

## *NDEP 401 Application Addendum*

**The information requested of the applicant in this addendum must be included with the NDEP Clean Water Act §401 Water Quality Certification Application Form to satisfy new federal rules and regulations that became effective on September 11, 2020.**

By including the information below in addition to that requested on the application form, the applicant will comply with federal rules and regulations that specify what information must be submitted to NDEP that constitutes a complete *Certification Request*. Once received the Certification Request starts the timeclock under which NDEP must review an application and subsequently respond by either certifying, waiving, or denying water quality certification. Providing the information enumerated below does not preclude NDEP from requesting additional information from the applicant that may be required to review the 401 Application, however, should additional information be requested of the applicant, the period of review does not pause. Please submit the completed application form and application addendum materials concurrently to NDEP and the appropriate US Army Corps of Engineers representative.

A Certification Request submitted for an Individual License or Permit shall include the following information (Please provide via an additional attachment to the 401 Application Form):

1. Identify the project proponent(s) and a point of contact;
2. Identify the proposed project;

(Note: Items 1 and 2 above are to be provided in NDEP's 401 Application Form. Items 3 through 9 inclusive require additional information be provided by the applicant.)

3. Identify the applicable federal license or permit;
4. Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters;
5. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge;
6. Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received;
7. Include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request;
8. Contain the following statement: 'The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief';
9. Contain the following statement: 'The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.'

A Certification Request submitted for a General License or Permit shall include the following information (Please provide via an additional attachment to the 401 Application Form):

1. Identify the project proponent(s) and a point of contact;
2. Identify the proposed categories of activities to be authorized by the general license or permit for which certification is requested;

(Note: Items 1 and 2 above are to be provided in NDEP's 401 Application Form. Items 3 through 7 inclusive require additional information be provided by the applicant.)

3. Include the draft or proposed general license or permit;
4. Estimate the number of discharges expected to be authorized by the proposed general license or permit each year;
5. Include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request;
6. Contain the following statement: 'The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief ';
7. Contain the following statement: 'The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.'