

From: [Virginia Department of Environmental Quality](#)
To: [Silverman, Beth](#)
Subject: DEQ News: Oct. 18, 2022
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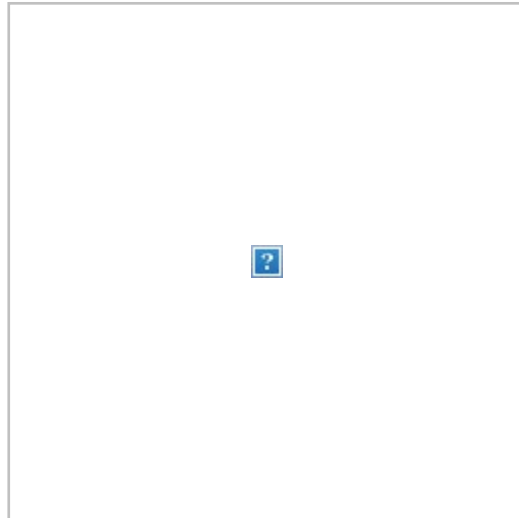
DEQ NEWS

October 18, 2022

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Army Corps Shifting Focus from Delineation Confirmations to Section 404/Section 10 Permitting

The U.S. Army Corps of Engineers, Norfolk District (Corps), has informed DEQ that it is prioritizing the review and evaluation of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Appropriation Act of 1899 permit applications. The Corps continues to accept and process requests for the confirmation of wetland and stream delineations, as well as requests for preliminary and approved Jurisdictional Determinations (JDs). However, if these requests are not associated with a permit request, the Corps' processing of these stand-alone JDs and delineation confirmations may be substantially delayed.



When a Joint Permit Application (JPA) is submitted with an unconfirmed delineation, Corps project managers will determine if a field visit is necessary to confirm the boundary of federally regulated Waters of the United States (WOTUS) and, if needed, promptly schedule a field visit. The Corps' confirmation of the geographic limits of WOTUS will be specific to those waters associated with the proposed impact. Depending on the overall size and nature of the proposed project, the Corps may not confirm the limits of WOTUS for areas beyond the scope of the federal Section 404 and/or Section 10 permit request. Site conditions and project specifics will dictate if the Corps can

confirm the delineation alone or if it must also complete a preliminary or approved JD as part of the permitting process.

For a complete application, Virginia regulations ([9VAC25-210-80\(B\)\(1\)\(h\)\(5\)](#)) require a delineation map depicting all surface waters, including wetlands, identified on the project site using accepted Corps methodologies ([9VAC25-210-45](#)). The Virginia State Water Control Law ([62.1-44.15:21\(C\)](#)) allows DEQ to make its own State Surface Water Determinations using accepted Corps field methods, or DEQ may accept a Corps confirmation. DEQ will continue to accept delineation confirmations from the Corps. In many cases, the Corps' boundary confirmation will suffice for DEQ's permitting activities.

However, for projects that receive a limited delineation confirmation from the Corps, DEQ will continue to use the state surface water determination (SSWD) process. In this process, DEQ staff will review the delineation map and data sheets, and determine whether a field visit will be necessary. Once DEQ staff have confirmed state surface waters as delineated, they will provide a SSWD.

The request for DEQ's concurrence with state surface waters on the site should be submitted to DEQ concurrently with the Corps but *prior to submitting* a JPA for the project. Ensuring that all surface waters are mapped correctly will allow the applicant to make sound planning decisions prior to submitting the JPA. Please refer to the SSWD form for more information about submittal requirements. (<https://www.deq.virginia.gov/water/wetlands-streams/>)

If a project requires a SSWD, generally the Corps' confirmation request package – including data sheets, photographs and, when applicable, stream assessment forms – will be sufficient information for DEQ's SSWD. This is assuming all surface waters are identified in the field, mapped and documented for the project site. When Virginia Water Protection (VWP) permit staff receives such requests, they will work with the project representative to verify and reach concurrence on state surface waters on-site.

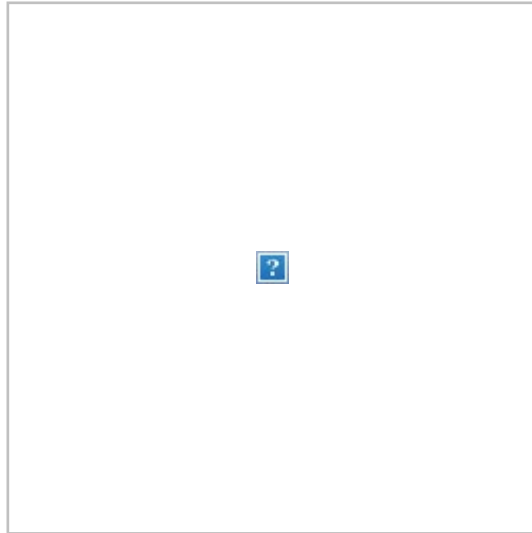
DEQ may also approve delineated state surface water boundaries and classifications for a site through final VWP permit authorization on a case by case basis and as appropriate based on project specifics.

DEQ is working closely and expeditiously with the Corps to make sure that wetland and stream boundary confirmations are conducted in a manner that satisfies both agencies' requirements and minimizes any delays in project schedules.

If you have any questions about a project, please contact the VWP Permit Program Regional Manager that covers your location. Their geographical territory and contact information can be found at <https://www.deq.virginia.gov/water/wetlands-streams/contacts>.

Solicitation Period for Two ARPA Wastewater Funds Open Now Through Dec. 15

DEQ's Clean Water Financing and Assistance Program (CWFAP) is pleased to open the solicitation period for two American Rescue Plan Act (ARPA) Wastewater Funds: the Sewer Collection System Program (SCS) and the Septic Local Partner Program (SLPP). The purpose of these funds is to address wastewater infrastructure in the Commonwealth through investments in septic, straight pipe and sewer collection system repair, replacement and upgrades. More information about eligible projects and applicants, and application evaluation can be found at <https://www.deq.virginia.gov/water/clean-water-financing/american-rescue-plan-act>.



The solicitation period opened on Oct. 15 and closes on Dec. 15. The SCS and SLPP grant applications are accessible via the ARPA Templates and Resources page: <https://www.deq.virginia.gov/water/clean-water-financing-and-assistance/american-rescue-plan-act-arpa/arpa-resources-and-templates>.

Applications and supporting documentation must be submitted electronically via email to CWFAP@deq.virginia.gov.

Please contact CWFAP Program Coordinator Lauren Linville at lauren.linville@deq.virginia.gov or (804) 929-5136 with any questions.

DEQ Consolidating Email Communications

Over the years, DEQ has developed various email lists to accommodate an ever-growing number of constituent needs. While this approach has given us the ability to target specific information to select recipients, our email lists have gotten too numerous and specialized, and we have found not everyone is getting the information they should. All email recipients who have elected to receive DEQ communications, as well as those who have been placed on an email list by DEQ staff, will be consolidated into one contact list moving forward. If you choose to remove your email address, please understand you will unsubscribe from *all* DEQ communications. We hope you elect to stay a recipient of *DEQ News*, which will encompass all future DEQ email communications, and thank you for your interest in everything that goes into protecting Virginia's natural environment.

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