

STATE WATER CONTROL BOARD
NOTICE OF TENTATIVE SECTION 401 WATER QUALITY CERTIFICATIONS OF PROPOSED ARMY CORPS OF ENGINEERS
2020 NATIONWIDE PERMITS, GENERAL CONDITIONS, AND REGIONAL CONDITIONS

October 27, 2020

Summary: On September 15, 2020, the United States Army Corps of Engineers (USACE) published a notice in the Federal Register announcing that it is proposing to reissue the Nationwide Permits and associated general conditions and definitions with some modifications, and is proposing to issue five new Nationwide Permits (three of which are derived from NWP12 and two of which would authorize certain categories of mariculture activities) – collectively referred to as the 2020 Nationwide Permits (NWPs). The 2017 Nationwide Permits are expected to expire on March 18, 2022 unless a change to that date occurs per the USACE public notice. The 2020 Nationwide Permits will not become effective until all federal administrative steps are completed, which DEQ expects to be later this year or early 2021. Additionally, on September 30, 2020, the Norfolk District of the USACE public noticed its proposed 2020 Nationwide Permit Regional Conditions. <https://www.federalregister.gov/documents/2020/09/15/2020-17116/proposal-to-reissue-and-modify-nationwide-permits>
<https://www.nao.usace.army.mil/Media/Public-Notices/Article/2366593/nationwide-permit-reissuance-request-for-comment/>

Purpose of this notice: Pursuant to Virginia Water Protection (VWP) Permit Regulation 9VAC25-210-130, the Department of Environmental Quality (DEQ), under the authority of the State Water Control Board (Board), is giving notice of its *tentative* Section 401 Water Quality Certification decisions in Table 1 attached to this notice. DEQ may only issue its *final* Section 401 Certification decisions after having advertised and accepted public comment for 30 days on its intent to grant certification, grant certification with conditions, deny certification, or waive certification. Therefore, this notice is requesting public comment beginning October 27, 2020.

How to comment: Comments shall include the full name, address and telephone number of the person commenting and be received by DEQ by 11:59 p.m. on **November 30, 2020**. Only those comments received within this period will be considered by DEQ. DEQ accepts written comments by the following methods: 1) hand-delivery to Department of Environmental Quality, Office of Wetlands & Stream Protection, 1111 East Main Street, Suite 1400, Richmond, Virginia 23219; 2) e-mail vwppublicnotices@deq.virginia.gov; 3) fax 804-698-4178; or 4) postal mail to Department of Environmental Quality, Office of Wetlands & Stream Protection, P.O. Box 1105, Richmond, Virginia 23218.

Contact person for technical issues with comment submittal: Dave Davis, Office of Wetlands & Stream Protection, Department of Environmental Quality, P.O. Box 1105, Richmond, Virginia 23218 or phone 804-698-4105.

Table 1 - DEQ Tentative Section 401 Certification Decisions

Proposed Nationwide Permit (NWP)	Tentative Section 401 Certification Decision	Tentative Certification Conditions
NWP 26 [Reserved] NWP 47 [Reserved]	Not in use - None	None
NWP 17-Hydropower Projects	Deny	None
NWP 1-Aids to Navigation NWP 2-Structures in Artificial Canals NWP 9-Structures in Fleeting and Anchorage Areas NWP 10-Mooring Buoys NWP 24-Indian Tribe or State Administered Section 404 Programs NWP 32-Completed Enforcement Actions	Waive	None
NWP 3-Maintenance NWP 4-Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities NWP 5-Scientific Measurement Devices NWP 6-Survey Activities NWP 7-Outfall Structures and Associated Intake Structures NWP 8-Oil and Gas Structures on the Outer Continental Shelf	Grant with conditions	<p>The following general certification conditions (numbers 1 through 14) will apply to each 2020 Nationwide Permit:</p> <ol style="list-style-type: none"> 1. For activities that are proposed to occur only in state waters, as defined in § 62.1-44.3 of the Code of Virginia, application shall be made to DEQ in accordance with State Water Control Law and Virginia Administrative Code 9VAC25-210 <i>et seq.</i> for a permit(s) need determination. If this situation applies to the project, the determination will be based on cumulative impacts in all state surface waters, except where the activities are excluded from permitting in accordance with 9VAC25-31-40, 9VAC25-210-60, 9VAC25-210-310, and Chapter 3 of Title 62.1 of the Code of Virginia. 2. For activities in mitigation sites that are perpetually protected (e.g., under a deed restriction, conservation easement, restrictive covenant, or other land use protective instrument), application

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Proposed Nationwide Permit (NWP)	Tentative Section 401 Certification Decision	Tentative Certification Conditions
<p>NWP 11-Temporary Recreational Structures</p> <p>NWP 12-Oil or Natural Gas Pipeline Activities</p> <p>NWP 13-Bank Stabilization</p> <p>NWP 14- Linear Transportation Projects</p> <p>NWP 15-U.S. Coast Guard Approved Bridges</p> <p>NWP 16-Return Water From Upland Contained Disposal Areas</p> <p>NWP 18-Minor Discharges</p> <p>NWP 19-Minor Dredging</p> <p>NWP 20-Response Operations for Oil or Hazardous Substances</p> <p>NWP 21-Surface Coal Mining Activities</p> <p>NWP 22-Removal of Vessels</p> <p>NWP 23-Approved Categorical Exclusions</p> <p>NWP 25-Structural Discharges</p> <p>NWP 27-Aquatic Habitat Restoration, Establishment, and Enhancement Activities</p>		<p>shall be made to DEQ in accordance with State Water Control Law and Virginia Administrative Code 9VAC25-210 <i>et seq.</i> for a permit(s) need determination. If this situation applies to the project, the determination will be based on cumulative impacts in all state surface waters, except where the activities are excluded from permitting in accordance with 9VAC25-31-40, 9VAC25-210-60, 9VAC25-210-310, and Chapter 3 of Title 62.1 of the Code of Virginia.</p> <p>3. Activities shall not violate Virginia water quality standards.</p> <p>4. Activities conducted in state surface waters shall not cause or contribute to a significant impairment of state fish and wildlife resources, including but not limited to: 1) documented spawning habitat or a migratory pathways for anadromous fish; 2) trout waters in specified locations of Virginia, as provided by the Virginia State Water Control Board’s Water Quality Standards 9VAC25-260-370 <i>et seq.</i> and 9VAC25-260-390 <i>et seq.</i>; 3) state-listed threatened or endangered species or designated critical habitat; and 4) areas that contain submerged aquatic vegetation (SAV). Time-of-year restrictions (TOYRs) may be required, as recommended by the Virginia Department of Wildlife Resources, Virginia Department of Conservation and Recreation, the Virginia Marine Resources Commission, or other interested and affected agencies. Screening or agency coordination by the applicant must be conducted using the Virginia Department of Wildlife Resources (VDWR) Information System at https://vafwis.dgif.virginia.gov/fwis/, and the Virginia Institute of Marine Science’s SAV website at http://mobjack.vims.edu/sav/savwabmap/, or by contacting all applicable resource agencies directly. No activities shall result in a taking of threatened or endangered species, unless otherwise authorized by the laws and regulations of the Commonwealth of Virginia. No activity may substantially disrupt the movement of aquatic life indigenous to the water body, including those species that normally migrate through the area.</p> <p>5. Plant species listed in the most current <i>Virginia Department of Conservation and Recreation’s (DCR) Virginia Invasive Plant Species List</i> shall not be used for re-vegetation. The list of invasive plants in Virginia is found at: http://www.dcr.virginia.gov/natural-heritage/invspdflist. DCR recommends the use of regional native species for re-vegetation as identified in the <i>DCR Native Plants for Conservation, Restoration and Landscaping</i> brochures for the coastal, piedmont and mountain regions http://www.dcr.virginia.gov/natural-heritage/nativeplants#brochure. See also DCR’s native plant finder at https://www.dcr.virginia.gov/natural-heritage/native-plants-finder.</p>

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<p>NWP 28-Modifications of Existing Marinas</p> <p>NWP 29-Residential Developments</p> <p>NWP 30-Moist Soil Management for Wildlife</p> <p>NWP 31-Maintenance of Existing Flood Control Facilities</p> <p>NWP 33-Temporary Construction, Access, and Dewatering</p> <p>NWP 34-Cranberry Production Activities</p> <p>NWP 35-Maintenance Dredging of Existing Basins</p> <p>NWP 36-Boat Ramps</p> <p>NWP 37-Emergency Watershed Protection and Rehabilitation</p> <p>NWP 38-Cleanup of Hazardous and Toxic Waste</p> <p>NWP 39-Commercial and Institutional Developments</p> <p>NWP 40-Agricultural Activities</p> <p>NWP 41-Reshaping Existing Drainage Ditches</p> <p>NWP 42-Recreational Facilities</p> <p>NWP 43-Stormwater Management Facilities</p>		<p>6. Stormwater management facilities, as defined in 9VAC25-870-10, shall not be placed in a perennial stream bed or perennial stream channel or in a wetland, as defined in 9VAC25-210-10.</p> <p>7. Compensatory mitigation for unavoidable permanent impacts, including the conversion of forested wetlands, that are greater than one-tenth of an acre of wetlands or greater than 300 linear feet of stream bed or stream channel as defined by 9VAC25-210-10 shall be provided in accordance with Section 62.1-44.15:23 A through C of the Code of Virginia, as applicable to the project activities and Virginia Water Protection Permit Program regulations.</p> <ul style="list-style-type: none"> a. Stream bed impacts shall be determined by utilizing a stream impact assessment methodology acceptable to the Department of Environmental Quality. b. The mitigation shall be sufficient to achieve no net loss of existing wetland acreage and functions or stream functions and water quality benefits. In the absence of same river watershed alternatives in Hydrologic Unit Codes (HUC) 02040303 and 02040304, single-family dwellings or locality projects may use compensatory mitigation in HUC 02080102, 02080108, 02080110, or 02080111 in Virginia. c. All nonimpacted surface waters and compensatory mitigation areas within 50 feet of authorized activities and within the project or right-of-way limits shall be clearly flagged or marked for the life of the construction activity at that location to preclude unauthorized disturbances to these surface waters and compensatory mitigation areas during construction. The permittee shall notify contractors that no activities are to occur in these marked surface waters. <p>8. The following information, as applicable, shall be submitted to the DEQ office having responsibility over the project location:</p> <ul style="list-style-type: none"> a. When required, any pre-construction notification (PCN) materials or information. b. All jurisdictional determination information provided to the Corps and issued from the Corps, such as maps, forms, photos, correspondence, confirmations, etc. Delineation of state surface waters on the entire project site is strongly encouraged prior to submitting an application to expedite state permit processing, if required. c. Proof of coverage under one or more NATIONWIDE PERMITS, unless the activities are excluded from permitting under the Virginia Water Protection Permit Program.

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<p>NWP 44-Mining Activities NWP 45-Repair of Uplands Damaged by Discrete Events NWP 46-Discharges in Ditches NWP 48-Commercial Shellfish Mariculture Activities NWP 49-Coal Remining Activities NWP 50-Underground Coal Mining Activities NWP 51-Land-Based Renewable Energy Generation Facilities NWP 52-Water-Based Renewable Energy Generation Pilot Projects NWP 53-Removal of Low-Head Dams NWP 54-Living Shorelines NWP A [#pending]-Seaweed Mariculture Activities NWP B [#pending]-Finfish Mariculture Activities NWP C [#pending]-Electric Utility Line and Telecommunications Activities NWP D [#pending]-Utility Line Activities for Water and Other Substances</p>		<p>9. Activities shall include measures to prevent spills of fuels or lubricants into state waters. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery. If DEQ cannot be reached, the spill or fish kill shall be reported to the Virginia Department of Emergency Management (VDEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802. Any spill of oil as defined in § 62.1-44.34:14 of the Code of Virginia that is less than 25 gallons, and that reaches or is expected to reach land only, is not reportable if recorded per § 62.1-44.34:19.2 of the Code of Virginia and if properly cleaned up. If unauthorized impacts have occurred, the permittee shall notify DEQ within 24 hours of discovery.</p> <p>10. Activities shall be executed in a manner so as to minimize adverse impacts on instream beneficial uses as defined in § 62.1-10 (b) of the Code of Virginia.</p> <p>11. All fill material shall be clean and free of contaminants in toxic concentrations or amounts in accordance with all applicable laws and regulations.</p> <p>12. Erosion and sedimentation controls shall be designed in accordance with the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, or for mining activities, the standards issued by the Virginia Department of Mines, Minerals and Energy that are effective as those in the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.</p> <p style="padding-left: 40px;">a. These controls shall be placed prior to clearing and grading and maintained in good working order to minimize impacts to state waters. These controls shall remain in place until the area is stabilized and shall then be removed.</p> <p style="padding-left: 40px;">b. Exposed slopes and streambanks shall be stabilized immediately upon completion of work in each permitted impact area. All denuded areas shall be properly stabilized.</p> <p>13. Temporary disturbances to surface waters during construction shall be avoided and minimized to the maximum extent practicable.</p> <p style="padding-left: 40px;">a. All temporarily disturbed wetland areas shall be restored to preexisting conditions within 30 days of completing work at each respective temporary impact area, which shall include reestablishing preconstruction elevations and contours with topsoil from the impact area where practicable and planting or seeding with appropriate wetland vegetation according to cover type (i.e., emergent, scrub-shrub, or forested). The permittee shall take all appropriate measures to promote and maintain revegetation of</p>

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<p>NWP E [#pending]-Water Reclamation and Reuse Facilities</p>		<p>temporarily disturbed wetland areas with wetland vegetation through the second year post-disturbance. All temporarily impacted stream beds and streambanks shall be restored to their preconstruction elevations and contours with topsoil from the impact area where practicable within 30 days following the construction at that stream segment. Streambanks shall be seeded or planted with the same vegetation cover type originally present, including any necessary supplemental erosion control grasses. Invasive species identified on the Department of Conservation and Recreation's Virginia Invasive Plant Species List shall not be used without prior approval from the Department of Environmental Quality.</p> <p>b. Materials (including fill, construction debris, and excavated and woody materials) temporarily stockpiled in wetlands, and heavy equipment in temporarily impacted wetland areas shall be placed on mats, geotextile fabric, or other suitable material; shall be immediately stabilized to prevent entry into state waters; shall be managed such that leachate does not enter state waters; and shall be completely removed within 30 days following completion of that construction activity. Disturbed areas shall be returned to preconstruction elevations and contours with topsoil from the impact area where practicable; restored within 30 days following removal of the stockpile; and restored with the same vegetation cover type originally present, including any necessary supplemental erosion control grasses. Invasive species identified on the Department of Conservation and Recreation's Virginia Invasive Plant Species List shall not be used to the maximum extent practicable or without prior approval from the Department of Environmental Quality.</p> <p>c. All construction, construction access (e.g., cofferdams, sheet piling, and causeways) and demolition activities associated with the project shall be accomplished in a manner that minimizes construction or waste materials from entering surface waters to the maximum extent practicable.</p> <p>14. If stream channelization or relocation is required, all work in surface waters shall be done in the dry, unless otherwise authorized by the Department of Environmental Quality, and all flows shall be diverted around the channelization or relocation area until the new channel is stabilized. This work shall be accomplished by leaving a plug at the inlet and outlet ends of the new channel during excavation. Once the new channel has been stabilized, flow shall be routed into the new</p>

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		channel by first removing the downstream plug and then the upstream plug. The rerouted stream flow must be fully established before construction activities in the old stream bed can begin.
NWP 14- Linear Transportation Projects NWP 29-Residential Developments NWP 39-Commercial and Institutional Developments NWP 42-Recreational Facilities NWP 43-Stormwater Management Facilities NWP 51-Land-Based Renewable Energy Generation Facilities	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide Permit(s) specified herein <i>[condition numbering to be determined]</i>:</p> <p>x. Activities conducted under NATIONWIDE PERMITS 14, 29, 39, 42, 43, or 51 shall not cumulatively impact more than 1/10 of an acre of wetlands or open water or more than 300 linear feet of stream bed or stream channel, as defined in 9VAC25-210-10.</p>
NWP 21-Surface Coal Mining Activities NWP 50-Underground Coal Mining Activities	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide Permit(s) specified herein <i>[condition numbering to be determined]</i>:</p> <p>x. Activities conducted under NATIONWIDE PERMITS 21 or 50 shall not impact more than 1,500 linear feet of stream bed or stream channel as defined in 9VAC25-210-10.</p>
NWP 48-Commercial Shellfish Mariculture Activities NWP A [#pending]-Seaweed Mariculture Activities NWP B [#pending]-Finfish Mariculture Activities	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide Permit(s) specified herein <i>[condition numbering to be determined]</i>:</p> <p>x. Activities conducted under NATIONWIDE PERMITS 48, A [#pending], or B [#pending] shall comply with the conditions of any Virginia Pollutant Discharge Elimination System (VPDES) permit issued for the facility.</p>

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NWP 18-Minor Discharges NWP 22-Removal of Vessels	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein <i>[condition numbering to be determined]</i>:</p> <p>x. Discharges conducted under NATIONWIDE PERMITS 18 or 22 shall comply with Virginia Department of Environmental Quality law and regulations for discharge of sewage and other wastes from boats, if applicable.</p>
NWP 3-Maintenance	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein <i>[condition numbering to be determined]</i>:</p> <p>x. Activities conducted under NATIONWIDE PERMIT 3 shall not modify the original configuration or filled area such that the character, scope, or size of the original or DEQ-approved alternative design is changed is changed.</p> <p>x. Activities conducted under NATIONWIDE PERMIT 3 that involve emergency reconstruction shall occur as soon as practicable after damage occurs.</p> <p>x. Discharges conducted under NATIONWIDE PERMIT 3 shall not increase the capacity of an impoundment or reduce instream flows.</p>

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NWP 12-Oil or Natural Gas Pipeline Activities	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein [condition numbering to be determined]:</p> <p>x. NATIONWIDE PERMIT 12: For activities involving certain natural gas transmission pipelines, as detailed in § 62.1-44.15:20 and Article 2.6 of Title 62.1 of the Code of Virginia, application shall be made to DEQ in accordance with State Water Control Law and Virginia Administrative Code 9VAC25-210 <i>et seq.</i> for a permit(s) need determination. If this situation applies to the project, the determination will be based on cumulative impacts in all state surface waters, except where the activities are excluded from permitting in accordance with 9VAC25-31-40, 9VAC25-210-60, 9VAC25-210-310, and Chapter 3 of Title 62.1 of the Code of Virginia.</p> <p>x. Activities conducted under NATIONWIDE PERMIT 12 shall comply with the conditions of any Virginia Pollutant Discharge Elimination System (VPDES) permit issued for the facility.</p> <p>x. Regional conditions applicable to NATIONWIDE PERMIT 12 shall also include pipelines, pipeline activities, pipeline rights-of-way, pipeline corridors, easements for pipelines, buried pipelines, submerged pipelines, pipeline crossings, and pipeline projects, except in the following situations:</p> <ul style="list-style-type: none"> a. Natural succession to restore tree and scrub/shrub vegetation above a buried pipeline or within a 20-foot wide access corridor straddling a buried pipeline. b. Specific requirements for pipelines that would differ from utility lines buried in Federal Navigation Channels.
NWP 13-Bank Stabilization	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein [condition numbering to be determined]:</p> <p>x. Stabilization activities conducted under NATIONWIDE PERMIT 13 shall not channelize the stream bed or stream channel as defined in 9VAC25-210-10, or permanently impact more than 1,500 linear feet below the ordinary water mark of any type of nontidal stream bed or stream channel as defined in 9VAC25-210-10, regardless of any waiver decision made by the USACE.</p>

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NWP 16-Return Water From Upland Contained Disposal Areas	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein <i>[condition numbering to be determined]</i>:</p> <p>x. Return flow discharges from dredge disposal sites conducted under NATIONWIDE PERMIT 16 shall not occur where prohibited by state law or without applicable authorization from the Department of Environmental Quality.</p>
NWP 27-Aquatic Habitat Restoration, Establishment, and Enhancement Activities	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein <i>[condition numbering to be determined]</i>:</p> <p>x. When NATIONWIDE PERMIT 27 authorizes wetland or stream mitigation banks or in-lieu fee mitigation sites, compensation required for any surface water impacts shall be debited from the bank's or in-lieu fee program's credits.</p> <p>x. Natural stream channel design methods shall be used for stream restoration projects authorized by NATIONWIDE PERMIT 27.</p> <ul style="list-style-type: none"> a. Reports shall be submitted with the as-built during post-construction monitoring years, at a frequency and duration adequate to observe performance according to project objectives. If there is no monitoring schedule otherwise specified, then an as-built and a minimum of five years of annual post-construction monitoring will be required. b. The as-built report may include final grade topographic surveys (plan, profile, and cross sections, as appropriate, and approved by DEQ), final location of all planted riparian buffer vegetation (as appropriate and approved by DEQ), site photographs, and a discussion of project design versus as-built conditions. c. As approved by the Department of Environmental Quality, each post-construction monitoring report may include comparison of as-built to monitoring year surveys (plan, profile, and cross sections, as appropriate), vegetation surveys (as appropriate), site photographs/ and a discussion of project performance.

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NWP 33-Temporary Construction, Access, and Dewatering	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein <i>[condition numbering to be determined]</i>:</p> <ul style="list-style-type: none"> x. Activities conducted under NATIONWIDE PERMIT 33 that involve emergency reconstruction shall occur as soon as practicable after damage occurs. x. Discharges conducted under NATIONWIDE PERMIT 33 shall not increase the capacity of an impoundment or reduce instream flows.
NWP 36-Boat Ramps	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein <i>[condition numbering to be determined]</i>:</p> <ul style="list-style-type: none"> x. Activities conducted under NATIONWIDE PERMIT 36 shall not impact more than 1/10 of an acre of wetlands or more than 1,500 linear feet of stream bed or stream channel as defined in 9VAC25-210-10. x. Excavation conducted under NATIONWIDE PERMIT 36 shall be limited to the area necessary for site preparation and all excavated material shall be removed to an area that has no surface waters. Deviations from the original configuration or filled area shall not change the character, scope, or size of the original or DEQ-approved alternative design.
NWP 40-Agricultural Activities	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein <i>[condition numbering to be determined]</i>:</p> <ul style="list-style-type: none"> x. Discharges conducted under NATIONWIDE PERMIT 40 shall not increase the capacity of an impoundment or reduce instream flows unless otherwise authorized by a Virginia Water Protection permit when required.
NWP 44-Mining Activities	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein <i>[condition numbering to be determined]</i>:</p> <ul style="list-style-type: none"> x. Activities conducted under NATIONWIDE PERMIT 44 shall not impact more than 300 linear feet of stream bed or stream channel as defined in 9VAC25-210-10.

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NWP 52-Water-Based Renewable Energy Generation Pilot Projects	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein <i>[condition numbering to be determined]</i>:</p> <p>x. Activities conducted under NATIONWIDE PERMIT 52 shall not impact more than 1/10 of an acre of wetlands or more than 300 linear feet of stream bed or stream channel, as defined in 9VAC25-210-10.</p>
NWP D [#pending]-Utility Line Activities for Water and Other Substances	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein <i>[condition numbering to be determined]</i>:</p> <p>x. Activities conducted under NATIONWIDE PERMIT D [#pending] shall comply with the conditions of any Virginia Pollutant Discharge Elimination System (VPDES) permit issued for the facility.</p> <p>x. Regional conditions applicable to NATIONWIDE PERMIT D [#pending] shall also include pipelines, pipeline activities, pipeline rights-of-way, pipeline corridors, easements for pipelines, buried pipelines, submerged pipelines, pipeline crossings, and pipeline projects, except in the following situations:</p> <ul style="list-style-type: none"> a. Natural succession to restore tree and scrub/shrub vegetation above a buried pipeline or within a 20-foot wide access corridor straddling a buried pipeline. b. Specific requirements for pipelines that would differ from utility lines buried in Federal Navigation Channels.

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NWP E [#pending]-Water Reclamation and Reuse Facilities	Grant with conditions	<p>In addition to the general certification conditions, the following specific certification conditions will apply to the Nationwide(s) specified herein <i>[condition numbering to be determined]</i>:</p> <p>x. Applicants shall obtain authorization from the Department of Environmental Quality’s Water Reclamation and Reuse regulatory program (9VAC25-740 <i>et seq.</i>), Virginia Pollution Abatement (VPA) Permit Program, or Virginia Pollutant Discharge Elimination System (VPDES) Permit Program, when required by state law or these programs, for activities conducted under NATIONWIDE PERMIT E [#pending].</p> <p>x. Construction or expansion activities conducted under NATIONWIDE PERMIT E [#pending] shall not impact more than 1/4 of an acre of wetlands or 300 linear feet of stream bed or stream channel as defined in 9VAC25-210-10. Maintenance activities conducted under NATIONWIDE PERMIT E [#pending] shall not impact more than 300 linear feet of stream bed or stream channel when conducted in impact areas not previously authorized by DEQ or when located on or in existing, currently serviceable structures or fills.</p> <p>x. Activities conducted under NATIONWIDE PERMIT E [#pending] that involve emergency reconstruction shall occur as soon as practicable after damage occurs.</p> <p>x. Discharges conducted under NATIONWIDE PERMIT E [#pending] shall not increase the capacity of an impoundment or reduce instream flows.</p>