

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment

March 6, 2017

Ms. Beth E. Bachur, Acting Chief
Department of the Army
Baltimore District, U.S. Army Corps of Engineers
ATTN: Regulatory Branch
10 S. Howard Street
Baltimore, MD 21201

Project: Water Quality Certification # DC-17-001
Reissuance of 50 Existing Nationwide Permits (NWP), General Conditions, and
Definitions with Some Modifications, Two New NWPs, One New General Condition,
and Five New Definitions.

Dear Ms. Bachur:

Thank you for your letter notifying the Department of Energy and Environment (DOEE) of Special Public Notice #17-04 issued by the U.S. Army Corps of Engineers (USACE), Baltimore District on January 12, 2017. The public notice announces the reissuance of 50 existing nationwide permits (NWP), general conditions, and definitions with some modifications. The USACE also issued two new NWPs, one new general condition, and five new definitions. The NWPs will be effective on March 19, 2017 and will expire on March 18, 2022. The USACE requested a water quality certification for the NWPs.

DOEE has recently undertaken an organizational realignment. As a result, responsibility for review of public notices such as this one issued by USACE and Section 404 permits has shifted to the Water Resources Protection and Mitigation Branch, within DOEE's Regulatory Review Division (RRD).

RRD has reviewed Special Public Notice #17-04 and determined that the public interest in the activities authorized under the proposed NWPs in the District of Columbia requires an individual comprehensive review process and evaluation by the USACE and subsequent Section 401 water quality certification (WQC) by DOEE. The District is a highly urbanized area, and has a relatively small amount of wetlands, which provide important environmental benefits. In the interest of ensuring adequate protection and preservation of these benefits, DOEE denies a water quality certification under Section 401 of the Clean Water Act for the 50 existing NWPs, general conditions, and definitions with some modifications, two new NWPs, one new general condition, and five new definitions. Any activity requiring a NWP within the District of Columbia must first obtain an activity-specific WQC or waiver from DOEE before proceeding under the NWP.

All applicants applying for a NWP for proposed work within the District of Columbia are required to obtain permit-specific WQCs from DOEE. The joint permit application form for proposed work in the District of Columbia should indicate that the application form and all supporting documents must also be submitted to:

Jennifer Dietzen
Water Resource Protection and Mitigation Branch
Regulatory Review Division
Department of Energy and Environment
1200 First Street, N.E., 5th Floor
Washington, DC 20002

If we can be of further assistance, please contact Jennifer Dietzen of the RRD at (202) 481-3942 or jennifer.dietzen@dc.gov.

Sincerely,



Brian Van Wye
Chief, Water Resource Protection and Mitigation Branch

Cc: Hamid Karimi, Ph.D., Deputy Director, Natural Resources Administration, DOEE
Jeff Seltzer, Associate Director, Water Quality Division, DOEE