Guidance for Submittal of Public Comments
for Projects Requiring Individual or Modified 401 Water Quality Certification

Under the authority of Section 401 of the federal Clean Water Act (CWA), the New Hampshire Department of Environmental Services (DES) Watershed Management Bureau receives and reviews application materials for 401 Water Quality Certification to determine whether any discharge associated with the construction or operation of a project requiring a federal permit or license will meet surface water quality standards. DES also considers the potential impacts of the discharge to the designated uses of the surface water, such as the support of aquatic life.

Section 401 of the CWA also allows for public comment on 401 Certification. Therefore, in addition to receiving and reviewing 401 Certification application materials, DES accepts and reviews public comments relative to the 401 Certification concerns of the project. All information received from the public is included in the project file and is considered in the 401 Certification review process.

DES is interested in all types of surface water quality or quantity data/information, regardless of whether it suggests that the surface water in the project area is in good or poor condition. This guidance provides information on how and when public comments on 401 Certification can be submitted to DES for consideration in the 401 Certification review process.

SCHEDULE

Public comments on projects requiring individual or modified 401 Certification are welcome throughout the 401 Certification review process. However, the deadline for public comments is typically 30 days (unless otherwise noted) after the date of publication of a draft 401 Certification. Comments received after the close of the comment period will be added to the project file, but will not be used in the 401 Certification review process. To view project status, go to
http://des.nh.gov/organization/divisions/water/wmb/section401/status.htm

WHAT TO SUBMIT

The consideration of public comments during the 401 Certification review process depends largely on the relevance of the comments to surface water quality and 401 Certification. In general, comments relevant to water quality and quantity in the project area are most relevant in the 401 Certification review process. Although other unrelated comments will be added to the file, such comments are not likely to be used in the 401 Certification review process.

HOW TO SEND COMMENTS TO DES

Relevant comments to project(s) requiring individual or modified 401 Certification can be submitted through standard postal mail or electronic mail. Please include the project name/number, your name, organization (if applicable), mailing address, e-mail address, and telephone number in your submittal.

By mail: 401 Water Quality Certification Program
New Hampshire Department of Environmental Services
Watershed Management Bureau
PO Box 95
Concord, NH 03302-0095

By fax: 401 Water Quality Certification Program
(603) 271-7894

By e-mail: watershed@des.nh.gov

QUESTIONS? Please call (603) 271-2457