

# **WATER QUALITY – Permits and Authorizations for Instream Work**

**Work in waters of the state requires ADEQ authorization and may require a U.S. Army Corp of Engineers (USACE) permit.**

## **WHAT TO DO**

**Download and complete** the [Short Term Activity Authorization \(STAA\) form](#) for all normal instream work. Projects requiring emergency repair work for multiple sites must submit a [Multiple Project Information Sheet \(MPIS\)](#). Indicate **all** road/culvert/bridge projects that are going to take place, as well as temporary emergency action work that was performed prior to the submittal of the MPIS.

**Send** the STAA form or MPIS to:     ADEQ Water Division  
  Email: [instreamactivityinfo@adeq.state.ar.us](mailto:instreamactivityinfo@adeq.state.ar.us)  
  Phone: 501-682-0946  
  Fax: 501-682-0910

### **Receive:**

ADEQ – letter of approval/denial

USACE District Office – notification of the following for each project you submitted:

- Which nationwide permit to use
- Instructions and/or conditions to comply with
- Whether 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 that disturb water or the streambed to include entry of machinery, debris removal from water or wetland, bridge construction/demolition, and other activities conducted in **any** water that 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 require a STAA; these activities 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, and (G) activities that 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 seven days and include what additional work is needed for completion of the repairs. Notification is not required for emergency repairs done in a DRY waterway or for driveway repairs that involve working with a culvert. But protective measures must be taken to ensure there is no impact when water does flow.

**ALL waterways shown on a USGS topographical map as solid or dashed blue lines require review by the United States Corps of Engineers (USACE).** It is the applicant's responsibility to notify the appropriate [USACE district office](#) about emergency repairs.

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), as well as Section 401 water quality certification reviews of USACE Section 404 permit applications for the discharge of dredged or fill material into waters of the U.S., 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 that 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)

**Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act** apply to actions affecting waters of the U.S. Both laws are administered by 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. **A STAA is also required for these actions.**

If a permit is required, it must be obtained **prior** to executing any physical disturbance action. Obtaining permits is the responsibility of the applicant.

USACE nationwide permits 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 are followed.

**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 historic or potentially historic bridges, authorization is required from the state historic preservation officer, who is also the director of the Department of Arkansas Heritage. **A STAA is also required for activities that require a bridge permit.**