



CWA §401 Prefiling Meeting Request

Alaska Department of Environmental Conservation
Division of Water – Wastewater Discharge Authorization Program
555 Cordova Street, Anchorage AK 99501
email: DEC-401Cert@alaska.gov Phone: 907-269-6285

DEC Use Only

Date Received: _____

Starting April 6, 2022, the CWA section 401 certification process is once again governed by the CWA section 401 certification regulations EPA promulgated in 2020, codified at 40 CFR 121. On April 6, 2022, the U.S. Supreme Court issued a stay of the October 2021 order by the U.S. District Court for the Northern District of California that vacated EPA's 2020 Clean Water Act Section 401 Certification Rule (2020 Rule). The stay of the vacatur applies nationwide.

40 CFR 121.4 Pre-filing meeting request. (a) At least 30 days prior to submitting a certification request, the project proponent shall request a pre-filing meeting with the certifying authority. (b) the certifying authority is not obligated to grant or respond to the pre-filing meeting request.

Note: The following form contains the information that is requested regarding a §401 certification request and its purpose is to fulfil the pre-filing meeting request per 40 CFR 121.4(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.* Completing this form with as much information as possible will help with DEC's determination. DEC will review your request for a pre-filing meeting to determine whether a meeting is necessary. Note that DEC is not obligated to grant or respond to the pre-filing meeting request.

Next Steps: Submit this request form with as much information as possible along with any attachments such as drawings and or maps to DEC-401Cert@alaska.gov, this will fulfil the 40 CFR 121.4(7) pre-filing meeting request requirement. All requests submitted after regular business hours will be considered received the next business day. If DEC determines if a pre-filing meeting is to be scheduled, the meeting will likely be conducted via teleconference. If you do not receive a response for scheduling a pre-filing meeting and at least 30 days have passed, you may submit the certification request to DEC if a CWA §401 is required for your project.

DEC does charge a **fee** for CWA §401 certification requests based on acreage disturbed, see DEC's Permit Fees website <https://dec.alaska.gov/water/wastewater/fees#IP-Fee>. When you do file a CWA §401 certification request, it is important that you receive a determination from the federal agency regarding the permitting avenue (individual permit) the federal agency will pursue and whether a §401 certification is required. For instance, the USACE's Nationwide, Regional Permits, and Letters of Permission (LOP's) have typically been previously certified and do not require an individual §401 certification. Therefore, it is important that you communicate with the federal agency prior to submitting a certification request to determine the permitting avenue/type of permit.

I. Identify the applicable federal license or permit*

Permit License Number: _____ Federal Agency: ☐ USACE, ☐ FERC, or ☐ Other: _____

*A copy of the federal permit or license application is required to be submitted with the request for the water quality certification. (18 AAC 15.130, 18 AAC 15.180)

II. Project Proponent and Point of Contact [40CFR121.5(b)(1)]

Applicant Information

First _____ Middle _____ Last _____
Company _____ Title _____
Mailing Address Street or PO Box _____ City _____ State _____ Zip _____
Email _____ Phone _____ Fax (optional) _____

Point of Contact or Agent Information

First _____ Middle _____ Last _____
Company _____ Title _____
Mailing Address or PO Box _____ City _____ State _____ Zip _____
Email _____ Phone _____ Fax (optional) _____

Statement of Authorization

I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit/certification application.

SIGNATURE OF APPLICANT

DATE

III. Name, Location, and Description of Project or Activity [40CFR121.5(b)(2)]

Project Name or Title _____

Project Street Address (if applicable) _____

City _____

AK

State

Zip _____

Latitude
(Decimal Degrees, 6 places)

Longitude
(Decimal Degrees, 6 places)

Other Location Descriptions if known: _____

State Tax Parcel ID _____

Municipality _____

Section _____

Township _____

Range _____

Estimated Start Date _____

Estimated End Date _____

Directions to the site:

Nature of Activity (Description of project, include all features)

Project Purpose (Describe the reason(s) for discharge)

For fill material, identify the material source: _____

Types of material being discharged and the amount of each type in cubic yards: _____ _____ _____ _____
Type yd³ Type yd³

Surface area in acres of wetlands or other waters filled: Acres: _____ or, linear feet: _____

Is dredging involved? ☐ Yes, ☐ No; If yes, how much? _____ acres and volume _____ yd³.

a. Is the dredging considered a ☐ new project, and/or is it ☐ maintenance? If maintenance, how frequent? _____

b. Proposed Placement of dredged material: (provide center coordinates of placement area)

☐ Upland, ☐ In water, ☐ Other: _____

Latitude Longitude Latitude Longitude Latitude Longitude

c. Has a Tier analysis been conducted of the dredged prism? ☐ Yes, ☐ No; If yes, attach tier analysis and sample results if any.
Note, If marked no, this may later be required upon review of request.

(for example of Tier analysis, see [EPA Inland Testing Manual](#) or [USACE Seattle District Civil Works DMMP User Manual](#))

Is any portion of the work already complete? ☐ Yes, ☐ No If yes, describe the completed work:

IV. Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters; [40CFR121.5(b)(4)]

Name and location of receiving waters, and geographical extent potentially affected by the proposed discharge:

Location of potential discharge (Decimal Degrees, 5 places minimum), describe if necessary:

	Activity		Description	Receiving Waterbody Name	Latitude	Longitude
	Dredge	Fill				
a.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____
b.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____
c.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____
d.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____
e.	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____	_____	_____

Is the project within 1,500 feet of a known contaminated site: ☐ Yes, ☐ No (see [DEC Contaminated Sites Program website](#)).

If yes, describe the identified contaminated site(s) or groundwater plume within 1,500 feet.

Parameter(s) of Concern: (check all that apply): ☐ Turbidity, ☐ Sediment, ☐ Petroleum Hydrocarbons, ☐ Metals, ☐ Other, _____

Identify the parameters of concern that may be present in your discharge. Consider if other parameters may be present from past activities in the area. Describe if known respective concentrations, persistence, and potential impacts to the receiving water and data on parameters that may alter the effects of the discharge to the receiving water.:

Impaired Waters: Does a discharge of any parameter identified above occur to an impaired waterbody listed as a Category 4 [304(b)] or Category 5 [303(d)] in the current EPA approved Alaska's Integrated Water Quality Monitoring and Assessment Report? (See <http://dec.alaska.gov/water/water-quality/impaired-waters.aspx> for the most recently approved report and category listings.) ☐ Yes, ☐ No

If determined necessary and requested by the Department, submit sufficient and credible baseline water quality information for the receiving water which meets the requirements of 18 AAC 70.016(a)(6)(A-C).

Social or Economic Importance (18 AAC 70.016(c)(5): Provide information that demonstrates the accommodation of important social or economic development. The applicant shall complete either a social OR economic importance analysis (or both) for each affected community in the area where the receiving water for the proposed discharge is located. (if additional space is needed, attach separate sheet)

(A) Social Importance Analysis:

(select one or more areas, and describe below)

- ☐ community services provided;
- ☐ public health or safety improvements;
- ☐ infrastructure improvements;
- ☐ education and training;
- ☐ cultural amenities;
- ☐ recreational opportunities

(B) Economic Importance Analysis:

(select one or more areas, and describe below)

- ☐ employment, job availability, and salary impacts;
- ☐ tax base impacts;
- ☐ expanded leases and royalties;
- ☐ commercial activities;
- ☐ access to resources;
- ☐ access to a transportation network

Describe (checked items above or attach as separate document)

V. 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 [40CFR121.5(b)(5)]

(Example: Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Include best management practices (BMPs) for sediment and erosion controls that will be implemented to minimize the environmental impacts.)

VI. 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; [40CFR121.5(b)(6)]

List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in this Application.

Agency	Type of Approval*	Identification Number	Date Applied	Date Approved	Date Denied

* Would include but is not restricted to zoning, building, and flood plain permits.

Addresses of Adjoining Property Owners, Lessees, Etc. Whose Property Adjoins the Waterbody(s) listed in Section IV.

(if more than can be entered here, please attach a supplemental list)

<p>a.</p> <p>Name(s) _____</p> <p>Address _____</p> <p>City _____ State _____ Zip _____</p>	<p>b.</p> <p>Name(s) _____</p> <p>Address _____</p> <p>City _____ State _____ Zip _____</p>
<p>c.</p> <p>Name(s) _____</p> <p>Address _____</p> <p>City _____ State _____ Zip _____</p>	<p>d.</p> <p>Name(s) _____</p> <p>Address _____</p> <p>City _____ State _____ Zip _____</p>
<p>e.</p> <p>Name(s) _____</p> <p>Address _____</p> <p>City _____ State _____ Zip _____</p>	<p>f.</p> <p>Name(s) _____</p> <p>Address _____</p> <p>City _____ State _____ Zip _____</p>

VII. Attachments: (as much as available for the pre-filing meeting request)

- ☐ *Required for the §401 Certification Request, Not required for pre-filing meeting request:* Copy of the complete federal license or permit application requiring certification under 33 U.S.C. 1341 (CWA §401) to include all accompanying information, contemporaneous with the submission of the application to the federal licensing or permitting agency. (18 AAC 15.130, 18 AAC 15.180)
- ☐ Figures and/or Drawings/Plan Sets
- ☐ Tier Analysis of dredged material
- ☐ Sampling Results
- ☐ Baseline Water Quality Information
- ☐ Other/Comments

VIII. Certification Statement [40CFR121.5(b)(8-9)]

As per 18 AAC 15.030 signing of applications, all permit or approval applications must be signed as follows:

- 1) in the case of corporations, by a principal executive officer of at least the level of vice president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation;
- 2) in the case of a partnership, by a general partner;
- 3) in the case of a sole proprietorship, by the proprietor; and
- 4) in the case of a municipal, state, federal or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief.

First	Middle	Last	
Company		Title	
Mailing Address Street or PO Box	City	State	Zip
Email	Phone	Fax (optional)	
Signature	Date		

Submit the CWA §401 Prefiling Meeting Request to DEC-401Cert@alaska.gov.

Include in the subject line the following:

“CWA §401 Prefiling Meeting Request - <Insert Federal Agency and permit number or license number> - <insert project title>”.

Note: DEC does charge a fee for processing a CWA §401 water quality certification, see DEC Permit Fee website

<https://dec.alaska.gov/water/wastewater/fees/IP-Fee>

Instructions for Preparing a Pre-meeting Request for CWA §401 Certification for an Individual Permit or License

(General Instruction: If more space is needed than what is provided in the form, attach a sheet with the necessary information and indicate the appropriate section for reference.)

I. Identify the applicable federal license or permit [40CFR121.5(b)(3)]

Include the Federal Agency's permit license number and identify the corresponding agency for which you are applying for the Alaska DEC CWA §401 certification.

II. Project Proponent and Point of Contact [40CFR121.5(b)(1)]

Enter the name, contact information to include the E-mail address of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the name of the organization and responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information. Point of Contact or Agent Information to be completed if you choose to have an agent.

III. Name, Location, and Description of Project or Activity [40CFR121.5(b)(2)]

Project Name: Please provide name identifying the proposed project, e.g., Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center. Include location and description of the project or activity.

Estimate Start/End Dates: What are the anticipated start and end dates for project construction?

Location: Provide Latitude & Longitude in decimal degrees with a minimum of five decimal places, example: 61.21688, -149.87875 latitude, longitude, respectively. Provide street address if applicable, and other location descriptions if known. If the facility or project lacks a street address, indicate the general location of the facility (e.g., intersection of x and y).

Directions to the site: Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Nature of the Activity: Describe the overall activity or project. Give appropriate dimensions of structures such as wing walls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms. The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper.

Project Purpose: Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes rock, sand, clay, concrete, etc.

Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper.

Dredging: Identify if any dredging is involved. If so, quantify the acres and volume to be dredged. Provide an assessment of the dredge prism and sample results to support a Tier analysis. Consult the [EPA Inland Testing Manual](#) or the [USACE Seattle District Civil Works DMMP User Manual](#) for an example of a Tier analysis of the dredge prism. It is recommended to consult with DEC and Corps prior to conducting sampling during pre-application meetings to avoid delays.

Is any portion of the work already complete: Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps or other federal/state permit, identify the authorization, if possible.

IV. Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters; [40CFR121.5(b)(4)]

Name and Location of potential discharge. Provide latitude and longitude coordinates (Decimal Degrees, minimum 5 decimal places) of potential discharge. Describe the location if necessary. Include the geographic extent potentially affected by the proposed discharge.

Instructions for Preparing a Pre-meeting Request for CWA §401 Certification for an Individual Permit or License

Contaminated Sites: Identify any known contaminated sites within 1,500 feet of the proposed project discharge, to include those known by the applicant or known DEC identified contaminated site either in “Active” or “Cleanup Complete – Institutional Controls” status. For more information, see DEC Contaminated Sites website (dec.alaska.gov/spar/csp.aspx) for ability to search via map, database, and background summaries.

Parameters of Concern: Identify the parameters of concern that may be present in your discharge. Consider if other parameters may be present from past activities in the area. Describe if known respective concentrations, persistence, and potential impacts to the receiving water and data on parameters that may alter the effects of the discharge to the receiving water.

Impaired Waters: Does a discharge of any parameter identified may occur to an impaired waterbody listed as a Category 4 [304(b)] or Category 5 [303(d)] in the current EPA approved Alaska’s Integrated Water Quality Monitoring and Assessment Report?

See <http://dec.alaska.gov/water/water-quality/impaired-waters.aspx> for the most recently approved report and category listings.

Social or Economic Importance Analysis: select as appropriate and provide a description per 18 AAC 70.016(c)(5).

V. 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 [40CFR121.5(b)(5)]

Nature of potential discharge and potential environmental impacts on the receiving water: Provide a brief explanation describing how impacts to waters of the United States are being avoided and minimized on the project site. Include best management practices (BMPs) for sediment and erosion controls that will be implemented to minimize the environmental impacts.

VI. 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; [40CFR121.5(b)(6)]

You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for the CWA §401 certification.

VIII. Certification Statement [40CFR121.5(b)(8-9)]

As per 18 AAC 15.030 Signing of applications, all permit or approval applications must be signed as follows:

- 5) in the case of corporations, by a principal executive officer of at least the level of vice president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation;
- 6) in the case of a partnership, by a general partner;
- 7) in the case of a sole proprietorship, by the proprietor; and
- 8) in the case of a municipal, state, federal or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

For more information regarding CWA §401 Certifications, see the DEC website at <http://dec.alaska.gov/water/wastewater/wetlands>, or contact:

Alaska Department of Environmental Conservation
Division of Water – Wastewater Discharge Authorization Program
555 Cordova Street, Anchorage AK 99501
email: DEC-401Cert@alaska.gov Phone: 907-269-6285

Submit the CWA §401 Pre-Filing Meeting Request to DEC-401Cert@alaska.gov. Include in the subject line the following:

“CWA §401 Pre-Filing Meeting Request - <Insert Federal Agency and permit number or license number> - <insert project title>”.

*Note: DEC does charge a **fee** for processing CWA §401 water quality certifications which will typically be assessed after the certification decision is issued. See DEC Permit Fee website <https://dec.alaska.gov/water/wastewater/fees#IP-Fee>*