



STATE OF MISSISSIPPI

PHIL BRYANT  
GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

March 23, 2012

Certified Mail No. 7011 3500 0000 3106 4348  
Mr. Michael F. McNair  
Regulatory Branch Chief  
U.S. Army Corps of Engineers, Vicksburg District  
4155 Clay Street  
Vicksburg, Mississippi 39183-3435

Dear Mr. McNair:

Re: U.S. Army Corps of Engineers  
Nationwide Permit No. 28  
COE No. MVK-2012-196  
WQC No. WQC2012037

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, an applicant for a Federal License or permit to conduct the following activity:

U.S. Army Corps of Engineers, Nationwide Permit No. 28, Modifications of Existing Marinas: Nationwide Permits are general permits issued on a nationwide basis to streamline the authorization of activities that result in minimal individual and cumulative adverse effects on the aquatic environment. The U.S. Army Corps of Engineers issues nationwide permits to authorize certain activities that require Department of the Army permits under Section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act of 1899.

Nationwide Permit No. 28 – Modifications of Existing Marinas authorizes reconfiguration of existing docking facilities within an authorized marina area. No dredging, additional slips, dock spaces, or expansion of any kind within waters of the United States is authorized by this NWP [MVK-2012-196, WQC2012037].

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:

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OFFICE OF POLLUTION CONTROL

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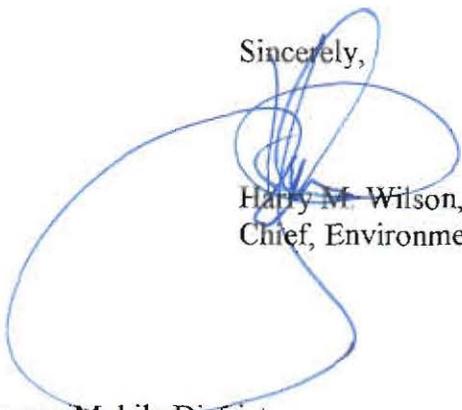
AN EQUAL OPPORTUNITY EMPLOYER

1. The permittee shall obtain appropriate wastewater permits and/or approvals for the proposed activity prior to the commencement of construction activities.
2. This NWP shall only apply to marinas that have an existing operating wastewater pumpout facility with appropriate signage showing its location as well as other appropriate waste disposal information.
3. 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.
4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

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,



Harry M. Wilson, P.E., DEE  
Chief, Environmental Permits Division

HMW: cb

cc: U.S. Army Corps of Engineers, ~~Mobile District~~  
Attn: Mr. Craig Litteken, Regulatory Branch Chief  
U.S. Army Corps of Engineers, Memphis District  
Attn: Mr. Tim H. Flinn, Acting Regulatory Branch Chief

U.S. Army Corps of Engineers, Nashville District  
Attn: Mr. Brad Bishop, Western Regulatory Section Chief  
Mr. Jan Boyd, Department of Marine Resources  
Ms. Kathy Lunceford, U.S. Fish and Wildlife Service  
Mr. William Cox, Environmental Protection Agency