



Water Quality Certification (WQC)

Description: Clean Water Act (CWA) Section 401 State Water Quality Certification (WQC) of U.S. Army Corps of Engineers (COE) CWA Section 404 permits for placement of fill in federal waters.

Issuing Division: Field Operations **Section:** Mobile Branch (Statewide except Baldwin, Mobile, Washington Counties)

When is a permit required? An applicant is required to obtain an individual 401 WQC from ADEM as part of the process of obtaining a COE 404 permit. Proposed activities eligible for coverage under a current COE 404 Nationwide Permit or General permit must comply with ADEM 401WQCs issued for these COE permit categories.

Permit is required ☒ **before construction** ☒ **before operation** ☒ **before discharge**

Days from complete application to issuance: (minimum) 3-4 months (maximum) months/years depending on the length of the COE 404 process due to complexity/controversy

Notes on approval timeline: Applicant files with COE. COE initiates 30-day joint 404/401 public notice (JPN) when application considered complete by COE. After JPN, applicant/COE review comments. Project proposal is updated as appropriate. COE provides 404 comments/responses to ADEM with a request for 401 WQC. ADEM reviews all information related to the proposed project and issues 401 WQC decision.

Local approval required? No, however ADEM WQC review contingent on COE process, including federal/state agencies review

Application procedure: Submit completed ADEM/COE form 166 (Joint Application and Notification U.S. Department of Army, Corps of Engineers, Alabama Department of Environmental Management.

Base permit fee: See Fee Schedule B.

Additive fees (explain): See Fee Schedule B

Term of certification: 5 years

Public notice required? ☒ **Yes** ☐ **No** **Length of notice:** **30 days** (joint COE/ADEM notice published by COE)

Public hearing required? ☐ **Yes** ☐ **No** ☒ **COE or ADEM discretion/based on comments**

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Additional Information: <http://www.adem.state.al.us/programs/water/401cert.cnt>

Forms Required

Form #	Form Name	Applicability/Notes
166	Joint Application and Notification U.S. Department of Army, Corps of Engineers, Alabama Department of Environmental Management	