



NORTH CAROLINA
Environmental Quality

ROY COOPER

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Director

November 2, 2020

TO: DEQ-DWR-Wetlands-Public Listserv

FROM: Paul Wojoski, 401 & Buffer Permitting Branch
Amy Chapman, 401 & Buffer Transportation Permitting Branch

RE: Draft Water Quality General Certifications

The purpose of this Public Notice is outlined below. This notice is available electronically at <https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-public-notices>.

The Division of Water Resources (DWR) invites public comment on its draft 401 Water Quality General Certifications (GCs) that it may reissue as part of its consideration of the U.S. Army Corps of Engineers' (USACE) proposed reissuance of Nationwide Permits (NWP). On September 15, 2020, the USACE provided [notice](#) of its proposal to reissue and modify these current NWPs. On September 29, 2020, USACE's Wilmington District provided public [notice](#) of its proposed Regional Conditions. The public comment periods for the USACE's NWPs and Regional Conditions are open until November 16, 2020.

On October 19, 2020, DWR received a request from the USACE to certify the NWPs and Regional Conditions. Accordingly, DWR is providing draft GCs to the public for review and comment as a first step towards certifying the proposed Nationwide Permits with Regional Conditions, although certification of the proposed Nationwide Permits is still under consideration by DWR at this time. The complete text of each draft GC is available online at: <https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/401-buffer-permitting-branch/general>. If you lack internet access, please contact Sue Homewood at 336-776-9693 to request copies of the specific draft revised GCs you would like to review. Please note that the Isolated Wetlands and Waters General Permit and GCs that are applicable to USACE Wilmington District Regional General Permits are not part of this current Public Notice.

DWR has recently been notified by EPA that the use of "written approvals" for coverage under GCs constitutes an Individual 401 Certification and therefore the language in the revised GCs has been modified accordingly. The requirement to obtain coverage under an Individual 401 Certification does not preclude the applicant from seeking coverage under a NWP from the USACE. The application process for Individual 401 Certifications is substantially similar to the application process for "written approvals" under a GC, including the same fee structure, with the addition of an electronic public notice procedure in accordance with 15A NCAC 02H .0503(b).



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For each draft GC the file names are shown as the existing GC number suffixed by REV (revision). For example, the proposed changes to GC4139 will be listed as a hyperlink to the document named "4139REV." Within each draft, proposed revisions are indicated with strikethroughs and underlines.

The public is invited to comment in writing to the DWR on the documents described above. Comments should be emailed to: PublicComments@ncdenr.gov; please include "401GCs" in the email's subject line. Alternatively, comments may be mailed to the NC Division of Water Resources, Attn: Sue Homewood, 450 W. Hanes Mill Rd., Winston-Salem, NC, 27107. **Comments must be received no later than close of business on December 2, 2020.**