



State of Vermont
PERMIT AND LICENSE INFORMATION

WATER QUALITY CERTIFICATION – NON-HYDROELECTRIC

SUMMARY DESCRIPTION OF PERMIT	Section 401(a)(1) of the Clean Water Act specifies that any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State... that such discharge will comply with the applicable provisions of sections 301 (Effluent limitations), 302 (Water quality related effluent limitations), 303 (Water Quality Standards and implementation plans), 306 (National Standards of Performance) and 307 (Toxic and Pretreatment Effluent Standards) of the Act. The Act also enables the administering agency to waive certification requirements. A federal license or permit may not be granted if certification has been denied.
EXAMPLE OF REGULATED ACTIVITY	Discharge to wetlands which need a Corp of Engineers 404 permit, stream alterations or lakes and ponds encroachments which need a Corp of Engineers 404 permit, construction and operation of dams which need a Federal Energy Regulatory Commission license (see Sheet 27.2), and so on.
CRITERIA FOR JURISDICTION	The need for a certification is triggered by the need for a federal license or permit.
INFORMATION REQUIRED	Information must be submitted to the appropriate state office sufficient for the Department to make a determination that the activity will be carried out in a manner that will comply with the Vermont Water Quality Standards and any other appropriate requirements of state law.
WEB ADDRESSES	https://dec.vermont.gov/watershed/business-support/water-quality-certification-section-401
FEES	1% of project cost with a minimum of \$200.00 and a maximum of \$ 20,000.00
APPLICATION TIME FRAME	30 days public notice for draft decision. General processing time is 3 months or more.

**ADMINISTERING
AGENCY**

**AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WATER QUALITY DIVISION**

CONTACT: 401 Water Quality Certification Coordinator
802-828-1115
ANR.WSMD401@vermont.gov

ADDRESS: 1 National Life Drive
Montpelier, VT 05620-3522

AUTHORITY

[10 V.S.A. Section 1004](#)
[Section 401 of the Federal Clean Water Act](#)

**APPEAL
PROCESS**

Effective January 31, 2005, within 30 days of the date of an act or decision, any person aggrieved by an act or decision of the secretary, or any party by right, may appeal to the environmental court in accordance with the provisions of [10 VSA Chapter 220](#).

**OTHER PERMITS
AND APPROVALS**

Other state permit programs involving discharges to waters, wetlands or water-related resources may need to be contacted. Army Corps of Engineers (see Sheets [97](#), [98](#), [99](#)).