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Hello Mr. Piefke,

Thank you for taking the time to meet with me for a prefile meeting November 4, 2024 for the Arkabutla Dam Safety Modification Study. As discussed during the meeting, you will need to address the requirements outlined in the 401 Water Quality Certification (WQC) regulations. 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](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)

To recap our meeting, please provide the following:

1. As outlined in 40 CFR 121.5, to request a Section 401 WQC, you will need to provide the following information:
  - a. A letter requesting Water Quality Certification that is dated and signed by the applicant (i.e., project proponent);
  - b. A copy of the Federal license or permit application submitted to the Federal agency; and
  - c. Any readily available water quality-related materials that informed the development of the application (see item 2 below).
2. Regulations found in 11 Miss. Admin. Code, Title 11, Part 6, Chapter 1, Subchapter 3 identify the water quality related materials needed for consideration in an application for WQC.
  - a. Rule 1.3.2 identifies information that must be included in the application for WQC. Please address items 1-6 in Rule 1.3.2 listed below. To be deemed complete by the Department, all applications for certification shall at a minimum contain the information that follows:
    1. the name, address, phone numbers, principal place of business of the applicant and, if applicable, the name and address of the agent for the applicant;
    2. a complete description of the proposed activity, including the location, adjacent water body(s), purpose and intent of the project, maps, drawings, and plans (detailed engineering plans and specifications are not required);

3. a description of all proposed discharges and/or other activities associated with the proposed activity, including planned or proposed future development by the applicant;
  4. a description of the composition, source, and quantity of any material to be dredged or used as fill and a description of the area to be impacted;
  5. the method of dredging or filling and specific plans for disposal and control of dredge spoils; and
  6. the names and addresses of adjacent property owners.
- b. Rule 1.3.4 identifies the Scope of Review for Application Decisions. The items listed below must be addressed:

**Rule 1.3.4.A - 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.

**Rule 1.3.4 B. - 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.
  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.
3. During the meeting, we discussed additional permits from MDEQ that may be required. These include, but are not limited to, amendments to existing permits or additional permits from the MDEQ's Office of Land and Water, Dam Safety Division and a Large Construction Stormwater General Permit for work to be conducted at or near the dam. In addition, soil borrow areas may require a Surface Mining permit from MDEQ's Office of Geology. You can contact James Matheny at (601) 961-5527 for more information. If a surface mining permit is required for the borrow area, a Mining Stormwater General Permit will also be required.
4. During the meeting, it was discussed that post-construction storm water runoff from impervious surfaces must be addressed as a part of Rule 1.3.4.A – Factor (9) above. At minimum, the first ½ inch of runoff from impervious surfaces (e.g., roads, sidewalks, parking, etc.) must be treated by infiltration, evaporation, or other approved method prior to discharge into state waters. Recommended design criteria to meet these requirements are attached. A post-construction storm water management plan should be developed that addresses each item under the proposed best management practice (i.e., wet detention systems, dry retention systems, swale systems, etc.) found in the design criteria document. This plan should also include, but is not limited to the following:
- a. Runoff calculations,
  - b. Detention volume calculations,
  - c. Post-construction contours,
  - d. Flow rate and velocity calculations,
  - e. Outfall structure details,
  - f. Building requirements/placement,
  - g. Drainage area details, and
  - h. Maintenance plan.
9. During the meeting we discussed the Coldwater River is subject to a Total Maximum Daily Load (TMDL) for Fecal Coliforms. This should be considered in your application for certification. It was also recommended to determine if there

are any watershed management plans in effect for the project area.

10. During the meeting it was discussed that wastewater approvals should be provided and addressed as a part of Rule 1.3.4 B. - Basis for Denial (7) above. The USACE holds two active permits for treated wastewater discharge in or around the project area:
  - a. MS0020656 – USACOE Arkabutla N Abutment, discharging to the Spillway Channel.
  - b. MS0040673 – USACOE Bayou Pt-Arkabutla Lake, discharging to Coldwater River.
3. During the meeting the timeline of the project was discussed, and it was determined this meeting should be repeated when design plans are closer to completion. USACE would like to complete the WQC process during the Preconstruction, engineering, and design (PED) phase and MDEQ agrees with this approach.
4. Provide a copy of all comments received during the public notice period and provide a response to these comments as a part of Rule 1.3.4.A Factors (11) above (listed under 2b).

Should you have further questions, you may contact Carrie Barefoot, 401 WQC/Stormwater Branch Manager, at (601) 961-5249.

Best Regards,

Amy

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