



2012 Nationwide Permit (NWP) and State Program General Permit (SPGP) Update

INTRODUCTION

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Why Are We Here?

- NWPs re-authorized 3/19/2012
- SPGP expires 6/1/2012
 - New ones coming



Why Are We Here?

Nationwide Permits (NWP)

- NWPs first authorized by Congress in 1977 through adoption of Section 404(e) of the Clean Water Act (CWA)
- Section 404(e) of the CWA also limits the time period that General Permits may be issued for five (5) years
- On 2/16/2011 the COE published draft NWPs for comment in the Federal Register (76 FR 9174) to reissue 2007 NWPs that would expire on 3/18/2012
- On 2/21/2012 the COE publishes new/reissued NWPs in the Federal Register (77 FR 10184). The effective date of the NWPs was March 19, 2012 and they will be valid through March 18, 2017.
- Total of 50 NWPs currently authorized, 48 of 49 reissued from 2007 and 2 new. In addition, 3 new General Conditions and 3 new Definitions were issued.



Why Are We Here?

Norfolk NWP Regional Conditions

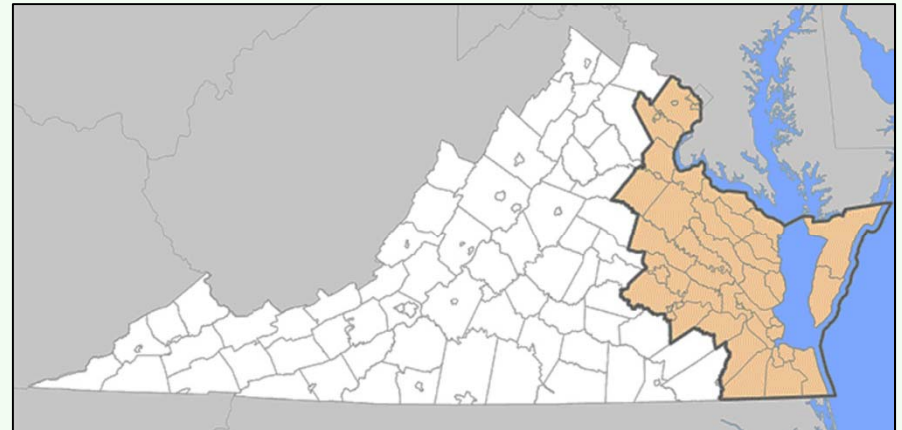
- Draft Regional Conditions published by Norfolk District COE on March 11, 2011
- NWP Regional Conditions published by Norfolk District COE on 3/16/2012 and were immediately effective



Why Are We Here?

DEQ 401 Certification and Coastal Zone Management Act (CZMA)

- DEQ published a Public Notification (PN) on 3/14/2012 advertising the intent to provide 401 WQ Certification for all Norfolk District Regional Conditions and certain NWP. PN comment period ended on 4/13/2012
- 90-day CZMA re-certification process started with publication of NWPs on 2/21/2012. Therefore, if DEQ does not provide CZMA Consistency Determination by 5/24/2012, it will be presumed for the NWPs
- Until 401 certification is provided, new NWPs will not be valid within the Commonwealth of Virginia
- Within Virginia's coastal zone (i.e. Tidewater Virginia), new NWPs will not be valid until CZMA Consistency Determination is provided



Why Are We Here?

State Program General Permit (SPGP)

- Norfolk District COE established SPGP in Virginia in 2002
- Like NWP, SPGPs are General Permits and per Section 404(e) of the CWA, may only be issued for five (5) years
- Current SPGPs (07-SPGP-01) expire on June 1, 2012
- Norfolk COE published draft SPGP modification and reissuance notice for public comment on June 22, 2011
- Similar to NWPs, DEQ must provide §401 WQ certification and CZMA Consistency Determination for SPGP. However, for SPGP §401 WQ certification is handled individually for each project.



Today's Speakers

Meg Gaffney-Smith

Chief of Regulatory Programs, Corps Headquarters

Tom Walker

Chief of Regulatory Branch, Corps Norfolk District

George Janek

Project Manager, Corps Norfolk District

Anna Lawston

Environmental Scientist, Corps Norfolk District

Dave Davis

DEQ, Office of Wetlands and Water Protection



Agenda

- 1:30-1:40pm:** Introduction *Mike Rolband*
- 1:40-2:00pm:** Headquarters Perspective on NWP *Meg Gaffney-Smith*
- 2:00-2:20pm:** Introduction to NWPs in Virginia *Tom Walker*
- 2:20-3:00pm:** NWPs and Regional Conditions *George Janek*
- 3:00-3:15pm:** BREAK
- 3:15-4:00pm:** State Program General Permits (SPGP) *Anna Lawston*
- 4:00-5:00pm:** Section 401/SPGP *Dave Davis*

Course Materials and Resources

Copies of all presentations
will be available on the WSSI website at:

[http://wetlandstudies.com/resources-regulations/
additional-resources/nwp_sppseminar.html](http://wetlandstudies.com/resources-regulations/additional-resources/nwp_sppseminar.html)

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