



Pearl River Basin, Mississippi, Federal Flood Risk Management Project



Appendix O - Water Quality Certification

July 2025

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From: [Carrie Barefoot](#)
To: [Day, David J CIV USARMY CEMVN \(USA\)](#)
Cc: [Abram Orlansky](#); [Becky Simonson](#); [Keith W. Turner](#); [Parker Knotts](#); [Shaw, Thomas R Jr CIV USARMY CEMVK \(USA\)](#); [Kay Whittington](#); [Thomas Wallace](#); [Emery, Jason A CIV USARMY CEMVN \(USA\)](#); [Adrien Perkins](#)
Subject: [Non-DoD Source] RE: Pre-filing Meeting Request for Pearl River Basin, Mississippi Federal Flood Risk Management Project
Date: Friday, April 11, 2025 1:57:37 PM
Attachments: [image001.png](#)

Hi David,

We'll be happy to set up a time to meet to discuss the WQC process and timeline. Other than the WQC process are there other topics you'd like to discuss? Just trying to figure out who to include from MDEQ? If you'll let me know these things and the folks on your end that you want to be included in the meeting, I'll get some availabilities from everyone and get it scheduled.

Thank you,
Carrie

Carrie Barefoot, P.E.
Manager, 401/Stormwater Branch
MDEQ – Environmental Permits Division
P.O. Box 2261, Jackson, MS 39225
515 E. Amite Street, Jackson, MS 39201
Office: (601) 961-5249

From: Day, David J CIV USARMY CEMVN (USA) <David.J.Day@usace.army.mil>
Sent: Thursday, April 10, 2025 5:11 PM
To: Carrie Barefoot <CBAREFOOT@mdeq.ms.gov>
Cc: Abram Orlansky <aorlansky@watkinseager.com>; Becky Simonson <BSIMONSON@MDEQ.MS.GOV>; Keith W. Turner <kturner@watkinseager.com>; Parker Knotts <PKNOTTS@MDEQ.MS.GOV>; Shaw, Thomas R Jr CIV USARMY CEMVK (USA) <Thomas.R.Shaw@usace.army.mil>; Kay Whittington <kwhittington@mdeq.ms.gov>; Thomas Wallace <TWALLACE@mdeq.ms.gov>; Emery, Jason A CIV USARMY CEMVN (USA) <Jason.A.Emery@usace.army.mil>
Subject: RE: Pre-filing Meeting Request for Pearl River Basin, Mississippi Federal Flood Risk Management Project

Good Evening Carrie,
Hope all is well.

Since our last meeting in August 2024, we have updated our Scope of Work including the addition of features within alternatives as well as renaming alternatives. The attached is a draft version of the scope of work. We are actively updating this document so when a newer version is developed I will make sure a version is shared with MDEQ. I would like to set up a meeting to discuss the WQC process again as well as go over the project once more.

Appendix O: Water Quality
Pearl River Basin Mississippi Federal Flood Risk Management Project

Thank you,
David

David Day, M.S.
Plan Formulator
U.S. Army Corps of Engineers
New Orleans District
7400 Leake Avenue
New Orleans, Louisiana 70118
☎ (504) 862-1014
Email Address: David.J.Day@usace.army.mil

From: Carrie Barefoot <CBAREFOOT@mdeq.ms.gov>
Sent: Monday, August 12, 2024 1:49 PM
To: Day, David J CIV USARMY CEMVN (USA) <David.J.Day@usace.army.mil>
Cc: Abram Orlansky <aorlansky@watkinseager.com>; Becky Simonson <BSIMONSON@MDEQ.MS.GOV>; Keith W. Turner <kturner@watkinseager.com>; Parker Odom <PODOM@MDEQ.MS.GOV>; Shaw, Thomas R Jr CIV USARMY CEMVK (USA) <Thomas.R.Shaw@usace.army.mil>; Kay Whittington <kwhittington@mdeq.ms.gov>; Thomas Wallace <TWALLACE@mdeq.ms.gov>
Subject: [Non-DoD Source] RE: Pre-filing Meeting Request for Pearl River Basin, Mississippi Federal Flood Risk Management Project

Hi David,

Thank you for taking the time to meet with us for a prefile meeting on August 12, 2024, with regard to the Pearl River Basin, Mississippi Federal Flood Risk Management Project. 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_MCEO-Adopted-07-27-2021_EPA-Approved-12-17-2021-1.pdf

To summarize our discussion with regard to the timing of a Water Quality Certification application, we would anticipate a joint public notice followed by application for water quality certification after the chosen alternative has been established.

To recap our meeting, please see the following items:

1. As outlined in 40 CFR 121.5, a request for Section 401 WQC must include the following:
 - 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.b below).

It is our preference, in order to meet the public notice requirements of MDEQ's WQC regulations, that the request for WQC not be submitted until the end of the public notice period.

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. Please address each of the following items:
 - a. Rule 1.3.2 identifies information that must be included in the application for WQC. To be deemed complete by the Department, all applications for certification shall at a minimum contain the following information:
 - (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; and
- (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. 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.
3. Please provide a copy of all comments received during the public notice period and provide a response to these comments as a part of item 2.b.A.(11) above.

Should you have further questions, please contact me at (601) 961-5249.

Thank you,

From: [MDE
Q](#)

To: [Day, David J CIV USARMY CEMVN \(USA\); cbarefoot@mdeq.ms.gov](mailto: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 ([Blockedhttp://mdeq.ms.gov](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.
9. 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.
10. 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.
11. 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
9. contained herein is true, accurate, and complete, to the best of my knowledge and belief; and
10. 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