

Federal Changes to the 401 rules which took effect on September 11, 2020, and how to integrate them with the CAMA Major permit process.

Due to new federal regulations adopted by the U.S. Environmental Protection Agency on September 11, 2020, which are currently in effect but are under a legal appeal filed by several states including North Carolina, the N.C. Division of Water Resources (DWR) has new permitting requirements as detailed at:

- <https://www.epa.gov/cwa-401/final-rule-clean-water-act-section-401-certification-rule> and;
 - <https://www.ecfr.gov/cgi-bin/text-idx?SID=a893664a8a86324feed9b54584d3de0d&mc=true&node=20200713y1.37>
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Due to these new requirements, one of the following must have occurred at least 2 weeks prior to submitting your CAMA Major Permit application:

- A scoping meeting was held at which DWR staff were in attendance; OR
- You have visited the following link and filled out the information found at this website, which requires that you request a meeting with staff from DWR at <https://edocs.deq.nc.gov/Forms/Pre-Filing-Meeting-Request>

If a scoping meeting **was held**, please include the following statement at the end of your CAMA Project Narrative.

- A scoping meeting was held at which DWR was present. The date of the scoping meeting was **(INSERT DATE)** and this project was discussed. This meeting met the requirement for requesting a pre-filing meeting under 40 CFR Part 121 for 401 Certifications in accordance with the federal Clean Water Act.

If a scoping meeting was **not held**, but you visited the DWR website and filled out the pre-filing meeting request, please include a copy of the return email resulting from that submittal as part of your CAMA Major Permit application.

In **BOTH** of the above scenarios, the following two statements must be included at the end of your CAMA Project Narrative:

- *The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief.*
- *The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.*