

Water

Wetlands and Streams - 401 Water Quality Certification

Express Option*

What Activities Require This Permit? This is a "certification," needed for any federal permit involving impacts to water quality. Most 401 Certifications are triggered by Section 404 Permits issued by the U.S. Army Corps of Engineers. Typical types of projects involve filling in surface waters or wetlands.

What Is The Purpose of This Permit? To protect waters of the state and aquatic resources through citizen compliance with state and federal water quality laws. Section 401 of the Clean Water Act designates authority to the states to issue a 401 Water Quality Certification for all projects that require a federal permit (such as a Section 404 Permit). The "401" is essentially verification by the state that a given project will not remove or degrade existing, designated uses of "Waters of the State," or otherwise violate water quality standards. Mitigation of unavoidable impacts and inclusion of stormwater management features are two of the most important aspects of water quality review. Ditching and draining activities are not permitted for the purpose of altering wetlands hydrology.

Who Issues This Permit? N.C. Division of Water Resources, 401 and Buffer Permitting Branch or Regional Office

How Much Will This Permit Cost? Less than one acre of wetlands/waters AND Less than 150 feet of streams (whether intermittent or perennial) ("Minor" applications) - \$240.
Greater than or equal to one acre of wetlands/waters AND/OR greater than or equal to 150 feet of streams (whether intermittent or perennial) ("Major" applications) - \$570.

What Are My Payment Options for Permit Application Fees? Check

If Paying by Check, Who do I Make the Check Payable to and Where Do I Send the Check? NCDWR, 1617 Mail Service Center, Raleigh, NC 27699-1617

Where Can I Get The Application For This Permit?

General Water Quality Certification: <http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-application-forms-help-documents>

Individual 404 Permit/Individual Water Quality Certification:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Permits.aspx>

How Long Will It Take To Review My Application? Up to 60 calendar days (upon receipt of a correct and complete application package).

Where Do I Submit My Application? N.C. Division of Water Resources, 401 and Buffer Permitting Branch, 1617 Mail Service Center, Raleigh, NC, 27699-1617.

How Long Is My Permit or License or Certificate Valid? Concurrent with the U.S. Army Corps of Engineers authorization or expiration of the Water Quality General Certification, or as stated in the approval letter from the Division of Water Resources.

Express Option*- The express permitting option is available for this permit type. This option offers quicker review times than the standard traditional review process. [Learn more](#) about express permitting.

Please note: The Central Office is no longer accepting Express Permitting applications, however the Washington and Wilmington Regional Offices are still accepting Express Permitting applications.

- For forms or questions about Express Permitting in the Washington Regional Office area, please contact Don Burke at: 252-948-3845 or at don.burke@ncdenr.gov.
- For forms or questions about Express Permitting in the Wilmington Regional Office area, please contact Jim Gregson at: 910-796-7215 or at jim.gregson@ncdenr.gov.

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Notes/Comments:

Possible public notice requirement of not less than 15 days.

Legal Authority/Statute Reference:

GS 143, Article 21, Part 1 and Section 401, Clean Water Act
GS 143-215.3 (a)(1); 143-215.3 (c); 143B-282 (1)(u)

Links:

<http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits>

Statewide Contact Information:

NC Division of Water Resources
401 and Buffer Permitting Branch
1617 Mail Service Center
Raleigh, NC 27699-1617
Telephone: (919) 807-6300
Fax: (919) 807-6494