

DEPARTMENT OF THE ARMY PERMIT
ST. LOUIS DISTRICT REGIONAL GENERAL PERMIT 44
MAINTENANCE OF PUBLIC STORMWATER, SANITARY, AND COMBINED SEWER SYSTEMS

Permittee: Owners and/or Operators of Public Stormwater, Sanitary, and Combined Sewer Systems Located within the city of St. Louis; and St. Louis, St. Charles, and Jefferson Counties in Missouri

Permit Number: MVS-RGP-44 (Maintenance of Public Stormwater, Sanitary, and Combined Sewer Systems)

Issuing Office: U.S. Army Corps of Engineers, St. Louis District

Issuance Date: March 16, 2018

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the U.S. Army Corps of Engineers, St. Louis District, Regulatory Branch, acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To excavate or to discharge fill material into waters of the U.S. in order to perform work associated with the maintenance, repair, or inspection of public stormwater, sanitary, or combined sewer systems. **This general permit does not authorize new infrastructure built in natural streams or wetland areas.**

Types of activities authorized by this general permit are:

1. **Sediment and Debris Removal:** This permit authorizes the removal of accumulated sediment, log jams, and collected debris; including during periods of active discharge within the stormwater system; to restore the conveyance capacity of the system and reduce the potential for flooding.
2. **Maintaining Existing Stormwater Conveyances or Basins in Waters of the U.S.:** Maintaining existing stormwater conveyance structures including the removal and replacement of damaged sections of culverts, pipes, and transfer tubes; removal and replacement of inlet and outlet structures, weirs, flumes, trash racks, riprap, grade stabilizers, pumps, valves, and channels lined with concrete, riprap, stone, block, gabion baskets, and other like materials. This also includes maintenance and clean out of existing culverts, weep holes, and outfall structures. This permit does not authorize the replacement of entire stormwater or sanitary systems.
3. **Improvements to Existing Stormwater Management Facilities:** Improvements or maintenance to existing stormwater management features to improve water quality or add bio-retention, setbacks, rain gardens, natural re-vegetation. This activity does not include stream channelization, impoundments, or piping.
4. **Maintenance or Repair of Existing Stormwater, Sanitary or Combined Sewer Systems in Waters of the U.S.,** including separation of systems. Maintenance and clean out of existing culverts, weep holes, and outfall structures associated with improved stormwater channels. Also includes placement of material, including riprap, at outfalls and along the channel banks for the purpose of protecting the sewer system and excavation needed to access, maintain, or repair sewer infrastructure.
5. **Maintenance and Repair of Existing Access Roads and Ramps,** including re-grading; as necessary to perform items 1-4 above. The maintenance and repair activities shall result in only the minimum waterbody impacts necessary to return the access roads or structures to their as-built condition. The general permit also authorizes minor modifications to repair access roads and ramps, provided that the modifications do not increase their footprint within waters of the U.S. The general permit does not authorize the construction of new permanent access roads, ramps, or other access structures in waters of the U.S.; or

conversion of stream channels to temporary roadway; or operation of equipment within stream channels as de facto roadways; with the exception of temporary perpendicular crossings.

6. **Vegetation Removal** necessary to perform items 1-5 above. Vegetation removal would occur through native and non-native vegetation removal within and along the banks of existing recharge basin facilities, and within and around existing water conveyance structures. Vegetation removal shall be the minimum necessary. Permittee may use a combination of mechanical vegetation cutters, hand tools, and heavy equipment to remove vegetation. This activity also includes debris removal to reduce flooding and protect integrity of system.

Permit Conditions:

General Conditions:

1. This general permit expires on **March 16, 2023**, unless it is modified, revoked or specifically extended, and the time limit for completing the authorized work ends on this date, unless your individual general permit verification letter specifies an earlier date. Provided the verification letter does not specify an earlier date, if you have started the work or are under contract to begin this activity before the general permit expires, you will have twelve (12) months from that expiration date to complete the activity under the present terms and conditions of this general permit.
2. You must maintain the activity authorized by this permit in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. Applicants must comply with the conditions specified in the Section 401 Water Quality Certification as special conditions to this permit (see attachment).
5. If an activity authorized under this general permit also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), you must submit a pre-construction notification to the St. Louis District, prior to undertaking the activity. An activity that requires section 408 permission is not authorized by the general permit until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written verification.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.

Special Conditions:

1. Local municipalities and public stormwater system authorities performing activities in accordance with the criteria of this RGP must notify the St. Louis District of their intent to utilize RGP-44. They must also sign and return the attached "Compliance Certification" after the authorized work is completed. Your signature will certify that you completed the work in accordance with the general and the special conditions. Certificates must be submitted to the Corps of Engineers, Regulatory Branch, 1222 Spruce St. (OD-F), St. Louis, Missouri 63103 (ATTN: RGP-44) or mvs-regulatory@usace.army.mil. **A spreadsheet or annual report describing projects utilizing this General Permit – 44 may be completed in lieu of individual certificates.**

2. **This regional general permit does not authorize the activities occurring in navigable waters under Section 10 of the Rivers and Harbors Act of 1899 unless individually authorized by the District Engineer.**
3. If any part of the authorized work is performed by a contractor, before starting work you must discuss the terms and conditions of this permit with the contractor; and, you must give a copy of this entire permit to the contractor.
4. **This regional general permit does not authorize any activity when the repair involves**
 - a. **Activities in forested wetland**
 - b. **Activities in an apparent and/or documented migratory bird nesting area**
 - c. **Clearing mature trees (larger than 6 inches dbh) along stream channels.**
 - d. **Working in areas with known endangered or threatened species**
 - e. **Work is located in Exceptional State Waters and/or Special Aquatic Life Use Waters**
 - f. **Wetland or stream mitigation areas**
5. **This Corps permit does not authorize you to take an endangered species.** You must not undertake actions that are likely to jeopardize the existence of a threatened or endangered (T&E) species or a species proposed for such designation as defined in the Federal Endangered Species Act, nor actions, which are likely to destroy or adversely modify the habitat of such species. You should contact the state office of the U.S. Fish and Wildlife Service to assure that the project will not adversely affect a T&E listed species. If the project requires the removal of mature trees along stream channels or within forested wetland, you must contact the Corps of Engineers prior to any tree clearing activity. In addition, you must contact the Corps of Engineers if you are working in a stream channel with known populations of endangered aquatic species. This condition may not apply when no species of concern occur in the permit area or when incidental take is unlikely to occur. A list of T&E species in Missouri can be found at:
<https://naturalheritagereview.mdc.mo.gov/> or <https://ecos.fws.gov/ipac/>. Additionally, the list of sensitive aquatic species in Missouri can be found at:
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2012/MORC7AquaticSpecies.pdf>
6. You must employ measures to prevent spilled fuels, lubricants, excessive suspended solids including dredged material, and/or wet concrete from entering the waters of the United States and formulate a contingency plan to be effective in the event of a spill.
7. You must use clean, uncontaminated materials for fill in order to minimize excessive turbidity by leaching of fines, as well as to preclude the entrance of deleterious and/or toxic materials into the waters of the United States, by natural runoff or by leaching. Use of small aggregate material less than 20 lbs. per aggregate, such as creek gravel, for stabilization and erosion control is prohibited. You must use only graded rock, quarry-run rock and/or clean concrete rubble for riprap. The material must be reasonably well graded, consisting of pieces varying in size from 20 pounds up to and including at least 150-pound pieces. Generally, the maximum weight of any piece should not be more than 500 pounds. Gravel and dirt should not exceed 15% of the total fill volume. If you use concrete rubble, you must break all large slabs to conform to the well-graded requirement, and remove all exposed reinforcement rods, trash, asphalt, and other extraneous materials before you place the rubble in the waters of the United States. Size and gradation requirements can be changed provided approval is received from the Corps' Regulatory Branch prior to placement.
8. You must excavate or fill in the watercourse in a manner that minimizes increases in suspended solids and turbidity that may degrade water quality and damage aquatic life outside the immediate area of operation. Activities should be conducted during low water periods and must be conducted outside major spawning season for fish, unless a waiver is obtained from the Corps of Engineers. The list of waters with seasonal spawning restrictions in Missouri can be found at:
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2012/SpawningList.pdf>
9. You must use the stream crossing guidelines for any temporary stream crossing constructed in a regulated waterway. The guidelines, for Missouri can be found at:
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2012/MORC1Streams.pdf>
10. You must immediately remove and properly dispose of all debris during every phase of the project in

order to prevent the accumulation of unsightly, deleterious and/or toxic materials in or near the water body. All construction debris must be disposed of in an upland site, outside the floodplain, and in such a manner that it cannot enter into a waterway or into a wetland.

11. You must store all construction materials, equipment, and/or petroleum products, when not in use, above anticipated high water levels.
12. You must restrict the clearing of timber to the absolute minimum required to accomplish the work. You must avoid the removal of mature trees to prevent potential impacts to protected or endangered species, including bald eagle roost sites. Work should be limited to one side of the channel only. However, work from both sides of the channel is permitted if it is demonstrated that it results in minimizing tree clearing. If applicable, existing vegetated riparian buffer areas should be preserved along both sides of the channel. All wooded areas cleared for site access must be allowed to return to forested habitat. Mitigation may be required for other timber clearing.
13. Upon completion of earthwork operations, you must seed, replant or otherwise protect from erosion all fills in the water or on shore, and other areas on shore disturbed during construction. All plant material, including seed mixes, should be composed of native species. If seeding does not successfully stabilize the disturbed soil areas by the end of the first growing season, you must implement alternate measures, such as placing riprap, slope terracing with untreated railroad ties, gabions or concrete blocks, or additional vegetative plantings, to protect the disturbed areas from further erosion. Clearing, grading, and replanting should be planned and timed so that only the smallest area is in a bare soil condition. You must contact the Corps of Engineers prior to beginning work on any additional erosion control measures so that we can determine if additional authorization is required.
14. You must dispose of excess concrete and wash water from concrete trucks and other concrete mixing equipment in an upland area above the ordinary high water mark and at a location where the concrete and wash water cannot enter the water body or an adjacent wetland area.
15. You must not dispose of any construction debris or waste materials below the ordinary high water mark of any water body, in a wetland area, or at any location where the materials could be introduced into the water body or an adjacent wetland because of runoff, flooding, wind, or other natural forces.
16. You must completely remove all temporary fills in the Waters of the United States within 30 days of the end of construction.
17. You must place all fills and structures in waterways such that they do not result in stream channel constriction, they do not cause redirection of flows in such a way as to cause upstream or downstream erosion, and/or they do not restrict aquatic organism movement, especially during periods of low flow. This permit does not authorize channelization projects or shortening of waterways.
18. You must avoid activity in the proximity of a property listed in or eligible for listing in the National Register of Historic Places unless, after coordination with the State Historic Preservation Office of the affected state and/or the Advisory Council on Historic Preservation, a determination of "no effect" or "no adverse effect" is made in accordance with criteria established by 36 CFR 800. If an inadvertent discovery of any cultural or archaeological resource occurs, you must immediately contact this office and you should suspend work in the area until a determination of eligibility for listing on the National Register of Historic Places is completed and any necessary consultation under Section 106 of the National Historic Preservation Act is completed.
19. **You must NOT undertake any activity that results in a new structure or replacement of a previously authorized structure with an increase in original geographic footprint or scope of the original structure, unless plans are reviewed and approved by the District Engineer.**
20. You must contact the Missouri Department of Natural Resources, Water Pollution Control Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, in order to determine the need for a state permit for land disturbance, return water, or other activities that normally require such permits. Use of this permit shall not be construed or interpreted to imply that the requirements for all other federal, state, and/or local permits are replaced or superseded. Any national pollutant discharge elimination system (NPDES) permits, general permits for land disturbance, or other requirements should be complied with.
21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archaeological remains and artifacts while accomplishing the activity authorized by this permit,

you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. You must notify the Corps of Engineers at mvs-regulatory@usace.army.mil if one of the following common exotic species occurs in the project area: zebra mussel (*Dreissena polymorpha*), Eurasian watermilfoil (*Myriophyllum spicatum*), purple loosestrife (*Lythrum salicaria*), Johnson grass (*Sorghum halepense*), sericia lespedeza (*Lespedeza cuneata*), salt cedar (*Tamarix spp.*), and reed canary grass (*Phalaris arundinacea*). You must take appropriate actions to prevent the spread of any exotic animal species and noxious and invasive plant species. The following link provides a list of plant species that shall not be used on any project unless this requirement is waived by the district engineer based on a case specific analysis of the planting plan.
<http://www.nwk.usace.army.mil/Portals/29/docs/regulatory/nationwidepermits/2012/MOInvasivePlants.pdf> Best management practices should be used to reduce the risk of transferring invasive plant and animal species to or from the project site. Best management practices can be found at: <http://www.invasivespeciesinfo.gov/toolkit/prevention.shtml>. The following best management practices can help prevent the spread of these species.
 - a. Clean and certified weed-free seed should be used for plantings.
 - b. Equipment brought on the project site should be washed to remove dirt, seeds and plant parts.
 - c. If the equipment has been used in a body of water in the last 30 days, it can be washed at a commercial car wash or dried for five or more days before using the equipment in another body of water.
 - d. Before transporting equipment from the project site visible water, mud, plants and animals should be removed. Known zebra mussel locations in Missouri can be found at the following website: <http://nas.er.usgs.gov/queries/zmbyst.asp>.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (x) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorization required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Re-evaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Permittee

Date

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Danny D. McClendon

Bryan K. Sizemore
Colonel, U.S. Army
District Commander
BY: Danny D. McClendon
Chief, Regulatory Branch

march 16, 2018

Date