



Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

Reply To:
U.S. Army Corps of Engineers
Attn: Regulatory Branch, GP-44
1222 Spruce Street
St. Louis, MO 63103-2833

Permit Number:
MVS RGP-44
Public Notice Date
February 3, 2023
Expiration Date
February 24, 2023

Postmaster Please Post Conspicuously Until:

St Louis District
Proposed Re-Issuance of Regional General Permit 44 Missouri
Maintenance of Public Stormwater, Sanitary, and Combined Sewer Systems

Comments and Additional Information: Comments on the described work should reference the U.S. Army Corps of Engineers Public Notice Numbers shown above and must reach this office no later than the above expiration date to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
ATTN: Jaynie Doerr (OD-F) 1222
Spruce Street
St. Louis, Missouri 63103-2833
Or
Jaynie.g.doerr@usace.army.mil

Activity Description: In accordance with Title 33 CFR 325.2 and 325.7(e), as published in the November 13, 1986 Federal Register, the St. Louis District, U.S. Army Corps of Engineers proposes to re-issue Regional General Permit 44 Missouri, which would authorize the discharge of fill material into existing improved storm water channels or basins, previously constructed in or considered Waters of the U.S. The projects must be considered maintenance or replacement necessary to maintain functionality and the integrity of Public Stormwater, Sanitary, and Combined Sewer Systems. This general permit does not authorize new stormwater projects built in natural streams or wetland areas. This RGP was originally issued by the St. Louis District in March 2018 and expires March 16, 2023.

Types of activities authorized by this general permit would be:

1. Sediment Disturbance and Log Jam Removal from existing stormwater conveyances or basins in Waters of the US: Sediment disturbance could occur under a dry condition or a wet condition to reduce flooding and protect the integrity of system.
2. Maintaining Existing Stormwater conveyances or basins in Waters of the U.S.: Maintaining existing stormwater conveyance structures including the removal and replacement of culverts, pipes, transfer tubes, 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.
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, 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 necessary to perform items 1-4 above: Maintenance and repair of existing access roads and ramps, including re-grading.

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.

A copy of the full, proposed, MVS RGP-44, with conditions, is included with this public notice as appendix 1.

401 Water Quality Certification: The Clean Water Act (CWA) Section 401 Certification Rule (Certification Rule, 40 CFR 121), effective September 11, 2020, requires certification for any license or permit that authorizes an activity that may result in a discharge. The scope of a CWA Section 401 certification is limited to assuring that a discharge from a Federally licensed or permitted activity will comply with water quality requirements. Section 401 Water Quality Certification was issued on March 1, 2018 for this RGP. All comments received by this office for this public notice will be forwarded to Missouri Department of Natural Resources (MDNR), Water Protection Program, 401 Certification, PO Box 176, Jefferson City, MO 65102-0176 or wpsc401cert@dnr.mo.gov. MDNR will use the comments to this notice to update the existing 401 certification if necessary.

Duration of MVS RGP-44M: This general permit would expire five years from the date of re-issuance, unless it is modified, revoked or specifically extended, and the time limit for completing the authorized work ends on this date. Upon its expiration, the GP would be considered for renewal. The GP may be modified, suspended or revoked, in whole or in part, at any time if it is determined that the cumulative effects of the activities would have a significant environmental impact or are otherwise not in the public interest.

All individual verifications under this GP would expire upon expiration of the GP. This date would be noted on the GP if it is issued. Therefore, the maximum excavation period for any operations would be limited to 5 years. Prior to its expiration, the GP would be considered for renewal. If it is determined, that reissuance of the GP is in the public interest, a determination would be made to consider any on-going operations previously authorized by the soon-to-be expired GP. Applicants with on-going operations would likely be required to either reapply or may be allowed to proceed with their operation by conforming to the conditions of the renewed permit.

Procedure for Applying: Individual permit applications and notification will not be required to utilize the proposed RGP-44. However, individuals desiring to perform activities in accordance with the criteria of the RGP-44 must determine if the repair project requires a pre-construction notification (PCN). If a PCN is required, the project proponent must notify the Corps district and provide the information requested in Appendix 1 of RGP-44. The notification must include drawings and sufficient information to determine if the proposed work conforms to the criteria and conditions of the RGP-44. An ENG Form 6082 and instructions are available at: <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>. The Form may be used for the purpose of notification. Copies of RGP-44, ENG Form 4345 or 6082 instructions, or assistance may also be obtained by contacting the St. Louis District at mvs-regulatory@usace.army.mil. If the Corps district determines that the work meets the provisions of the RGP-44, and no extraordinary conditions exist that would warrant the submittal of Form 4345 for an individual permit, the proponent would be notified to proceed. If the Corps determines that the subject work does not meet the provisions of the RGP-44, or that extraordinary conditions exist, the applicant will be notified that an individual permit will be necessary.

Local municipalities and public stormwater system authorities performing activities in accordance with the criteria of this GP must notify the St. Louis District that they intend to utilize the GP even if PCN is not required. All applicants must submit work completion certificates and/or annual reports describing the applicable projects..

Authority: The RGP-44 is proposed to be reissued under the authority of Section 404 of the Clean Water Act (33 USC 1344).

Compliance with other laws: The proposed GP, if re-issued, would not obviate the need to obtain other Federal, state or local authorizations required by law, would not grant any property rights or exclusive privileges, nor would it authorize any injury to the property or rights of others. No potential adverse environmental effects related to the operation of the GP have been identified or are anticipated from the reissuance of this GP. All applicable statutes, regulations and administrative policies and agreements, including the National Environmental Policy Act of 1969, will be considered and satisfied in the decision to issue the GP. All comments in response to this public notice should be forwarded to the appropriate address identified under Additional Information.

Public Interest Review: The decision to issue this GP will be based on an evaluation of the probable impact of the proposed permit on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the issuance of the proposed permit must be balanced against the reasonably foreseeable detriments. All factors which may be relevant to the proposed permit issuance will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general wildlife values, flood hazards, flood plain

values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, mineral needs, and, in general, the needs and welfare of the people.

Comments: Any interested party (particularly officials of any town, city, county, state or Federal agency, local association, or individual) is invited to submit to the St. Louis District written facts or objections to the proposed issuance of this GP on or before the public notice expiration date. Comments, both favorable and unfavorable, will be accepted and made a part of this record and will receive full consideration in determining whether it would be in the public interest to issue the GP.

In accordance with 33 CFR 325.3, it is presumed that all interested parties and agencies will wish to respond to public notices; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project.

Endangered Species: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not adversely affect species designated as threatened or endangered or adversely affect critical habitat. This determination is based upon the inclusion of measures included in the permit for protection of threatened or endangered species in likely project areas. The GP requires specific Section 7 consultation concerning individual projects if impacts to threatened or endangered species are anticipated. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

Cultural Resources: Since the projects verified by this general permit are improved man-made structures, affects to cultural or historic properties are not anticipated. However, the special conditions of the permit will contain a condition that work shall stop and USACE/SHPO notified immediately upon any unanticipated discovery of historic, cultural or archeological remains and artifacts. The proposed RGP-44 is conditioned if applicants discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, they 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.

Public Hearing: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this GP. Such requests shall state, with particularity, the reasons for holding a public hearing.

Additional Information: Additional information about the proposed reissuance of this GP may be obtained by contacting:

Jaynie G. Doerr
U.S. Army Corps of Engineers 1222 Spruce Street
Saint Louis, MO 63103 314-331-8187
Jaynie.g.doerr@usace.army.mil

Jaynie G. Doerr
Missouri Section Chief, Regulatory Branch

Attachments:
MVS RGP-44

NOTICE TO POSTMASTERS: It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.

