



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

DATE OF NOTICE: November 3, 2020

PUBLIC NOTICE NUMBER: 2021-05

COMMENT PERIOD: Thirty (30) calendar days after issuance of this Public Notice

ACTION: §401 CWA Water Quality Certification; U.S. Army Corps of Engineers Nationwide Permits and Regional Conditions for Indian Nation Lands Lacking Certification Authority in NY

SUMMARY: Request for Comments on [§401 Clean Water Act \(CWA\) Water Quality Certification](#) for the U.S. Army Corps of Engineers (USACOE) Nationwide Permits (NWP) and Regional Conditions for Indian nation/tribal lands lacking §401 certification authority in New York.

Supplemental Information:

On October 15, 2020, the USACOE New York and Buffalo Districts requested a programmatic CWA §401 Water Quality Certification from EPA for the proposed NWP renewal and revision. On September 15, 2020, the USACOE Headquarters published in the Federal Register its proposal to renew and revise 52 NWP, and issue five new NWP, for work in wetlands and other waters that are regulated by §404 of the Clean Water Act and/or §10 of the Rivers and Harbors Act of 1899. NWP are a type of general permit issued on a nationwide basis to streamline the authorization of activities that result in no more than minimal individual and cumulative adverse environmental effects. In addition, the New York District and Buffalo Districts are seeking comments on proposed Regional Conditions and/or the need for additional Regional Conditions to the NWP.

EPA is reviewing the draft NWP and the draft Regional Conditions and acts as the certifying authority for programmatic CWA §401 certification covering the Indian nations/tribes in our region not approved for Treatment as a State. EPA, as a certifying authority, must decide whether to (1) grant certification as proposed; (2) grant certification with specific conditions; (3) grant certification to some of the NWP, but reserve project-by-project review for others; or (4) deny or waive certification of some or all of the NWP.

Information on the proposed 2020 NWP and Regional Conditions are provided in the following Corps Public Notices:

- [Federal Register Notice of Proposed Rulemaking](#)
- [USACE New York District & Buffalo District: 2020 Nationwide Permits Reissuance and Regional Conditions Request for Comments](#)
- [USACE Headquarters Website: Nationwide Permits](#)

How to Comment (box at righthand side of public notice webpage)

Comments accepted through: 12/03/2020

Currently, EPA is only able to receive comments or requests via email. To submit your comments or for more information contact:

Region2_CWA401@epa.gov

Wetlands Protection Section, U.S. Environmental Protection Agency

If you are unable to submit electronically or need other assistance, please contact:

Sofia Olivero-Lora,
Wetland Management Specialist/Life Scientist
Wetland Protection Section
Watershed Management Branch
Water Division
US Environmental Protection Agency, Region 2
Telephone Number: (212) 637-3838
E-mail: OliveroLora.Sofia@epa.gov

Do not submit any information you consider to be Confidential Business Information. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make.

Dated: November 3, 2020

Richard P. Balla, Chief
Watershed Management Branch