Date [optional]

**SENT VIA E-MAIL:** enter email address [optional]

Re: Notification that a Virginia Water Protection (VWP) Permit/Coverage is Not Required

NP No. ##-######

[if known]JPA No. ##-####

[if known]USACE No. NAO-####-####

Project Name, County/City, Virginia

The Virginia Department of Environmental Quality (DEQ) has received your [add all that apply: JPA, PCN, project notification] [optional on Date]. Provided that the size or scope of the project does not change, the project will not require issuance of a VWP individual permit or VWP general permit coverage per the selected checkboxes below.

If unauthorized impacts occur, you **must** contact DEQ at [select compliance office email] Choose an item. or [select Regional PReP #] Choose an item. within 24 hours of discovery. Any fish kills or spills of fuels or oils shall be reported to DEQ immediately upon discovery at [select Regional PReP #] Choose an item. If DEQ cannot be reached, the spill or fish kill shall be reported to the Virginia Department of Emergency Management (VDEM) at 1-800-468-8892 or the National Response Center (NRC) at 1-800-424-8802. Any spill of oil as defined in § 62.1-44.34:14 of the Code of Virginia that is less than 25 gallons and that reaches, or that is expected to reach, land only is not reportable, if recorded per § 62.1-44.34:19.2 of the Code of Virginia and if properly cleaned up.

It is the applicant’s responsibility to obtain any required approvals, authorizations, or permits from other government agencies or programs for the proposed activities. Note that 23-SPGP-PASDO Category C projects may require coordination with VDEQ’s Office of Environmental Impact Review for an individual [Coastal Zone Management Act (CZMA) federal consistency](https://www.deq.virginia.gov/our-programs/environmental-impact-review/federal-consistency) determination. Questions regarding federal consistency with Virginia’s Coastal Zone Management Program should be directed to Bettina Rayfield at (804) 659-1915 or [bettina.rayfield@deq.virginia.gov](mailto:bettina.rayfield@deq.virginia.gov).

1. Virginia Water Protection Permit Program regulations or State Water Control Law:

[Also select reason in Section B if applicable.]

1. The project is not proposing impacts to surface waters.

[*Optional – add more detail if warranted:* Example: “The crossing over [stream] and the crossing over [stream] are aerial crossings that have no proposed impact to state waters regulated by DEQ. As such, DEQ refers you to the Virginia Marine Resources Commission for any state permit and fee requirements applicable to aerial crossings of [non-tidal bottomland].”]

2. The project qualifies for an exclusion from the permitting requirements per 9VAC25-210-60 and/or the provisions noted:

2.a. Discharges of dredged or fill material into state waters, *except wetlands* [emphasis added], which are addressed under a U.S. Army Corps of Engineers (USACE) Regional, General or Nationwide Permit, and for which no [individual] § 401 Water Quality Certificate[Certification] is required.

2.b. Any stormwater discharge from municipal separate storm sewer systems or land disturbing activities authorized by 9VAC25-870, or discharges authorized by a Virginia Pollutant Discharge Elimination System (VPDES) permit in accordance with 9VAC25-31 or a Virginia Pollution Abatement (VPA) permit in accordance with 9VAC25-32.

2.c. Any activity in a wetland governed under Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia, unless state certification is required by § 401 of the Clean Water Act. Even where such certification is required due to a pending USACE permit action, such certification is waived if the activity meets the provisions of subdivision 10.a of 9VAC25-210-60 - see below. (§ 62.1-44.15:21.G; 9VAC25-210-220.C)

[As referenced: (9VAC25-210-60.10.a) Construction or maintenance of farm ponds or impoundments, stock ponds or impoundments, or irrigation ditches that are operated for normal agricultural or silvicultural purposes, and are less than 25 feet in height or create a maximum impoundment capacity smaller than 100 acre-feet. ]

2.d. Normal residential gardening and lawn and landscape maintenance in a wetland. (§ 62.1-44.15:21.G)

2.e. Maintenance of currently serviceable structures.

2.f. Impacts to open waters that do not have a detrimental effect on public health, animal life, or aquatic life or to the designated uses of such waters.

2.g. Flooding or back-flooding impacts to surface waters resulting from the construction of temporary sedimentation basins on a construction site.

2.h. Normal agriculture and silviculture activities in a wetland. (§ 62.1-44.15:21.G)

2.i. Construction or maintenance of farm ponds or impoundments, stock ponds or impoundments, or irrigation ditches, or the maintenance (but not construction) of drainage ditches, provided that: (i) no surface water withdrawal is proposed; (ii) the final dimensions of the maintained ditch do not exceed the average dimensions of the original ditch; and, (iii) the farm or stock pond or impoundment does not fall under the authority of the Virginia Soil and Water Conservation Board pursuant to Article 2 (§ 10.1-604 et seq.) of Chapter 6 pursuant to normal agricultural or silvicultural activities. (§ 62.1-44.15:21.H)

2.j. Construction or maintenance of farm roads, forest roads, or temporary roads for moving mining equipment.

2.k. Wetland and open water impacts to a stormwater management facility that was created on dry land for the purpose of conveying, treating, or storing stormwater. (§ 62.1-44.15:21.I)

3. The activities cause impacts to an isolated wetland of minimal ecological value as defined in 9VAC25-210-10 (§ 62.1-44.15:21.D; 9VAC25-210-220.A).

4. The activity does not impact instream flows; the activity qualifies for a permit issued by the USACE; and the project proponent receives a permit from the Virginia Marine Resources Commission or wetlands boards, pursuant to Chapter 12 (§ 28.2-1200 et seq.) or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 of the Code of Virginia (9VAC25-210-220.B).

1. Section 401:

[Also select any applicable reasons in Section A.]

1. This letter confirms a waiver of § 401 Water Quality Certification for purposes of federal permits. No public notice is required by 9VAC25-210 *et seq*.

Please contact DEQ at [select processing office email and phone #] Choose an item. or Choose an item. if you have any questions.

Respectfully,

[Managers Pre-sign]

Name, Regional VWP Permit Program Manager

Virginia Department of Environmental Quality

Office

Address

cc: Authorized Agent Name, Company

Name, U.S. Army Corps of Engineers

Beth Howell, Virginia Marine Resources Commission, Building 96, 380 Fenwick Road, Ft. Monroe, VA 23651, or [jpa.permits@mrc.Virginia.gov](mailto:jpa.permits@mrc.Virginia.gov)