

EEP PPM Section 8.3.2.2.4		Document No.: IMP.PRO.02.02.04	
Procedure Title: Preparing and Submitting Applications for 401 and 404 Permits		Rev. No. 1	Page: 1 of 6
		Date: January 24, 2007	

1.0 PURPOSE AND SCOPE

- 1.1 Purpose. The purpose of this procedure is to describe how to obtain a Section 404 Permit (Nationwide 27 Permit) and a Division of Water Quality 401 Certificate for an EEP restoration project.
- 1.3 Scope. This procedure applies to EEP design-bid-build projects. Waters of the U.S. and/or wetlands within the project areas are subject to the permit requirements of Section 404 of the Clean Water Act (33 U.S.C. §1344).
- 1.3 Participants. This procedure applies to the following personnel:
- EEP Project Manager (PM)
 - EEP Review Coordinator (RC)
 - EEP Design and Construction Supervisor (DCS)
 - U.S. Army Corps of Engineers (USACE)
 - Design Firm

2.0 PROCEDURE STEPS

Permitting requires two separate and concurrent processes, one to secure the 404 Permit, the other to secure the 401 Certificate.

404 Permit Process:

- 2.1 Complete Pre-Construction Notification Form. EEP Review Coordinator (RC) completes a Pre-Construction Notification Form, including project location, property description, and a brief project description. The approved Restoration Plan is an input.
- 2.2 Submit application for 404 permit. EEP RC submits application for 404 Permit to U.S. Army Corps of Engineers (USACE). The application includes one copy of restoration plan and a copy of the Pre-Construction Notification Form. One application package is sent to USACE's EEP liaison and another application is sent to the appropriate USACE regulatory field office. The RC sends copies to other regulators as appropriate.
- 2.3 USACE Issues Permit. The USACE can comment within 30 days. If comments are provided, go to Step 9. If no comments are provided, and the USACE issues the permit (within 45 days of submittal), go to Step 4.
- 2.4 The USACE Sends Permit to the RC.

EEP PPM Section 8.3.2.2.4		Document No.: IMP.PRO.02.02.04	
Procedure Title: Preparing and Submitting Applications for 401 and 404 Permits		Rev. No. 1	Page: 2 of 6
		Date: January 24, 2007	

- 2.5 File and Distribute. The RC files the original permit and sends a copy to the Project Manager.
- 2.6 Send to Design Firm. The RC sends an electronic copy of the permit to the Design Firm.
- 2.7 Process Complete. Go to IMP.PRO.02.02.03, Preparing and Submitting Applications for Erosion and Sediment Control Permits.
- 2.8 USACE makes comments. The USACE sends comments to the EEP Review Coordinator.
- 2.9 Send to Design Firm. EEP RC discusses comments with EEP Design and Construction Supervisor (DCS) and Project Manager (PM). EEP RC forwards comments to Design Firm.
- 2.10 Design Firm addresses comments and submits revised restoration plan to RC. [Note: EEP has one week to review comments. Design Firm has two weeks to address comments and revise Restoration Plan.]
- 2.11 Submit revised restoration plan for 404 permit. EEP RC reviews changes and submits revised restoration plan to USACE. If USACE approves the permit, to Step 6. Otherwise, repeat Steps 9 through 12 until the permit is received.
- 2.12 Notify interested parties. Upon approval, EEP RC forwards original permit to EEP DCS and copy of permit to EEP PM for file. EEP RC notifies Design Firm that 404 Permit has been approved.
- 2.13 Process Complete. Go to Preparing and Submitting Applications for Erosion and Sediment Control Permits, IMP.PRO.02.02.03.

401 Certificate Process:

- 2.14 Complete Pre-Construction Notification Form. EEP Review Coordinator (RC) completes a Pre-Construction Notification Form, including project location, property description, and a brief project description. The approved Restoration Plan is an input.
- 2.15 Submit Application to the NC Division of Water Quality. The RC submits the 401 permit application to the NC Division of Water Quality (DWQ) Wetlands Unit and the DWQ Regional Office.

EEP PPM Section 8.3.2.2.4		Document No.: IMP.PRO.02.02.04	
Procedure Title: Preparing and Submitting Applications for 401 and 404 Permits		Rev. No. 1	Page: 3 of 6
		Date: January 24, 2007	

- 2.16 DWQ Provides Comments or a Decision. Within 30 days the DWQ either issues the permit or sends comments to the Review Coordinator. If the DWQ sends comments, go to Step 19. Otherwise, go to Step 22.
- 2.17 RC Sends Comments to the Design Firm.
- 2.18 Design Firm Addresses Comments. The Design Firm addresses the issues raised by the DWQ and sends a response to the RC.
- 2.19 Respond to DWQ. The RC reviews the Design Firm's response and submits a response to the DWQ. Go to Step 17.
- 2.20 DWQ Approves the Application. The DWQ sends the certificate to the RC.
- 2.21 File and Distribute. The RC files the original certificate and sends a copy to the EEP Project Manager.
- 2.22 Send to Design Firm. The RC sends an electronic copy of the certificate to the Design Firm.
- 2.23 Process Complete. Go to Preparing and Submitting Applications for Erosion and Sediment Control Permits, IMP.PRO.02.02.03.

3.0 RESPONSIBILITIES AND AUTHORITIES

Table 1 summarizes the responsibilities and authorities of key participants in this procedure.

Table 1. Responsibilities and Authorities

Step #	Procedure Step	EEP Project Manager	EEP Review Coordinator	EEP Design and Construction Supervisor	U.S. Army Corps of Engineers	Design Firm	Division of Water Quality
	404 Permit Process:						
1	Complete Pre-Construction Notification Form		P				
2	Submit Application for 404 permit		P		S RA		
3	USACE Issues Permit		S		RA	P	
4	USACE Sends Permit		S		P		
5	File and Distribute	N	P				
6	Send to Design Firm		P			N	

EEP PPPM Section 8.3.2.2.4		Document No.: IMP.PRO.02.02.04	
Procedure Title: Preparing and Submitting Applications for 401 and 404 Permits		Rev. No. 1	Page: 4 of 6
		Date: January 24, 2007	

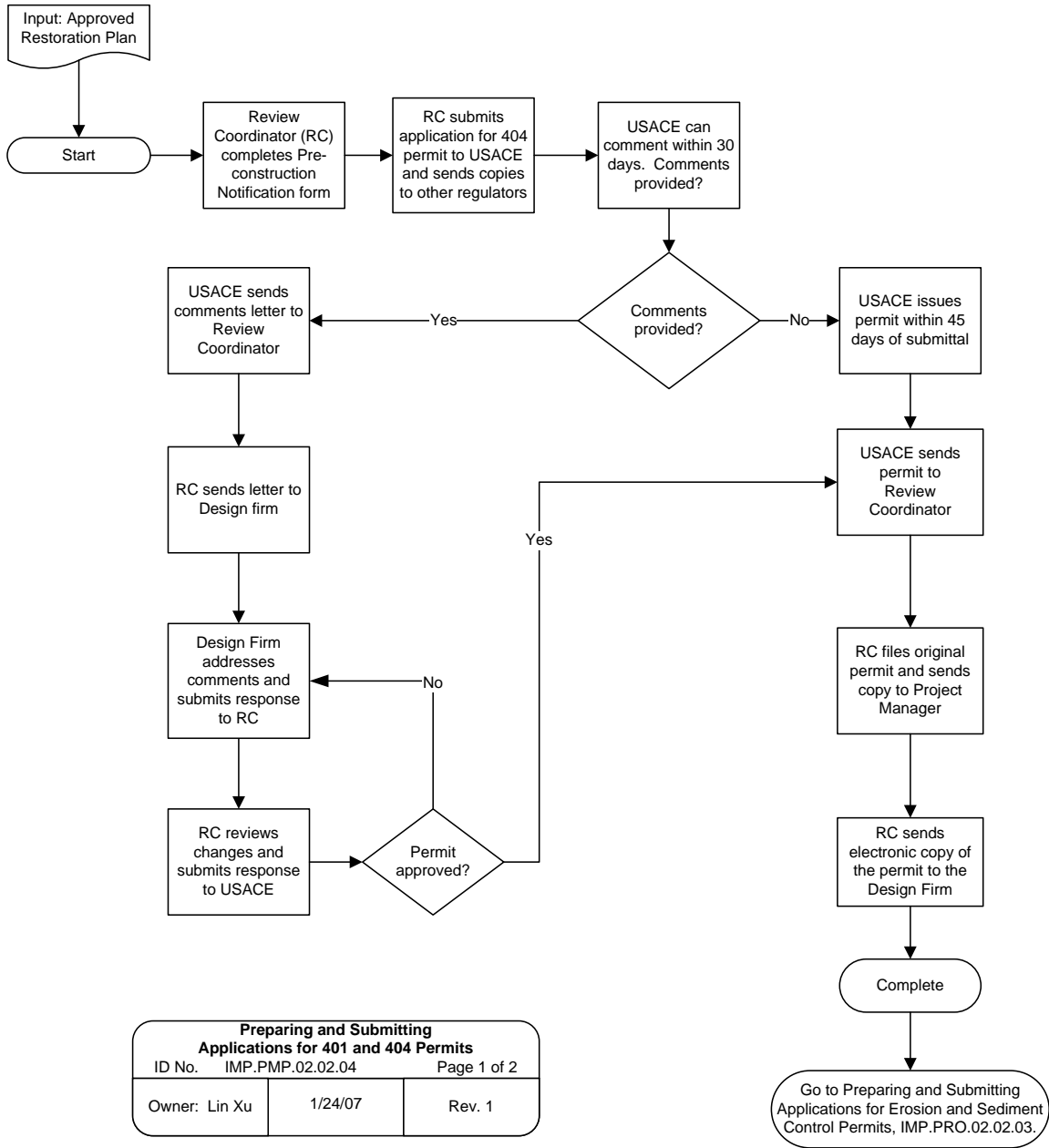
7	Process Complete – Go to IMP.PRO.02.02.03		P				
8	USACE Makes Comments		S		P		
9	Send to Design Firm		P			S	
10	Address Comments		S			P	
11	Submit Revised Plan		P		S	A	
12	Notify Interested Parties	N	P			N	
13	Process Complete – Go to IMP.PRO.02.02.03		P				
	Concurrent 401 Certificate Process:						
14	Complete Pre-Construction Notification Form		P				
15	Submit Application to the DWQ		P				N
16	Provide Comments or Decision		N				P
17	Send Comments to Design Firm		P			N	
18	Address Comments		N			P	
19	Respond to DWQ		P			A	
20	Approve Application		S				P
21	File and Distribute	N	P				
22	Send to Design Firm		P			N	
23	Process Complete – Go to IMP.PRO.02.02.03						

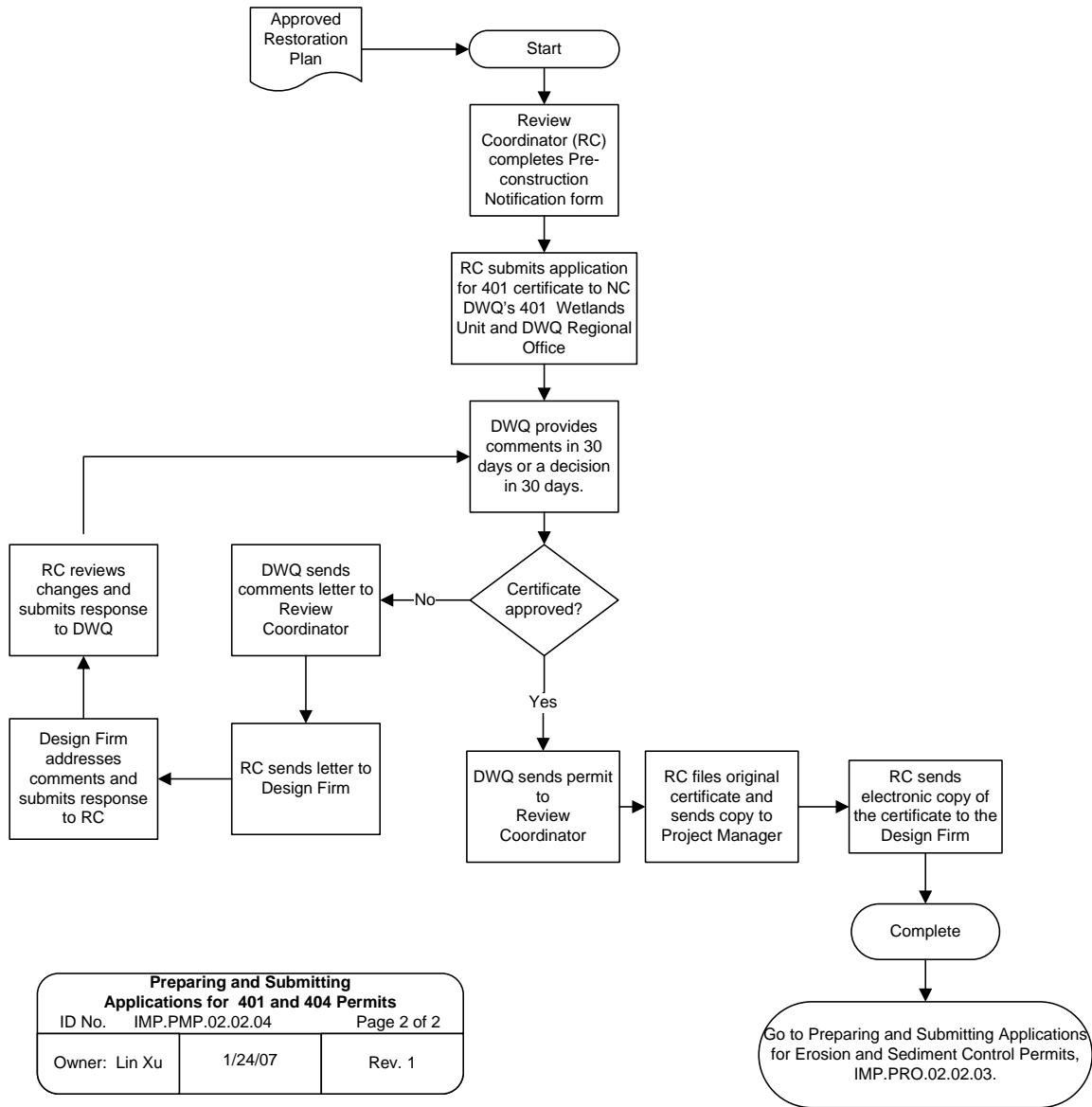
Legend:

- P** = Primary responsibility
- A** = Assist
- RI** = Review to provide Input
- RA** = Review and Approve
- N** = Notify
- S** = Submit final output to this person



4.0 PROCEDURE FLOW DIAGRAM





5.0 REFERENCES

None.

6.0 FORMS

Pre-Construction Notification Form. Go to:

<http://h2o.enr.state.nc.us/ncwetlands/regcert.html>