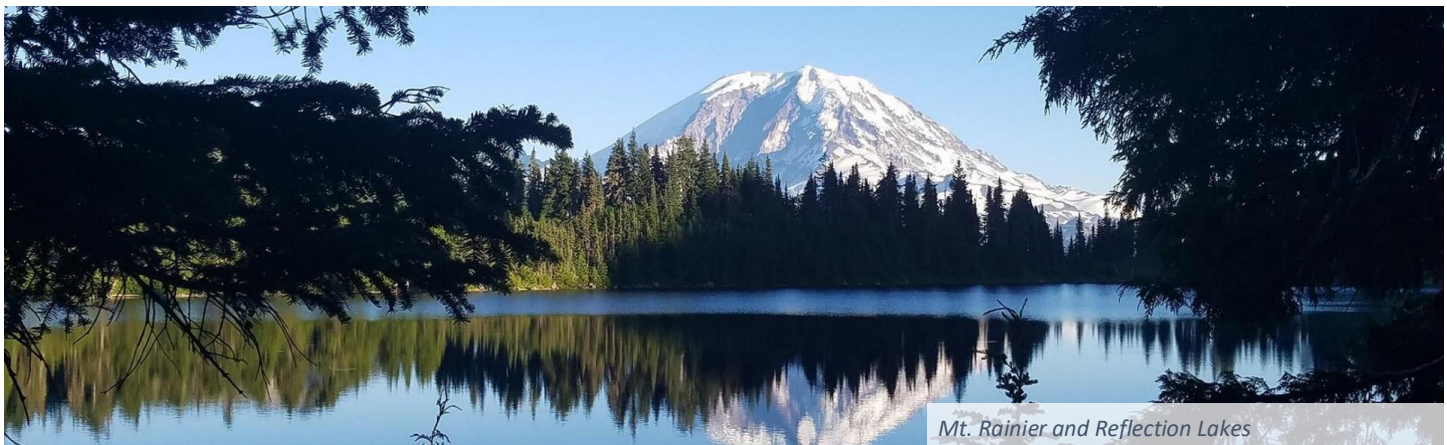


# Focus on: Clean Water Act Section 401 Water Quality Certifications for NPDES Permits



## Why it matters

We use Section 401 Water Quality Certifications to protect the vast natural resources of Washington. We uphold the water quality standards for all projects that may impact the water in the state.

## Contact information

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## ADA Accessibility

To request an ADA accommodation, contact Ecology by phone at 360-407-6600, or visit <https://ecology.wa.gov/accessibility>

For Relay Service or TTY call 711 or 877-833-6341.

## We ensure federal and tribal facilities meet state water quality standards

We review federal and tribal projects that require a permit or license to discharge (release) pollutants into Washington streams, lakes, wetlands, and other bodies of water that are defined as waters of the United States under federal law.

Our state water quality standards protect the specific aquatic species that call Washington waterways home, such as salmon and orca. The Clean Water Act gives us the authority to make sure federal permits or licenses will meet state standards.

## What types of projects are permitted?

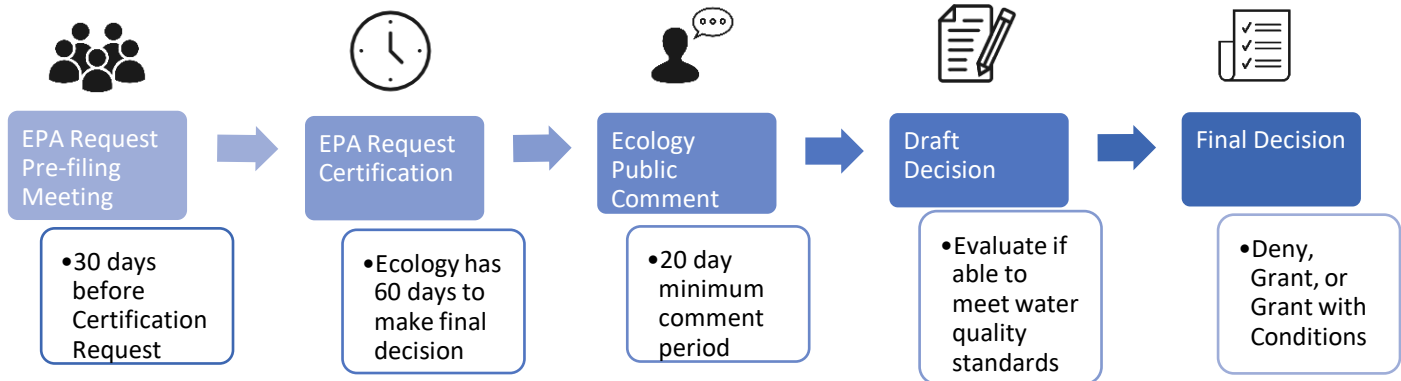
The US Environmental Protection Agency (EPA) issues National Pollutant Discharge Elimination System (NPDES) [water quality permits for federal operators and facilities on tribal land](#). These can be single projects (individual permits) or general permits that can have several locations and permittees. Examples include:

- Municipal separate storm sewer systems (MS4s) operated by the United States military on bases in WA.
- Federally operated dams on the Snake and Columbia rivers.
- Tribal governments operating wastewater treatment plants on tribal land.

Section 401 certifications also can be requested for other federal activities not related to NPDES permits. These include hydropower licenses and specific projects such as those involving dredging or wetland impacts.

**Learn more about 401 certifications:** <https://ecology.wa.gov/401>

## Section 401 Certification of NPDES Permit Process:



As you can see from the process graphic above, each step has specific deadlines, many determined by EPA.

All Ecology 401 notices and decisions are available online at <https://apps.ecology.wa.gov/aquatics/notices>.

### We can deny, approve, or approve with conditions

We use best available science and review permits to see if projects can meet state water quality standards. During the public comment period we ask for feedback about what water quality conditions and information we should consider while we draft our decision.

We have three options for a decision on the certification: deny, approve, or approve with conditions. A denial may be issued for a few specific reasons, such as the discharge would not meet water quality standards or there is insufficient information to approve the certification. Approving the certification means we've determined based on the public comment and our technical review process, the activities and practices described in the permit will result in a discharge that complies with state water quality standards. Approving with conditions means our 401 certification document will have specific actions and requirements (conditions) that the EPA must add to their permit to ensure that the permit will meet our water quality standards.

For every project, we send notice out to announce the public comment period, our final 401 decision, and when EPA issues the final permit. Ecology's public notice for each project has information about how and where to comment for each project or permit. If you would like to be notified about future 401 water quality certifications and other Water Quality Program information, you can sign up for our email listserv from our webpage.

### EPA holds a comment period on the draft permit

Often at the same time as our comment period on our 401 certificate decision, EPA will hold a separate public comment period on content in the draft NPDES permit. However, sometimes EPA has already completed their comment period before Ecology can start the 401 process. EPA must include any of our certification conditions in their final permits, even if these conditions are not reflected in the draft. If Ecology denies the certification, then EPA is not allowed to issue the final permit.

### Appeal process

Anyone has the right to appeal a 401 certification decision within 30 days of the final decision. Appeals must be filed, in writing, to the Washington Pollution Control Hearings Board (PCHB).

To learn more about the appeals process: Visit <https://www.eluho.wa.gov/Board/PCHB>.

To learn more about the EPA's part of this process, visit <https://www.epa.gov/cwa-401>.