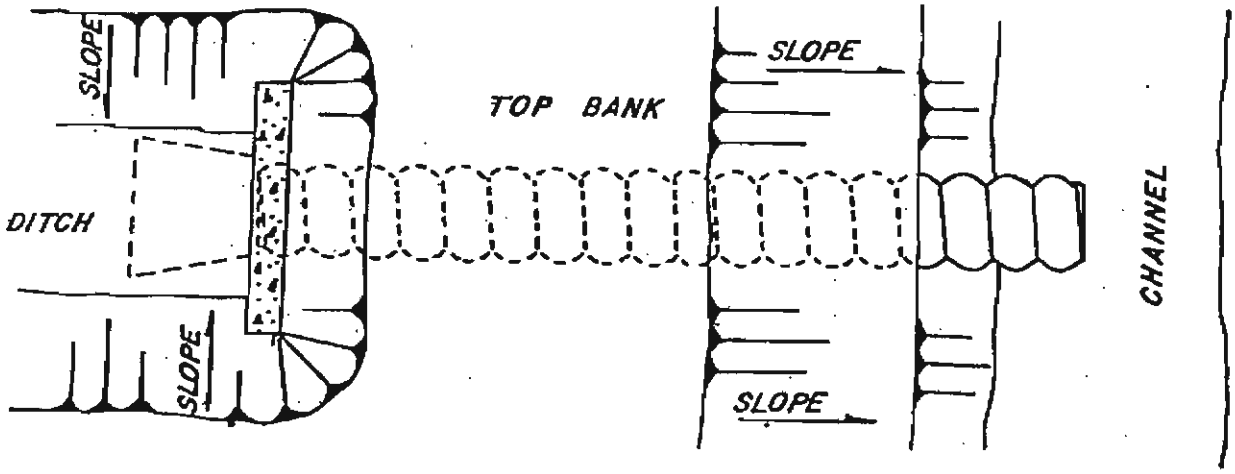
ENCLOSURE 1

TYPICAL OVERFALL PIPE



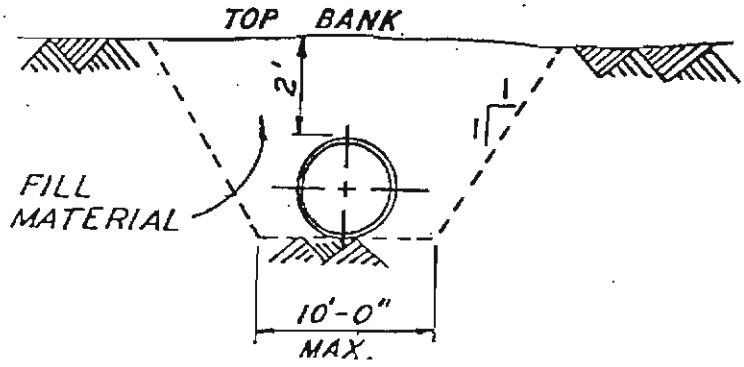
ELEVATION VIEW

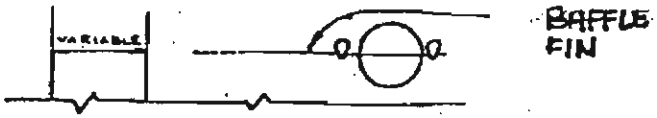
NO SCALE



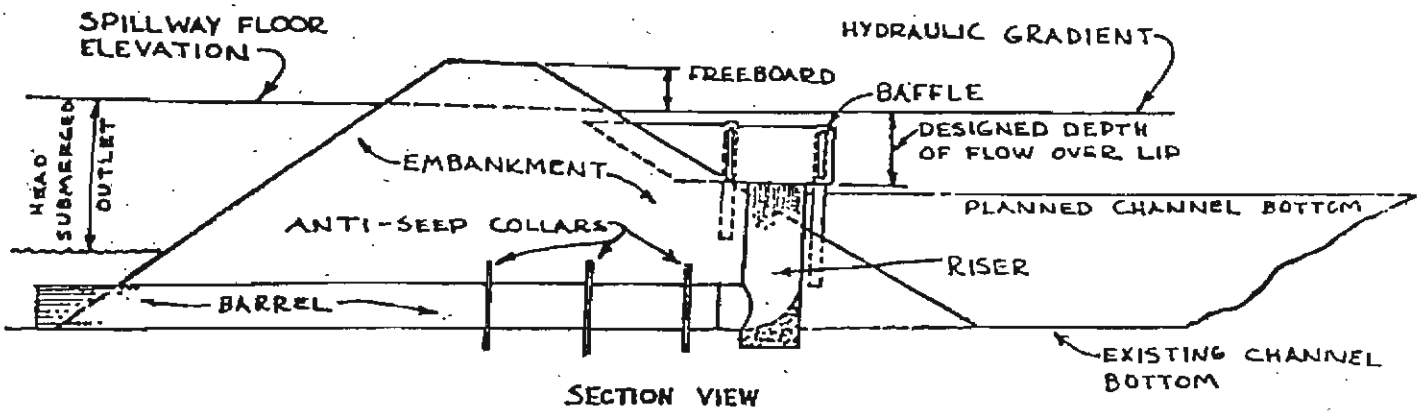
PLAN VIEW

NO SCALE





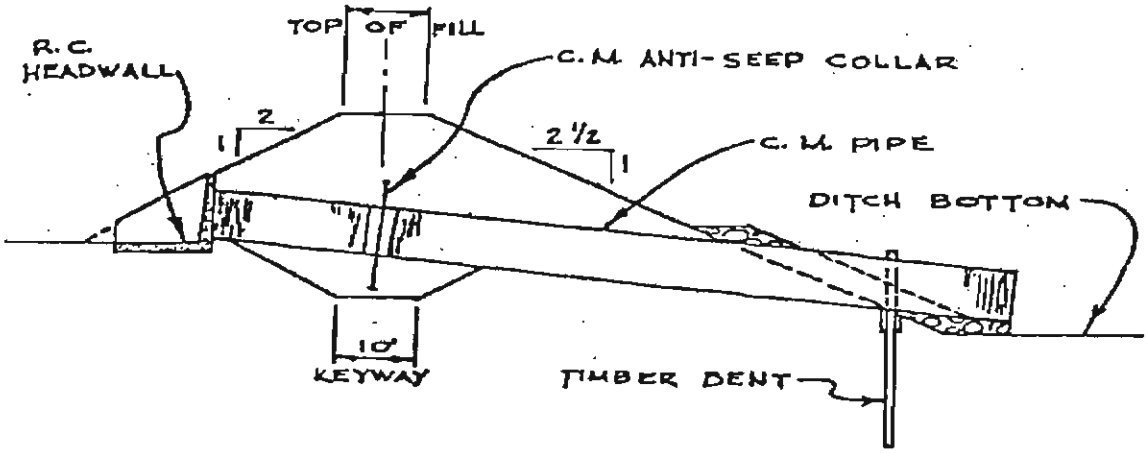
PLAN VIEW OF BAFFLE AND RISER



SECTION VIEW

DROP INLET STRUCTURE

NO SCALE



SECTION ALONG CENTERLINE
GRADE CONTROL STRUCTURE

ADEQ

A R K A N S A S
Department of Environmental Quality

March 16, 2009

Colonel Michael C. Wehr, District Engineer
U.S. Army Corps of Engineers
4155 Clay Street
Vicksburg, MS 39183-3435

RE: Public Notice: Re-issuance of General Permit 32: MVK-2009-78

Dear Colonel Wehr:

The Arkansas Department of Environmental Quality ("ADEQ") has completed its review of the above referenced public notice for re-issuance of the U.S. Army Corps of Engineers General Permit 32 for the State of Arkansas.

ADEQ has determined that there is a reasonable assurance that this activity will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's Regulation No. 2, will not physically alter a significant segment of a waterbody and will not violate the water quality criteria.

Pursuant to §401(a)(1) of the Clean Water Act, the ADEQ hereby **issues** water quality certification for this project contingent upon the following conditions:

1) Individual Water Quality Certification requests must be submitted to ADEQ for any activity impacting Extraordinary Resource Waters, Ecologically Sensitive Waters, and Natural and Scenic Waters as identified in Regulation # 2.
2) The applicant shall contact ADEQ for a Short Term Activity Authorization needs determination for activities that have the potential to violate water quality criteria.
3) The applicant shall comply with NPDES Storm Water Program requirements.

Please contact Bob Singleton of the Water Division at (501) 682-0645 if you have any questions regarding this certification.

Sincerely,

Teresa Marks
Director

cc: Mr. David Lofton, Chief, Permits Section, Regulatory Branch, Vicksburg COE
Ms. Jennifer Mallard, Evaluator, Permits Section, Vicksburg COE
Wanda Boyd, Region VI, Environmental Protection Agency

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
5301 NORTHSHORE DRIVE / NORTH LITTLE ROCK / ARKANSAS 72118-5317 / TELEPHONE 501-682-0744 / FAX 501-682-0880
www.adeq.state.ar.us

03-26-09P12:06 RCVD

BOBBY JINDAL
GOVERNOR

HAROLD LEGGETT, PH.D.
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

APR 24 2009

U.S. Army Corps of Engineers- Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435

Attention: Jennifer Mallard

RE: Water Quality Certification (WQC 090217-02/AI 104540/CER 20090001)
Corps of Engineers Permit (MVK-2009-78)
Reissuance of Vicksburg District General Permit #32

Dear Ms. Mallard:

The Department has reviewed your revised application to extend the time limit of activities covered under Vicksburg District General Permit #32 for an additional 5 years.

The requirements for Water Quality Certification have been met in accordance with LAC 33:IX.1507.A-E. Based on the information provided in your application, we have determined that the placement of the fill material will not violate the water quality standards of Louisiana provided for under LAC 33:IX.Chapter 11. Therefore, the Department has issued a Water Quality Certification.

Sincerely,

Thomas F. Harris
Administrator
Waste Permits Division

TFH/jjp

STATE OF MISSISSIPPI
HALEY BARBOUR
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
TRUDY D. FISHER, EXECUTIVE DIRECTOR

March 6, 2009

Certified Mail No. 7008 3230 0002 4061 5140

Mr. David Lofton
Chief, Permit Section, Regulatory Branch
U.S. Army Corps of Engineers, Vicksburg District
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Dear Mr. Lofton:

Re: US Army COE, Vicksburg District, General Permit 32
Warren County
COE No. MVK-2009-78
WQC No. 2009004

Pursuant to Section 401 of the Federal Water Pollution Control Act (33 U. S. C. 1251, 1341), the Office of Pollution Control (OPC) issues this Certification, after public notice and opportunity for public hearing, the U.S. Army Corps of Engineers, Vicksburg District, an applicant for a Federal License or permit to conduct the following activity:

> US Army COE, Vicksburg District, General Permit 32: U.S. Army Corps of Engineers, Vicksburg District: Proposed reauthorization of General Permit 32. General Permit 32 is intended for regulated activities associated with construction of drainage structures and the associated discharge of dredged and/or fill material into waters of the United States within the regulatory jurisdiction of the Vicksburg District in the States of Arkansas, Louisiana, and Mississippi. Widely used drainage structures include, but are not limited to, cantilever overfall pipes, drop inlet structures, water level control structures, and grade and erosion control structures. Construction activities are described in the Public Notice for the reissuance of General Permit 32. [GP-32, MVK-2009-78, WQC2009004]

The Office of Pollution Control certifies that the above-described activity will be in compliance with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act and Section 49-17-29 of the Mississippi Code of 1972, if the applicant complies with the following conditions:

OFFICE OF POLLUTION CONTROL
POST OFFICE BOX 2261 • JACKSON, MISSISSIPPI 39225-2261 • TEL: (601) 961-5171 • FAX: (601) 354-6612 • www.deq.state.ms.us
AN EQUAL OPPORTUNITY EMPLOYER

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

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

The Office of Pollution Control also certifies that there are no limitations under Section 302 nor standards under Sections 306 and 307 of the Federal Water Pollution Control Act which are applicable to the applicant's above-described activity.

This certification is valid for the activity as proposed. Any deviations without proper modifications and/or approvals may result in a violation of the 401 Water Quality Certification. If we can be of further assistance, please contact us.

Sincerely,

Harry M. Wilson, P.E., DEE
Chief, Environmental Permits Division

HMW: rhs

cc: Ms. Willa Brantley, Department of Marine Resources
Mr. Paul Necaise, U.S. Fish and Wildlife Service
Mr. Duncan Powell, Environmental Protection Agency
Ms. Janet Riddell, Office of Budget & Fund Management