



Pearl River Basin, Mississippi, Federal Flood Risk Management Project

Appendix O - Water Quality Certification



June 2024

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From: [MDEQ](#)
To: [Day, David J CIV USARMY CEMVN \(USA\); cbarefoot@mdeq.ms.gov](#)
Subject: [Non-DoD Source] Pre-filing Meeting Request for Pearl River Basin, Mississippi Federal Flood Risk Management Project Draft Environmental Impact Statement
Date: Friday, April 26, 2024 4:04:30 PM

The Pre-filing Meeting Request for Pearl River Basin, Mississippi Federal Flood Risk Management Project Draft Environmental Impact Statement has been submitted. Please be aware - If this was submitted on a weekend, holiday, or after 5 PM on a weekday, it will be received on the next business day. If you need any assistance, please contact Carrie Barefoot at 601.961.5249.

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This e-mail was sent from a contact form on MDEQ (Blocked<http://mdeq.ms.gov>)



From: [Florance Bass](#)
To: [Day, David J CIV USARMY CEMVN \(USA\)](#)
Subject: [Non-DoD Source] 401 WQC information
Date: Friday, June 23, 2023 2:15:36 PM

This is the general information for a 401 WQC. There is a link for a 401 Pre-file Meeting request, too.

<https://www.mdeq.ms.gov/permits/environmental-permits-division/about-epd/401-water-quality-certification/>

This link has the regulations for water quality certification. The definitions are in the first chapter. We have definitions for feasible alternatives and mitigation. The meat of the 401 WQC regulations start on page 140 to the end of the document.

<https://www.mdeq.ms.gov/about-mdeq/regulations/wastewater-pollution-control-regulations/>

Section 1 Florance Bass, P.E., BCEE
401/Stormwater Technical Lead Support
Environmental Permit Division





From: [Day, David J CIV USARMY CEMVN \(USA\)](#)
To: ["Florance Bass"](#)
Subject: RE: 401 WQC information
Date: Friday, June 23, 2023 2:47:00 PM

Good Afternoon Florance,
Thank you very much for this information.
Also thank you for the meeting invite to discuss with MDEQ regarding the WQC process.
Please do not hesitate if you need anything from me!
Thank you,
David

David Day, M.S.
Biologist/ HTRW Specialist
U.S. Army Corps of Engineers
New Orleans District
7400 Leake Avenue
New Orleans, Louisiana 70118



Section 2 Environmental Permit Division





From: [Florance Bass](#)
To: [Day, David J CIV USARMY CEMVN \(USA\)](#)
Subject: [Non-DoD Source] USACE, Pearl River Basin Mississippi, Federal Flood Risk Management Project
Date: Friday, September 15, 2023 12:36:57 PM

Mr. Day,

Thank you for taking the time to meet with me for a prefile meeting on July 11, 2023, for the Pearl River Basin Federal Flood Risk Management Project. To recap our meeting, please address the following as part of your application for Section 401 Water Quality Certification (WQC):

MDEQ's regulations and scope of review (begins on pg. 143 and definitions to reference are on pages 11 and 12) for WQC are found here: <https://www.mdeq.ms.gov/wp-content/uploads/2017/06/11-Miss.-Admin.-Code-Pt.-6-Ch.-1.pdf>

MDEQ's Water Quality Criteria are found here: https://www.mdeq.ms.gov/wp-content/uploads/2022/02/11-Miss.-Admin.-Code-Pt.-6-Ch.-2_MCEQ-Adopted-07-27-2021_EPA-Approved-12-17-2021-1.pdf

A.) Please address the Scope of Review for Water Quality Certifications as outlined in 11 Miss. Admin Code, Title 11, Part 6, Chapter 1, Subchapter 3 and provided below.

Factors:

- (1) feasible alternatives to the activity;
- (2) mitigation;
- (3) initial and secondary impacts on all existing and all classified uses of the waters of the State;
- (4) degree of compliance of the proposed activity with the State of Mississippi Water Quality Criteria for Intrastate, Interstate, and Coastal Waters;
- (5) degree of physical, chemical, and biological impacts on waters of the State;
- (6) the effect on circulation patterns and water movement on waters of the State;
- (7) degree of alteration of the aquatic ecosystem;
- (8) degree of consistency with approved water quality management plans adopted by the Commission;
- (9) storm water management;
- (10) compliance history of the applicant;
- (11) any other factors deemed to be necessary by the Department to protect water quality.



Basis for Denial:

(1) The proposed activity permanently alters the aquatic ecosystem such that water quality criteria are violated and/or it no longer supports its existing or classified uses. An example is the channelization of streams.

(2) There is a feasible alternative to the activity which reduces adverse consequences on water quality and classified or existing uses of waters of the State.

(3) The proposed activity adversely impacts waters containing State or federally recognized threatened or endangered species. 145

(4) The proposed activity adversely impacts a special or unique aquatic habitat, such as National or State Wild and Scenic Rivers and/or State Outstanding Resource Waters.



(5) The proposed activity in conjunction with other activities may result in adverse cumulative impacts.

(6) Nonpoint source/storm water management practices necessary to protect water quality have not been proposed.

(7) Denial of wastewater permits and/or approvals by the State with regard to the proposed activities.

(8) The proposed activity results in significant environmental impacts which may adversely impact water quality.

B.) Once all impacts have been avoided and minimized to the greatest extent practicable, a Large Construction NOI and SWPPP (for projects disturbing 5 acres or greater) should be provided and addressed as a part of A(9) above. You may find additional information at www.mdeq.ms.gov/construction-stormwater.

C.) Please provide a copy of all comments received during the public notice period and provide a response to these comments as a part of A(11) above.

D.) Additional permitting issues may be identified during the review process that may affect water quality. Please note MDEQ may request additional information as part of these identified permitting issues.

Once the above items have been addressed, the project proponent must submit to MDEQ and the U.S. Army Corps of Engineers an official request for Section 401 Water Quality Certification. Below are the 9 items that need to be addressed for the 401 Certification Requests (40 CFR 121.5(b) Certification Request). This request should be signed by the project proponent.

- 1) Identify the project proponent(s) and a point of contact;
- 2) Identify the proposed project;
- 3) Identify the applicable federal license or permit;
- 4) Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters;
- 5) Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge;
- 6) Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received;
- 7) Include documentation that pre-filing meeting request was submitted to the certifying authority



at least 30 days prior to submitting the certification request;

8) Contain the following statement: “The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief; and

9) Contain the following statement: “The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time”.

Thank you again for your time. Should have any questions while compiling this information or need additional assistance, please feel free to contact me at the number below or by email.



Florance Bass, P.E., BCEE
401/Stormwater Technical Lead Support
Environmental Permit Division
[REDACTED]



Mississippi Valley Division,
Regional Planning and Environment Division South