

Table 4.1 USACE Permits and VWP Certifications
USACE Permits and VWP Certification/Conditions
(Rev. 11/1/12)

USACE Nationwide or Regional Permit	Last Date of DEQ 401 Certification	DEQ VWP Permit Process	DEQ 401 Certification Conditions (list follows table)
1. Aids to Navigation	Mar-12	NPR	N/A
2. Structures in Artificial Canals	Mar-12	NPR	N/A
3. Maintenance	Mar-12	NPR	N/A
4. Fish and Wildlife Harvesting, Enhancement, & Attraction Activities	Mar-12	NPR	N/A
5. Scientific Measurement Devices	Mar-12	NPR	N/A
6. Survey Activities	Mar-12	NPR	N/A
7. Outfall Structures and Maintenance	Mar-12	Conditional	1,2
8. Oil and Gas Structures	Mar-12	NPR	N/A
9. Structures in Fleeting and Anchorage Areas	Mar-12	NPR	N/A
10. Mooring Buoys	Mar-12	NPR	N/A
11. Temporary Recreational Structures	Mar-12	NPR	N/A
12. Utility Line Activities	Mar-12	Conditional	1,3
13. Bank Stabilization	Mar-12	NPR	N/A
14. Linear Transport Crossings (Tidal Waters)	Mar-12	Conditional	1
14. REPLACED BY SPGP (Linear Transport Crossings - Nontidal Waters)	Expired Nov-02	--	--
15. U.S. Coast Guard Approved Bridges	Mar-12	NPR	N/A
16. Return Water from Upland Contained Disposal Areas	Mar-12	Conditional	19
17. Hydropower Projects	Mar-12	Permit Req'd	N/A
18. Minor Discharges	Mar-12	Conditional	1,4,20
19. Minor Dredging	Mar-12	Conditional	1,5
20. Oil Spill Cleanup	Mar-12	NPR	N/A
21. Surface Coal Mining Activities	Mar-12	Conditional	1
22. Removal of Vessels	Mar-12	NPR	N/A
23. Approved Categorical Exclusions	Mar-12	NPR	N/A
24. Indian Tribe or State Administered Section 404 Programs	Mar-12	N/A in VA	N/A
25. Structural Discharges	Mar-12	Conditional	1,6
26. EXPIRED	Expired Jun-00	--	--
27. Stream and Wetland Restoration Activities	Mar-12	Conditional	1,7,8,9,21

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28. Modifications of Existing Marinas	Mar-12	NPR	N/A
29. Residential Developments	Mar-12	Conditional	1
30. Moist Soil Management for Wildlife	Mar-12	NPR	N/A
31. Maintenance of Existing Flood Control Facilities	Mar-12	NPR	N/A
32. Completed Enforcement Actions	Mar-12	Conditional	1,10
33. Temporary Construction, Access and Dewatering	Mar-12	NPR	N/A
34. Cranberry Production Activities	Mar-12	NPR	N/A
35. Maintenance Dredging of Existing Basins	Mar-12	NPR	N/A
36. Boat Ramps	Mar-12	NPR	N/A
37. Emergency Watershed Protection & Rehabilitation	Mar-12	NPR	N/A
38. Cleanup of Hazardous and Toxic Waste	Mar-12	NPR	N/A
39. REPLACED BY SPGP (Residential, Commercial and Institutional Development)	Expired Nov-02	--	--
40. Agricultural Activities	Mar-12	Conditional	1,2,11
41. Reshaping Drainage Ditches	Mar-12	Conditional	1,17
42. Recreational Facilities	Mar-12	Conditional	1,12
43. Stormwater Management Facilities	Mar-12	Conditional	1,13
44. Mining Activities	Mar-12	Conditional	1,14
45. Repair of Uplands Damaged by Discrete Events	Mar-12	NPR	N/A
46. Discharges Into Ditches	Mar-12	NPR	N/A
47. Pipeline Safety Program Designated Time Sensitive Inspections & Repairs	Mar-12	NPR	N/A
48. Commercial Shellfish Aquaculture Activities	Mar-12	Conditional	1,15,3,4
49. Coal Re-mining Activities	Mar-12	NPR	N/A
50. Underground Coal Mining Activities	Mar-12	NPR	N/A
51. Land Based Renewable Energy Generation Facilities	Mar-12	Conditional	1,4,17
52. Water Based Renewable Energy Generation Pilot Projects	Mar-12	Conditional	1,4,17

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ASP-18. DISCONTINUED (Abbreviated Standard Permit)	Discontinued Feb-02	--	--
LOP-1. Letter of Permission for VDOT Projects	Cert. Denied	Permit Req'd	N/A
LOP-2. Letter of Permission for Certain Navigationally-related Recreational and Commercial Dredging Projects	Aug-10	Conditional	16
RP-05. Construction of Small Impoundments	Oct-11	NPR	N/A
RP-15. Maintenance of Certain Ditches	Aug-08	NPR	N/A
RP-17. Private Piers and Mooring Piles	Aug-08	NPR	N/A
RP-18. Private Piers not covered by RP-17	Aug-08	NPR	N/A
RP-19. Certain Activities covered by VMRC and/or Local Wetlands Boards	Sep-10	NPR	N/A
RP-20. Development of State-owned and Operated Artificial Fin and Shellfish Reefs	Feb-12	NPR	N/A
RP-22. For Certain Activities in Lake Gaston	November-12	NPR	N/A
RP-24. For Certain Activities in Claytor & Smith Mtn. Lake	Aug-08	NPR	N/A
RP-37. Expired (Replaced by NWP-37)	Expired Nov-10	--	--
RP-40. Minor Maintenance Dredging in Nontidal Waters	Aug-08	Conditional	18

Abbreviations/Definitions

VWPP = Virginia Water Protection Permit

NPR = No Permit Required from the VWPP Program

N/A = Not Applicable

Permit Req'd = Some type of VWPP action is required

Conditional = Section 401 Certification is only granted (e.g., no separate permit required from VWPP Program) if the noted conditions are met. Otherwise, some type of VWPP action is required, and the permittee must comply with the noted conditions.

DEQ Section 401 Conditions

1. Compensatory mitigation, when including purchases of mitigation bank credits, must comply with Section 62.1-44.15:23 A through C of the Code of Virginia.
2. The structure or maintenance is not associated with intake structures.
3. The activities are not associated with intake structures or do not transport non-potable raw surface water.
4. The discharge does not include water withdrawals, such as the construction of an intake structure, weir or water diversion structure.
5. The dredging is not used to create a deep space for water withdrawal.
6. The discharge does not include structures such as pilings to construct a platform to mount a pump for water withdrawals.
7. When used to permit a wetland mitigation bank, compensation for any surface water impacts is debited from the bank credits.
8. Natural stream design shall be used for stream restoration projects.
9. Monitoring for success shall be conducted, including submittal of as-built plans, surveys, and photographs.
10. The impact does not exceed 2 acres of wetlands or 1500 linear feet of streambed and only past unauthorized impacts are addressed.
11. Does not include the location of concentrated animal feeding operations or waste storage facilities in surface waters.
12. The facility does not include an impoundment for irrigation, and compensation is required for wetland and/or stream loss due to direct impacts and permanent backflooding.
13. The management facility is not associated with a water withdrawal.
14. The activity is not for hydraulic dredging.
15. The activity complies with the conditions of any VPDES permit issued for the facility.
16. The applicant must meet the following conditions: a) the containment area is adequately sized to prevent overtopping of any containment berm used for upland disposal of dredged material; b) the need is adequately addressed regarding a liner or impermeable material to prevent leaching of any identified contaminants into ground water; and c) the dredging will not exacerbate impairment of water body segments on the current effective Section 303(d) Total

Maximum Daily Load (TMDL) priority list or water body segments with an approved TMDL; and the dredging is consistent with any waste load allocation, limit, or conditions imposed by an approved TMDL.

17. The impact does not exceed 2 acres of wetlands or 1500 linear feet of streambed.

18. The amount of dredged/excavated material cannot exceed 5,000 cubic yards (no limits on method of dredging/excavation, and no separate limits on the area of impact).

19. Provided that the associated dredging does not otherwise require issuance of an Individual or General Virginia Water Protection Permit from VDEQ

20. Provided that a Virginia Pollutant Discharge Elimination System (VPDES) permit is obtained prior to the placement of any alternative septic system discharging into Virginia Department of Health (VDH) designated shellfish waters.

21. Dam removal for those dams meeting the following limits: a) less than 25 feet in height with a maximum impoundment capacity of less than 15 acre-feet or b) less than six feet in height with a maximum impounding capacity less than 50 acre-feet, or c) dams operated primarily for agricultural purposes which are less than 25 feet in height or which create a maximum impoundment capacity smaller than 100 acre-feet.