

WATER QUALITY – Section 10, 401, and 404 Permits

Work in waters of the State require authorization by Arkansas Department of Environmental Quality (ADEQ) and may require a Corp of Engineers (USACE) permit.

WHAT TO DO

Complete the **Multiple Project Information form** or download it at <http://www.swl.usace.army.mil/regulatory/doc/multipleprojectinfosheet.xls> indicating **all** road/culvert/bridge projects which are going to take place and if any temporary emergency action work was performed.

Send the Multiple Project Information form to:

ADEQ Water Division: E-mail: hathcote@adeq.state.ar.us
Fax: 501/682-0880 (voice 501/682-0668)
US Army Corp of Engineers: E-mail: See map for appropriate District
FAX: See map for appropriate District

NOTE: THE PROJECT FORM IS ONLY ACCEPTED BY THE CORP FOR DISASTER SITUATIONS, CONTACT THE PROPER CORP DISTRICT FOR ROUTINE ACTIVITIES ADEQ ACCEPTS TO FORM FOR ALL GOVERNMENT RELATED PROJECTS, INDICATE NO DISASTER BESIDE "DISASTER #" ON THE FORM

Receive:

ADEQ – letter of approval/denial

USACE District Office – the form you submitted indicating for each project:

- which Nationwide Permit to use;
- instructions and/or conditions to comply with;
- if an individual permit is required.

After USACE has cleared your projects, permanent work can begin

Documentation MUST be received from both ADEQ and USACE.

Water and Wetland Entry

Activities which disturb water or the stream bed to include entry of machinery, debris removal from water or wetland, bridge construction/demolition and other activities conducted in **any** water which might cause a violation of the Arkansas Water Quality Standards **must** be authorized by the ADEQ Director through a Short Term Activity Authorization (STAA). Other activities essential to the protection or promotion of the public interest and result in no permanent or long-term impairment of beneficial uses of the water may also be eligible for authorization to include: (A) wastewater treatment facility maintenance; (B) fish eradication projects; (C) mosquito abatement projects; (D) algae and weed control projects; (E) dredge and fill projects; (F) construction activities; or (G) activities which result in overall enhancement or maintenance of beneficial uses.

A STAA is not required before conducting temporary emergency repairs typically needed within 72-hours following a disaster event to restore vital functions such as access to areas by emergency vehicles. Notification of Emergency Action must be made as soon as practical after making temporary repairs. The notice should be made within 7 days and include what

additional work is needed for completion of the repairs. Notice of emergency repairs or request to conduct work in a DRY waterway or for driveway repairs is not required but protective measures must be taken to ensure there is not an impact when water does flow. ALL waterways shown on a USGS topographical map as solid or dashed blue lines require USACE review but emergency action may be taken without prior approval followed by notice and request to complete those repairs. All this can be done on the Multiple Project Information Sheet. Driveway repair and other projects that do not require review may be listed on a separate sheet to assist in tracking your activities, but ensure you title the sheet "PROJECT REVIEW NOT REQUIRED."

The ADEQ Water Division performs all state certifications under Section 401 and Section 402 of The Clean Water Act on behalf of the Environmental Protection Agency (EPA), and Section 401 certification reviews of the U.S. Army Corps of Engineers Section 404 permit applications for the discharge of dredged or fill material into waters of the United States, including wetlands. The purpose of these certification reviews is to determine whether a proposed discharge will comply with state water quality standards.

Any authorization by ADEQ DOES NOT supersede existing state and federal permitting processes or requirements and shall not be granted for activities which result in the adverse impact on any federally threatened or endangered species or on critical habitat of such species. (Reference ADEQ Regulation 2.305 Short Term Activity Authorization)

If you are required to secure a 404 Permit or Bridge Permit, you will need a STAA.

Requests to the ADEQ should be made using the Multiple Project Information Sheet. Send this form to the attention of the STAA Coordinator/ADEQ Water Division. The form is available at <http://www.swl.usace.army.mil/regulatory/doc/multipleprojectinfosheet.xls>

Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act apply to actions affecting waters of the United States. Both laws are administered by the U. S. Army Corps of Engineers (USACE). Examples of actions that may require permits include construction, demolition and any dredge or fill in any part of surface water tributaries, including small streams, lakes, ponds, construction and mining pits and wetlands.

USACE Nationwide Permits (NWP) may allow work to be done if the conditions set forth in the permit are met, if pre-construction notification thresholds are not exceeded, and if nationwide permit regional conditions followed.

Unless it is an emergency action, i.e., immediate threat to life or property, a permit may be required. If a permit is required, it must be obtained **prior** to executing any physical disturbance action. Obtaining permits is the responsibility of the applicant. For emergency actions, contact the appropriate USACE District Office.

Bridge Permits: Under Sections 9 and 10 of the Rivers and Harbors Act, the General Bridge Act, and other statutes, the USACE has jurisdiction over bridges that cross navigable waters of the United States. Obtaining permits is the responsibility of the applicant. To determine if a permit is needed contact the appropriate USACE District Office. For historical or potential historical bridges, authorization is required from the Arkansas Natural Heritage Commission, State Historical Preservation Officer (SHPO).

U. S. ARMY CORPS OF ENGINEERS (USACE)

<p>Little Rock District 501/324-5296 FAX: 501:324-6013 Jason.v.gramlich@usace.army.mil</p> <p>ATTN: CESWL-PR-R P.O. Box 867 Little Rock, AR 72203-0867 (501) 324-5295</p>	<p>Memphis District 901/544-0734 FAX: 901/544-0211 timothy.l.davis@usace.army.mil</p> <p>ATTN: CEMVM-OD-R 167 N. Main Street Room B-202 Memphis, TN 38103-1894 (901) 544-3471</p>	<p>Vicksburg District 601/631-5470 FAX: 601/631-5459 Anthony.r.lobred@mvk02.usace.army.mil</p> <p>ATTN: CEMVK-OD-F 4155 E Clay Street Vicksburg, MS 39183 (601) 631-5470</p>
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