



## Environmental Protection Agency

[Clarification of State Certification Procedures under Section 401 of the Clean Water Act](#)  
Appeared in Spring 2018 Regulatory Agenda

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Environmental Protection Agency ( EPA ) RIN: 2040-AF86  
Office of Water ( OW ) Publication: 201804

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**Title:** Clarification of State Certification Procedures Under Section 401 of the Clean Water Act

**Abstract:**  
Section 401 of the Clean Water Act requires that any applicant for a Federal license or permit to conduct an activity which may result in a discharge into navigable waters, seek a certification from the state in which the discharge would originate that the discharge will comply with applicable effluent limitations, water quality standards, toxic and pretreatment effluent standards and other applicable provisions of the Act. To date, EPA has not promulgated regulations implementing this section but has provided stakeholders with guidance through a 2010 handbook called Clean Water Act Section 401 Water Quality Certification: A Water Quality Protection Tool for States and Tribes." EPA is considering whether the Section 401 certification process would benefit from rulemaking to promote nationwide consistency and regulatory certainty for states, permit applicants, and other stakeholders

**Priority:** Other Significant **Agenda Stage of Rulemaking:** Long-term Action  
**Major:** No **Unfunded Mandates:** Undetermined  
**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )  
**Legal Authority:** 33 U.S.C. 1251 et seq Clean Water Act  
**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Notice: Request for Comment		

**Regulatory Flexibility Analysis Required:** Undetermined **Government Levels Affected:** Federal; Local; State  
**Federalism:** Yes  
**Energy Affected:** Undetermined  
**Agency Contact:** John Goodin Environmental Protection Agency  
Office of Water  
4502T  
Washington , DC 20460  
Phone: 202 566-1373  
FAX: 202 566-1375  
E-Mail: [goodin.john@epa.gov](mailto:goodin.john@epa.gov)

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