



STATE OF MISSISSIPPI

PHIL BRYANT

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

GARY C. BIKARD, EXECUTIVE DIRECTOR

August 6, 2018

Certified Mail No. 7012 2210 0001 1522 2222

Mr. Casey Ehorn

U.S. Army Corps of Engineers, Nashville District

3701 Bell Road

Nashville, TN 37214

Dear Mr. Ehorn:

Re: U.S. Army Corps of Engineers
Nashville District
Programmatic General Permit (18-PGP-01)
Tishomingo County
COE No. 18-PGP-01
WQC No. WQC20180016

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, to the U.S. Army Corps of Engineers, Nashville District, an applicant for a Federal License or permit to conduct the following activity:

U.S. Army Corps of Engineers, Nashville District, Programmatic General Permit (18-PGP-01) - Minor Structures, Work, and Associated Minor Activities located in the Tennessee Valley Authority Reservoirs and Slackwaters within the states of Alabama, Kentucky, Mississippi, Tennessee, and Virginia: The U.S. Army Corps of Engineers, Nashville District proposes issuance of a Programmatic General Permit (18-PGP-01) for minor structures, work, and associated minor activities located in the Tennessee Valley Authority Reservoirs and Slackwaters within the states of Alabama, Kentucky, Mississippi, Tennessee, and Virginia for a period of 5 years.

Activities to be Covered: This PGP will apply to the following activities:

- a. Docks, Piers, Boathouses, and Other Water Use Facilities. Construction, modification, and maintenance of fixed and floating docks, piers, and boathouses; steps leading to the reservoir; walkways leading to dock facilities; water intakes, geothermal heat exchange units or electrical lines attached to dock facilities; and other associated structures. (Section 10)

- b. New Work Channel Excavation. Excavation of material from the reservoir bottom to create sufficient depth for mooring and navigation of vessels. Dredging of no more than 150 cubic yards below the normal full pool elevation of the reservoir. Excavation shall only be performed between the reservoir shoreline and surface of the lake, when the reservoir is below full pool elevation; referred to as work in the dry. Excavated material shall be disposed of in a confined upland disposal site located above the 100- year floodplain. The discharge of effluent from a confined upland disposal site is not authorized. (Sections 10 and 404)

NOTE: Maintenance excavation of previously authorized facilities is not authorized by 18-PGP-01. An application must be submitted to the Corps to conduct maintenance excavation in a facility with a valid 26.a Permit.

- c. Shoreline Stabilization. Shoreline stabilization necessary for erosion control. All fill and excavation work shall be performed in the dry. (Sections 10 and 404)
- d. Boat Ramps and Other Recreation Watercraft Launching Facilities. The discharge of the fill material and/or the excavation of material necessary for the construction, improvement, expansion, or maintenance of boat ramps, or other recreational watercraft launching facilities. Only clean, inert material shall be used for fill material. Excavated material not used for boat ramp construction will be disposed of in a confined upland disposal site located above the 100-year floodplain. All fill and excavation work shall be performed in the dry. The discharge of effluent from a confined upland disposal site is not authorized. (Sections 10 and 404)

Activities excluded from PGP. Activities that exceed the thresholds of the PGP, have more than minimal impacts to the aquatic environment, and/or have unacceptable impacts on the public interest will not be authorized under the PGP. This PGP will exclude work or structures located within areas previously identified to be potentially hazardous to commercial navigation, and/or within wetlands or areas designated as a special aquatic site. The TVA and the Corps will coordinate, as appropriate, on proposed activities located in sections of the river with navigation restrictions.

Location of Activities: The TVA reservoir boundary is defined as the extent to which the U.S. owns reservoir property entrusted to TVA (including both fee-owned land and flowage easements). On TVA reservoirs, jurisdiction typically extends to the 500-year floodplain or to the upper limits of the 100-year floodplain. In particular situations, jurisdiction may extend to higher elevations.

The PGP will be applicable to the TVA reservoir boundary, which specifically includes the Tennessee River navigable and slack waters of Kentucky Lake,

Pickwick Lake, Wilson Lake, Wheeler Lake, Guntersville Lake, Tims Ford Lake, Upper Bear Creek Lake, Little Bear Creek Lake, Cedar Creek, Lake, Fort Loudon Lake, Watts Bar Lake, Douglas Lake, Norris Lake, Cherokee Lake, South Holston Lake, Ft. Patrick Henry Lake, Boone Lake, Watauga Lake, Chickamauga Lake, Tellico Lake, Melton Lake, and Nickajack Lake [18-PGP-01, WQC20180016].

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:

a) DOCKS, PIERS, WHARVES, BOAT SHELTERS:

Docks, Piers, Boathouses, and Other Water Use Facilities. Construction, modification, and maintenance of fixed and floating docks, piers, and boathouses; steps leading to the reservoir; walkways leading to dock facilities; water intakes, geothermal heat exchange units or electrical lines attached to dock facilities; and other associated structures. (Section 10)

1. The permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities.
2. For projects greater than five acres of total ground disturbances including clearing, grading, excavating or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit. For projects greater than one to less than five acres of total ground disturbances including clearing, grading, excavating or other construction activities, the applicant shall follow the conditions and limitations of the State of Mississippi's Small Construction Storm Water General NPDES Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained.
3. Pilings and/or bulkhead material shall be steel, concrete, plastic, vinyl, or timber treated to meet appropriate aquatic conditions. No creosote materials shall be used.
4. Best management practices (BMPs) should be used at all times during construction to minimize turbidity at the site. The site shall be operated and maintained in a manner that minimizes the discharge of turbid waters into waters of the State. These BMPs include, but are not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding and mulching; staged construction; and the installation of turbidity screens around the immediate project site.
5. A wastewater pumpout facility shall be provided for the following:

- a) Marinas that are located within one tidal cycle of open shellfish harvesting waters,
 - b) Marinas that berth more than twenty-five (25) boats,
 - c) Marinas that berth any boats used in a live-aboard status,
 - d) Marinas that berth a majority of commercial boats,
 - e) Marinas that are in close proximity to a public water supply intake, or
 - f) Marinas that are in close proximity to a swimming area.
6. For marinas where a wastewater pumpout facility is required:
- a) The marina shall prominently display a sign showing the location of the pump-out facility as well as other appropriate waste disposal information.
 - b) The pump-out facility shall be tied into a collection and treatment system approved by the Office of Pollution Control.
 - c) All docked vessels with Type I and Type II marine sanitation devices shall be notified of and comply with a “locked head” policy. There shall be no discharge of either gray or black water from a docked vessel.
7. No persons shall live on boats moored at the marina unless the boats are equipped with a Type III (non-discharging) marine sanitation device (MSD).
8. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
9. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
- b) New Work Channel Excavation:
Excavation of material from the reservoir bottom to create sufficient depth for mooring and navigation of vessels. Dredging of no more than 150 cubic yards below the normal full pool elevation of the reservoir. Excavation shall only be performed between the reservoir shoreline and surface of the lake, when the reservoir is below full pool elevation; referred to as work in the dry. Excavated material shall be disposed of in a confined upland disposal site located above the 100-year floodplain. The discharge of effluent from a confined upland disposal site is not authorized. (Sections 10 and 404)
- 1. The permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities.
 - 2. For projects greater than five acres of total ground disturbances including clearing, grading, excavating or other construction activities, the applicant shall obtain the necessary coverage under the State of Mississippi’s Large Construction Storm Water General NPDES Permit. For projects greater than

one to less than five acres of total ground disturbances including clearing, grading, excavating or other construction activities, the applicant shall follow the conditions and limitations of the State of Mississippi's Small Construction Storm Water General NPDES Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained.

3. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal:vertical) and shall be immediately seeded, stabilized, and maintained.
4. Basin and channel depths shall gradually increase toward open water and shall not exceed the controlling navigational depth. No "sumps" shall be created by proposed dredging.
5. All dredged material must be properly confined in a specified upland area or an approved MDEQ Beneficial Use for Dredge Material project site. Spoil disposal areas shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.
6. Best management practices shall be used at all times during construction to minimize turbidity at both the dredge and disposal sites. The disposal sites shall be constructed and maintained in a manner that minimizes the discharge of turbid waters into waters of the State. Best management practices shall include, but not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding and mulching; staged construction; and the installation of turbidity screens around the immediate project site. Any effluent from the disposal area shall be routed through a return swale system and filtered through a series of hay bales and silt fences so as to reduce the turbidity of the effluent.
7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
8. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

c) Shoreline Stabilization:

Shoreline stabilization necessary for erosion control. All fill and excavation work shall be performed in the dry. (Sections 10 and 404)

1. The permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities.
2. For projects greater than five acres of total ground disturbances including clearing, grading, excavating or other construction activities, the applicant

shall obtain the necessary coverage under the State of Mississippi's Large Construction Storm Water General NPDES Permit. For projects greater than one to less than five acres of total ground disturbances including clearing, grading, excavating or other construction activities, the applicant shall follow the conditions and limitations of the State of Mississippi's Small Construction Storm Water General NPDES Permit. No construction activities shall begin until the necessary approvals and/or permits have been obtained.

3. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal:vertical) or equivalent measures to minimize erosion and shall be immediately seeded, stabilized, and maintained.
4. Pilings and/or bulkhead material shall be steel, concrete, plastic, vinyl, or timber treated to meet appropriate aquatic conditions. No creosote materials shall be used.
5. Best management practices (BMPs) should be used at all times during construction to minimize turbidity at the site. The site shall be operated and maintained in a manner that minimizes the discharge of turbid waters into waters of the State. These BMPs include, but are not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding and mulching; staged construction; and the installation of turbidity screens around the immediate project site.
6. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
7. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

d) Boat Ramps and Other Recreation Watercraft Launching Facilities:

The discharge of the fill material and/or the excavation of material necessary for the construction, improvement, expansion, or maintenance of boat ramps, or other recreational watercraft launching facilities. Only clean, inert material shall be used for fill material. Excavated material not used for boat ramp construction will be disposed of in a confined upland disposal site located above the 100-year floodplain. All fill and excavation work shall be performed in the dry. The discharge of effluent from a confined upland disposal site is not authorized. (Sections 10 and 404)

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3. Boat ramp parking areas with impervious surfaces (concrete, asphalt) that have a surface area equal to or greater than one acre shall provide for storm water management. The first 0.5 inch of storm water runoff from impervious parking and road surfaces shall be treated using MDEQ approved best management practices before release. The storm water plan should be submitted upon application for coverage under this general permit and shall be forwarded to MDEQ.
4. All fill material and excavation areas shall have side slopes of at least 3:1 (horizontal:vertical) and shall be immediately seeded, stabilized, and maintained.
5. All dredged material must be properly confined in a specified upland area or an approved MDEQ Beneficial Use for Dredge Material project site. Spoil disposal areas shall be immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.
6. Best management practices shall be used at all times during construction to minimize turbidity at both the dredge and disposal sites. The disposal sites shall be constructed and maintained in a manner that minimizes the discharge of turbid waters into waters of the State. Best management practices shall include, but not limited to, the use of staked hay bales; staked filter cloth; sodding, seeding and mulching; staged construction; and the installation of turbidity screens around the immediate project site. Any effluent from the disposal area shall be routed through a return swale system and filtered through a series of hay bales and silt fences so as to reduce the turbidity of the effluent.
7. Turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.
8. 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 project 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.

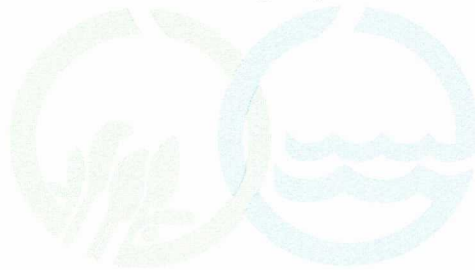
Sincerely,

A handwritten signature in blue ink that reads "Krystal Rudolph".

Krystal Rudolph, P.E., BCEE
Chief, Environmental Permits Division

KR: CHB

cc: Aurora Scott, U.S. Army Corps of Engineers, Nashville District
David Felder, U.S. Fish and Wildlife Service
Bill Ainslie, Environmental Protection Agency



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ENVIRONMENTAL QUALITY