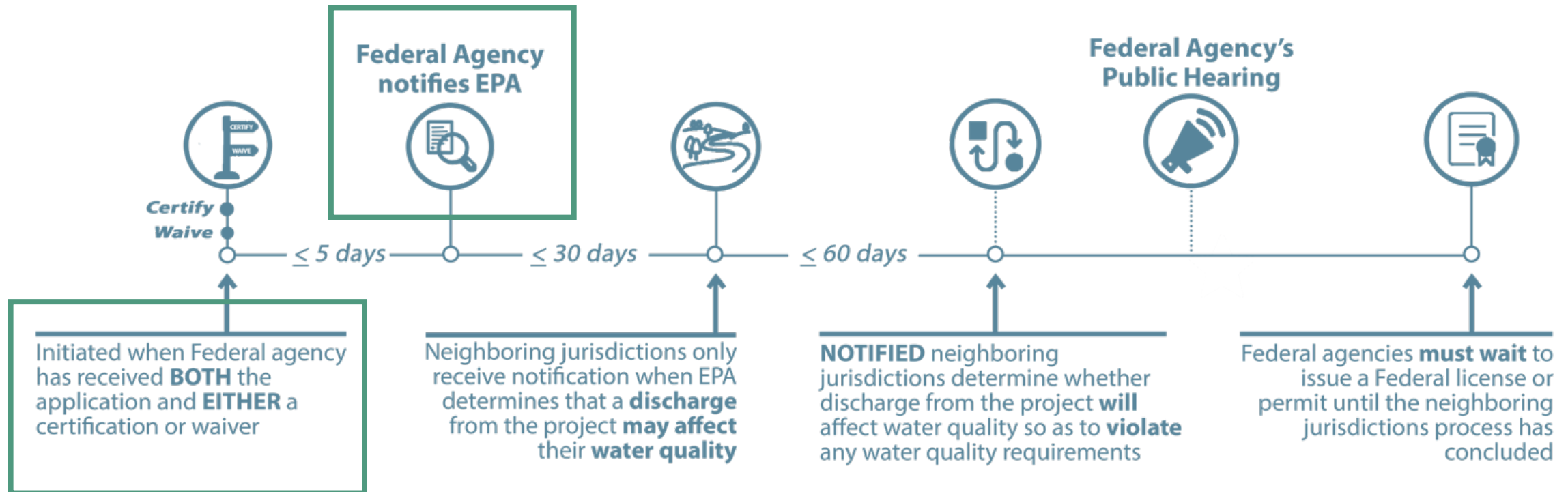


CWA Section 401(a)(2) Federal Agency Notification form: Rollout & Discussion

June 2025

CWA 401(a)(2) Process



Federal Agency Notice to EPA

Administrator, as the case may be.

(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Administrator of such application and certification. Whenever such a discharge may affect, as determined by the Administrator, the quality of the waters of any other State, the Administrator within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate any water quality requirements in such State, the Administrator and the licensing or permitting agency shall, in writing of its objection to the issuance of such license or permit and request for a hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Administrator shall at such hearing

Section 401(a)(2) requires all federal licensing and permitting agencies to notify EPA upon receipt of an application and certification/waiver

§ 121.12 Notification to the Regional Administrator.

(a) Within five days of the date that it has received both the application and either a certification or waiver for a Federal license or permit, the Federal agency shall provide written notification to the appropriate Regional Administrator.

(1) The notification shall include a copy of the certification or waiver and the application for the Federal license or permit.

(2) The notification shall also contain a general description of the proposed project, including but not limited to the Federal license or permit identifier, project location (e.g., latitude and longitude), a project summary including the nature of any discharge and size or scope of activity, and whether the Federal agency is aware of any neighboring jurisdiction providing comment about the project. If the Federal agency is aware that a neighboring jurisdiction provided comment about the project, it shall include a copy of those comments in the notification.

Timing for Notification

Contents of Notification

Goals of the Federal Agency Notification Form

What did we develop? An online portal for a federal licensing or permitting agency to fill out to **streamline** and **standardize** the federal agency notification process and ensure it meets the requirements at 40 CFR 121.12(a).

1. Streamlining and Standardizing the Notification Process:

Creates greater national consistency in notices, ensures notices comply with Section 121.12(a), and supports a more efficient review process.

2. Minimizing Errors:

Eliminates the need for back-and-forth correspondence between EPA and federal agencies by clearly defining required fields and preventing submission of incomplete notices.

Introductory Text



Clean Water Act Section 401(a)(2) Federal Agency Notification

Please fill out the following information to provide EPA with notification pursuant to Clean Water Act (CWA) Section 401(a)(2).

- Fields marked with an asterisk (*) are mandatory fields. If an asterisk-marked field is left blank, you will not be able to submit the information.

Notification under CWA Section 401(a)(2):

In accordance with [40 CFR 121.12\(a\)](#), the federal licensing or permitting agency must provide EPA with written notification within **five days** of receiving both the federal license or permit application and either a certification or waiver.

- The contents of the federal agency notification are defined at [40 CFR 121.12\(a\)](#).
- Within 30 days after EPA received notice in accordance with [40 CFR 121.12\(a\)](#), EPA shall determine whether a discharge from the project may affect water quality in a neighboring jurisdiction. [40 CFR 121.13\(a\)](#).
- EPA will contact the federal agency POC included in the information below if EPA determines that a discharge from the project may affect water quality in a neighboring jurisdiction. [40 CFR 121.13\(b\)](#).

EPA must receive notification for **each** federal license or permit and respective certification or waiver pursuant to CWA Section 401(a)(2).

- For example, if a project requires multiple federal licenses or permits, each federal agency is responsible for individually notifying EPA pursuant to CWA Section 401(a)(2).
- Similarly, if a federally licensed or permitting project requires certification from different certifying authorities, the federal agency must notify EPA for each certification or waiver pursuant to CWA Section 401(a)(2).

Questions:

- If you have issues with this page or general questions about this page, please contact cwa401@epa.gov.
 - Please see [the CWA 401 website](#) for more information on using this page.
- If you have specific questions about the contents to include for a specific project, please contact the [EPA Regional point of contact](#) for the [EPA Region where the project is located](#).

Additional information:

Please visit the following links for more information about [CWA Section 401](#), for a copy of the statutory text ([33 U.S.C. 1341](#)), and for a copy of the regulatory text ([40 CFR 121](#)).

Asterisk (*) = Required Field

If a required field is left blank, the user cannot submit the template to EPA.

Information on the Section 401(a)(2) Federal Agency Notice to EPA process

Links to the regulatory text are provided for each step in the process.

Submissions are required for EACH federal license/permit

This includes respective certifications/waivers. Examples are provided.

Contact Information

Both national and regional points of contact are provided.

Additional Resources

Links to statutory and regulatory text are included.

Federal License or Permit Identifier

Federal License or Permit Identifier

* Project Name

Minimum of 10 characters required

Please enter the title and/or name of the project subject to this federal license or permit. Include general location information along with project type and/or permit number, e.g., "NAE-2002-02617 Shoreline Stabilization in Tampa, FL".

* Name of Federal Agency POC

Please enter the name of the federal licensing or permitting agency's point of contact that EPA may reach out to regarding this notification (e.g., John Doe).

* Contact Information for Federal Agency POC

Please enter the e-mail address for the federal licensing or permitting agency's point of contact (e.g., DoeJohn@epa.gov). Please use a federal agency e-mail address (e.g., ending in ".gov").

* Name of Federal Licensing or Permitting Agency

Please enter the name of the federal licensing or permitting agency providing notification to EPA pursuant to Clean Water Act Section 401(a)(2).

* Federal License or Permit Type

Please enter the type of federal license or permit, including an indication of whether it is a general or individual license or permit (e.g., CWA Section 402 Pesticide General Permit).

Federal License or Permit Identifier: Corps

Federal License or Permit Identifier

* Project Name

Minimum of 10 characters required

Please enter the title and/or name of the project subject to this federal license or permit. Include general location information along with project type and/or permit number, e.g., "NAE-2002-02617 Shoreline Stabilization in Tampa, FL".

* Name of Federal Agency POC

Please enter the name of the federal licensing or permitting agency's point of contact that EPA may reach out to regarding this notification (e.g., John Doe).

* Contact Information for Federal Agency POC

Please enter the e-mail address for the federal licensing or permitting agency's point of contact (e.g., Doe.John@epa.gov). Please use a federal agency e-mail address (e.g., ending in ".gov").

* Name of Federal Licensing or Permitting Agency

Corps

Please enter the name of the federal licensing or permitting agency providing notification to EPA pursuant to Clean Water Act Section 401(a)(2).

* Federal License or Permit Type

NWP

Please select the type of federal license or permit from the drop-down menu; for Corps Civil Works projects, please select "Civil Works".

Corps Permit Number

Please enter the Corps Permit Number, if available, as follows: Corps District – Year – Number (e.g., ABC-2024-12345).

* Is the certification or waiver on the issuance of a general permit or a verification for a specific project?

☐ Development of a General Permit

☐ Verification for a Specific Project

Please select whether the certification or waiver in this notification applies to the issuance of a general permit or applies to a verification for a specific project (e.g., a certification on a project authorized under a NWP where the certifying authority denied certification on the issuance of the specific NWP).

Name of Federal Licensing or Permitting Agency =
Corps

Federal License or Permit Type =
NWP or **RG/SPGP**

If either of the two options is selected, an additional question (highlighted) pops up.

Federal License or Permit Identifier: FERC

Federal License or Permit Identifier

* Project Name

Minimum of 10 characters required

Please enter the title and/or name of the project subject to this federal license or permit. Include general location information along with project type and/or permit number, e.g., "NAE-2002-02617 Shoreline Stabilization in Tampa, FL".

* Name of Federal Agency POC

Please enter the name of the federal licensing or permitting agency's point of contact that EPA may reach out to regarding this notification (e.g., John Doe).

* Contact Information for Federal Agency POC

Please enter the e-mail address for the federal licensing or permitting agency's point of contact (e.g., Doe.John@epa.gov). Please use a federal agency e-mail address (e.g., ending in ".gov").

* Name of Federal Licensing or Permitting Agency

FERC

Please enter the name of the federal licensing or permitting agency providing notification to EPA pursuant to Clean Water Act Section 401(a)(2).

* Federal License or Permit Type

Please enter the type of federal license or permit, including an indication of whether it is a general or individual license or permit (e.g., CWA Section 402 Pesticide General Permit).

Docket ID Number

Please enter the FERC Docket Number if available.

Name of Federal Licensing or Permitting Agency =

FERC

If FERC is selected, a field for Docket ID Number pops up.

Project Location

Project Location

* EPA Region

Map of EPA Regions

Please select the [EPA Region](#) where the project is located from the drop down menu.

Additional Information about the Project Location

Include any additional information that may be important for understanding the project location (i.e., the city where the project is located; whether the project is linear or spans over a larger area; if the project has several coordinates; etc.).

* How Would You Like to Enter the Project Location?

☒ Manually Enter Latitude/Longitude Point Locations

☐ Draw Point Locations on a Map

Manually Enter Latitude/Longitude Point Locations

* Latitude

° North

* Longitude

° West

Please provide the latitude and longitude in decimal degrees to at least four places, e.g., 38.8925, -77.0303, for the midpoint of the planned project site. If there are multiple locations on the planned project site, click on **Add More Locations** below.

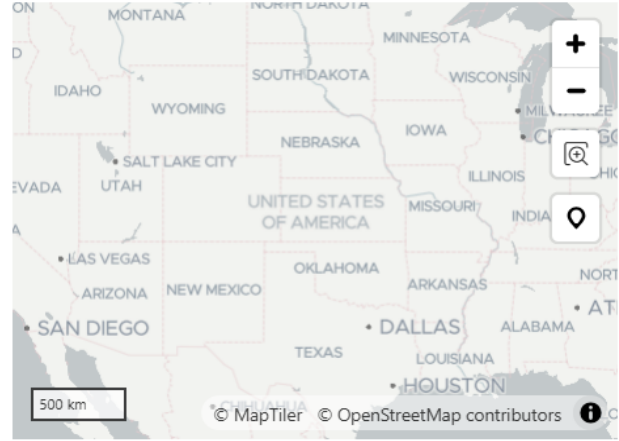
Add More Locations

☐ Manually Enter Latitude/Longitude Point Locations

☒ Draw Point Locations on a Map

Draw Point Locations on a Map

Use the map below to add project locations, by selecting the **Marker** tool and clicking on a location. Click on **Remove Points and Start Over** if you want to delete all points from the map.



Remove Points and Start Over

Two Ways to Enter Project Location:

1. **Manually Enter Latitude/Longitude Point Locations**
With the option of adding more latitude/longitude points.
2. **Draw Point Locations on a Map**
Using the marker tool to drop points on a map.

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Project Information

Project Information

* Certifying Authority

Please select the certifying authority for the certification or waiver subject to this notification.

* Water Quality Certification Decision

* Project Summary

Minimum of 50 characters required

Please provide a general description of the proposed project, including the nature of any discharge and the size and scope of activity.

- The nature of any discharge refers to the characteristics and properties of any discharge being released into waters of the United States.
- The size and scope of activity refers to the extent, scale, and nature of the activity that is being proposed and that may result in discharges into waters of the United States.

Other Information about the Project

Please enter any additional information about this project that you would like to include. For example, noting whether the activity is an emergency project or otherwise needs to be expedited; noting relevant timing information related to other processes (e.g., NEPA-related deadlines); and noting whether there are multiple federal licenses or permits associated with the project. **If you have any maps for this project, please upload them in the following Documents section of this page.**

* Is the Federal Agency Aware of Any Neighboring Jurisdiction(s) Providing Comment about the Project? ☐ Yes ☐ No

If the Federal agency is aware that a neighboring jurisdiction provided comment about the project, it shall include a copy of those comments in the notification. 40 CFR 121.12(a)(2). Neighboring jurisdiction means any state, or Tribe with treatment in a similar manner as a state for Clean Water Act section 401 in its entirety or only for Clean Water Act section 401(a)(2), other than the jurisdiction in which the discharge originates or will originate. 40 CFR 121.1(g). **Any neighboring jurisdiction comments about the project should be uploaded in the following Documents section of this page.**

Certifying Authority

Options include: State, EPA, and Tribe with TAS

Water Quality Certification Decision

Options include: Grant, Grant with Conditions, Waiver of Certification (explicit), Waiver of Certification (passage of time)

Is the FA aware of any NJ providing comment? = YES

The name of the Neighboring Jurisdiction and any comments will have to be uploaded into the Documents section.

Documents

Documents

Please upload a copy of or include a link to the following documents.

1. The water quality certification or waiver;
2. The federal license or permit application;
3. The neighboring jurisdiction's comment (as applicable); and
4. Any other information about the project (as applicable).

In instances where a certifying authority **waives by failing or refusing to act on a request for certification within the reasonable period of time**, the federal agency should upload a copy of the notification it provided to the certifying authority and project proponent pursuant to [40 CFR 121.9\(b\)](#).

In instances where there is **no "application,"** the federal agency should upload the draft federal license or permit. In instances where there is no "application" or draft federal license or permit, the federal agency should upload the appropriate documentation (e.g., the Corps may upload a project study for Civil Works projects).

Upload (e.g., pdf, doc) and/or Provide a Link to the Water Quality Certification/Waiver *

Document (Water Quality Certification/Waiver)



Drag and Drop or Click

Drag and Drop your file here to upload, or Click to select a file.

Please choose the appropriate file to attach.
File names should clearly indicate the file information (e.g., certification or waiver).
Please double-check the file attached to ensure it matches with the project subject to this notification.

Link to Document (Water Quality Certification/Waiver)

Please insert the appropriate link to include.

Documents

Instructions are provided regarding what documents to upload.

Where there is no "application"

Instructions are provided on how to submit materials when there is no formal application.

Upload Types

You may upload single or multiple documents (e.g., pdf or doc) and/or single or multiple links.

Submittal

Submit

Click "Submit" once you have filled out and reviewed the above information.

Successfully submitted forms cannot be edited once you press "Submit."

- If you press "Submit" in error, or realize an error after pressing "Submit," please contact the EPA Region where the project is located; see the following links for the [EPA Regional points of contact](#) and to determine [which EPA Region a project is located within](#).
- You will be redirected to a confirmation page and receive a confirmation e-mail once the page is successfully submitted. Please keep a copy of this confirmation e-mail for your records.

Please note that successful submission of this page does not guarantee that a notification meets the requirements at 40 CFR 121.12 nor waive EPA's ability to determine that requisite notice has not been made. The EPA Regional point of contact will contact the federal agency point of contact provided above if there are deficiencies with the submission such that the submission does not meet the requirements for notification under 40 CFR 121.12.

Are you a human?

Enter **YES** to confirm you are not a robot.

SUBMIT

Reminder to Review Submission

Submitted forms cannot be edited once you click "submit".

Accidentally Clicking Submit

Instructions are provided if corrections to the form are needed.

Disclaimer

Successful submission of the page does not guarantee that a notification meets the requirements at 40 CFR 121.12.

Confirmation

The screenshot shows the EPA website's confirmation page for a Clean Water Act Section 401(a)(2) submission. At the top, a green banner reads "Thank you, your submission was received!". The page title is "Clean Water Act Section 401(a)(2) Federal Agency Notification Submittal Confirmation". Below the title, it shows the submission ID "661" and a link to "Enter another submission". The main section displays the project details: "Project Name: Sample Project", "Name of Federal Agency POC: Lauren Kasparek", "Contact Information for Federal Agency POC: Kasparek.lauren@epa.gov", "Name of Federal Licensing or Permitting Agency: EPA", and "Federal License / Permit Type: CWA Section 402 Pesticide General Permit". At the bottom, the "Project Location" is shown with coordinates: Latitude 38.8925 North and Longitude -77.0303 West.

Confirmation Page

Indicates that submittal was successful.

Users can print to pdf for their records.

Users can submit another response.

The screenshot shows an email from "DARTER Sys Admin <darter-hq@epa.gov>" to "Kasparek, Lauren". The subject is "EPA has received your Clean Water Act Section 401(a)(2) Project: 'Sample Project'". The email body confirms the successful submission and provides a list of questions for the user to review. The questions are: "If there are any issues and/or questions regarding this submission, the appropriate EPA Regional contact will reach out to the federal agency POC e-mail address provided in the form.", "If you have any questions about this submission, or if this form was submitted in error, please contact the EPA Regional point of contact for the EPA Region where the project is located.", and "If you have any general questions about CWA Section 401(a)(2) and/or this form, please contact cwa401@epa.gov. For more information about CWA Section 401, please visit https://www.epa.gov/cwa-401.". The email also repeats the project details: "Project Name: Sample Project", "Name of Federal Agency POC: Lauren Kasparek", "Contact Information for Federal Agency POC: Kasparek.lauren@epa.gov", and "Name of Federal Licensing or Permitting Agency: EPA".

Confirmation Email

Retain a copy of the confirmation email for your records.

The image features a blue header and footer with a pattern of white circles of varying sizes. The central area is white and contains the text "Questions?".

Questions?