

EPA's CWA Section 401(a)(2) Federal Agency Notification Online Portal

Frequently Asked Questions

Under Section 401(a)(2), Federal licensing or permitting agencies are required to immediately notify EPA upon receipt of a Clean Water Act (CWA) Section 401 certification or waiver and Federal license or permit application. To streamline and standardize the submission of these notifications, EPA launched a new online notification portal for Federal agencies on July 7, 2025, at <https://cwa401a2notifications.epa.gov/>.

As of July 7, 2025, all federal agency notifications must now be submitted through the online portal to ensure timely processing and accurate routing within EPA.

This FAQ addresses key questions regarding:

- Federal agency notification requirement under Section 401(a)(2) of the Clean Water Act (CWA), and
- Use of EPA's CWA Section 401(a)(2) Federal Agency Notification Online Portal.

Disclaimer: The purpose of this Frequently Asked Questions (FAQ) document is to provide Federal agencies with answers to frequently asked questions regarding the Clean Water Act (CWA) Section 401(a)(2) Federal Agency Notification Online Portal. These questions and answers do not constitute regulations, nor do they change or substitute for applicable regulations. This document does not modify or substitute for CWA Section 401 (33 U.S.C. 1341), the 2023 CWA Section 401 Certification Improvement Rule, 88 FR 66558 (September 27, 2023) (codified at 40 CFR part 121), or any other applicable law. It does not impose any legally binding requirements on the EPA, states, territories, Tribes, other Federal agencies, or the regulated community. This document neither alters legal rights or obligations nor changes or creates law. In the event of a conflict between this document and any statute or regulation, this document would not be controlling.

Notification Under CWA Section 401(a)(2)

When should the Federal agency notify EPA pursuant to section 401(a)(2)?

Answer: The Federal agency must notify the appropriate EPA region, in writing, within five calendar days of the date that it has received both the application and either a certification or waiver for a Federal license or permit. See [40 CFR 121.12\(a\)](#).

Who is required to submit notification to EPA?

Answer: The Federal licensing or permitting agency whose receives a certification or a waiver related to its federal license or permit.

Does the Federal licensing or permitting agency need to notify EPA of every certification within five calendar days of receipt of an application and certification, even on the issuance of a general license or permit?

Answer: Yes. All certifications or waivers will trigger the neighboring jurisdictions process, even those for minor or remote projects. The requirement to notify EPA under section 401(a)(2) depends on the Federal agency's receipt of a Federal license or permit application and certification or waiver; it does not depend on the location of the project or the nature of the Federal license or permit. See [88 FR 66651](#).

What should the federal agency include in its section 401(a)(2) notice to EPA?

Answer: The federal agency's notification must include a copy of the certification or waiver and the application for the federal license or permit and 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. See [88 FR 66641-42](#). Other useful information to send could include public notices, maps of the project location, etc.

These requirements are captured in the required fields in the [CWA Section 401\(a\)\(2\) Federal Agency Notification online portal](#).

If there are two separate federal licenses or permits that trigger the section 401 requirement for one project, are both federal licensing or permitting agencies required to notify the EPA pursuant to section 401?

Answer: Yes. 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).

If there are two separate certifying authorities for the same federally licensed or permitted project, is the federal licensing or permitting agency responsible for providing the EPA with notification for both certifications pursuant to section 401(a)(2)?

Answer: Yes. 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 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).

When a certifying authority and neighboring jurisdictions are located in two different EPA regions, which EPA region does the federal licensing or permitting agency contact for purposes of providing EPA notice pursuant to section 401(a)(2)?

Answer: The federal licensing or permitting agency should notify the EPA region where the certifying authority is located. Federal agencies may use the following [EPA regional map](#) to identify which EPA region to contact for purposes of section 401(a)(2).

What is the process for Corps civil works projects that are issued certifications or waivers?

Answer: EPA expects federal agencies to determine how best to comply with all section 401 requirements, including section 401(a)(2). For example, on a Corps civil works project, compliance may involve the Corps sending a project study (draft or final report) in conjunction with a certification or a waiver of certification. See [88 FR 66651](#).

Why does the EPA need to be notified pursuant to section 401(a)(2) for licensed or permitted projects issued by the EPA and/or for projects with certifications incorporating EPA-approved water quality standards?

Answer: All certifications or waivers trigger the neighboring jurisdictions process. The requirement to notify EPA under section 401(a)(2) depends on the federal agency's receipt of a federal license or permit application and certification or waiver; it does not depend on the nature of the federal license or permit or the contents of a certification. See [88 FR 66651](#). Additionally, the EPA's analysis pursuant to section 401(a)(2) extends beyond EPA-approved water quality standards. Section 401(a)(2) requires the EPA to determine whether a discharge may affect water quality. Similarly, a notified neighboring jurisdiction's analysis pursuant to section 401(a)(2) entails more than just evaluating compliance with EPA-approved water quality standards. Rather, the notified neighboring jurisdiction must determine whether a discharge will violate its water quality requirements. Water quality requirements include, but are not limited to, EPA-approved water quality standards. See [40 CFR 121.1\(j\)](#) ("Water quality requirements means any limitation, standard, or other requirement under sections 301, 302, 303, 306, and 307 of the Clean Water Act, any Federal and state or Tribal laws or regulations implementing those sections, and any other water quality-related requirement of state or Tribal law.")

What happens if the federal agency fails to notify EPA pursuant to section 401(a)(2)?

Answer: A federal license or permit may not be issued until the CWA section 401(a)(2) process is complete. See [40 CFR 121.13\(d\)](#).

What is the role of the certifying authority in notifying EPA pursuant to CWA section 401(a)(2)?

What is the role of project proponents in notifying EPA pursuant to CWA section 401(a)(2)?

Answer: The certifying authority has no role in notifying EPA under the CWA section 401(a)(2) process. Project proponents also have no role in notifying EPA under the CWA section 401(a)(2) process.

CWA Section 401(a)(2) Federal Agency Notification Online Portal

How long does the form take to fill out?

Answer: Beta test users have reported that the form takes 5-10 minutes to complete.

How should the notification be submitted?

Answer: Notifications should be submitted using the CWA Section 401(a)(2) Federal Agency Notification online portal, available at <https://cwa401a2notifications.epa.gov/>. The online portal will not allow submissions until all required fields (indicated with the asterisk) are filled out.

If there are issues with submitting the notification via the online portal, please email cwa401@epa.gov about the error and send the CWA section 401(a)(2) notification using the appropriate regional contact and [mailbox](#).

How should federal agencies handle confidential or sensitive information when submitting a notification?

Answer: Federal agencies do not need to submit any confidential or sensitive information and may redact such information as appropriate.

What should I do if I have multiple latitudes and longitudes for a project (e.g., if the project is linear or spans over a larger area)?

Answer: The user should input the latitude and longitude in decimal degrees to at least four decimal places (ex. 38.8925, -77.0303) for the midpoint of the planned project site. If there are multiple locations on the planned project site, the user may click the “Add More Locations” button to include up to four additional latitudes and longitudes under the “Manually Enter Latitude/Longitude Point Locations” field. Users may also enter location information by drawing multiple points with a marker tool on a map by selecting “Draw Point Locations on a Map.” If either method of identifying multiple latitudes and longitudes is insufficient to capture all locations, please include this supplementary information under the “Additional Information about the Project Location” field.

What should I do if a projects coordinates include latitudes/longitudes not in North or West?

Answer: If your project location includes a coordinate for an eastern longitude (e.g., as in the case of a project occurring in Guam), the user can use the map feature to drop a point at that desired location.

What document should a federal agency submit as the “water quality certification or waiver” in instances where a certifying authority waives certification by failing or refusing to act on a request for certification within the reasonable period of time?

Answer: In instances where the 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 the federal agency provided the certifying authority and project proponent pursuant to [40 CFR 121.9\(b\)](#).

What if the project does not involve a typical federal license or permit application?

Answer: In instances where there is no “application”, the federal agency should upload the draft license or permit. In instances where there is no “application” or draft federal license or permit, the federal agency should upload the appropriate documents (e.g., the Corps may upload a project study (draft or final report) for Civil Works projects).

How do I indicate a project that needs to be expedited (e.g., emergency permits)?

Answer: For Corps projects, the user may select “Emergency Authorization” from the drop down under “Federal License or Permit Type.” For other federal agencies, the user should include additional information in the “Other Information about the Project” section to explain the specific situation requiring an expedited request.

How should files uploaded in the “Documents” be titled?

Answer: The file names should clearly indicate the file information. For example, for a federal license or permit application, the file name could include “ProjectName_Date_Application.pdf”.

Is there a file size limit on the document uploads section?

Answer: There are no file size limitations. However, if users run into issues with uploading documents, please reach out to cwa401@epa.gov for assistance. Instead of uploading certain documents, users can also include links to those documents.

How do I know the form was successfully submitted?

Answer: If the form was successfully submitted, you will be directed to a confirmation page. The confirmation page will include a summary of the response, a submission ID number, and a “print to pdf” function.

Additionally, a confirmation email will be sent to the federal agency email address provided in the form. The confirmation email is sent from dartr-hq@epa.gov, which can be added as a known sender to avoid the email being accidentally forwarded to a user’s junk mail.

What if I do not receive a confirmation email?

Answer: Users should add dartr-hq@epa.gov as a known sender to avoid the confirmation email being sent to their junk mail. In the event that a confirmation email is not received, users can contact the [EPA Region](#) where the [project is located](#), and include the submission ID number, to confirm that the submission was received. Also, it is recommended to save the confirmation page as a record.

I’m going to be on leave during EPA’s review. Can I include multiple points of contact and email addresses in the submission?

Answer: Yes. Users may include an additional point of contact and their email address under the “Other Information about the Project” field.

What happens after the notification is submitted?

Answer: After the notification is successfully submitted, the federal agency will be redirected to a confirmation page and receive a confirmation email at the email address provided in the point of contact address field. Upon receipt of notification, the EPA region will review the notification to determine whether the notification meets the requirements of [40 CFR 121.12](#). The EPA regional point of contact will contact the federal agency point of contact provided by the user if there are deficiencies with the submission such that the submission does not meet the requirements for notification under 40 CFR 121.12. If the notification meets the requirements of 40 CFR 121.12, then EPA has 30 days to determine whether a discharge from the project may affect the water quality of a neighboring jurisdiction.

What should I do if I experience technical issues with the form submission?

Answer: Please contact cwa401@epa.gov for assistance. In your communication, please describe the technical issue experienced. If the online portal is down, please submit all required materials listed under [40 CFR 121.12](#) to the [EPA Region](#) where the [project is located](#).

Can I submit additional information or modify information after pressing submit?

Answer: Yes, you can submit additional information or modify information after pressing submit by contacting the [EPA Region](#) where the [project is located](#). In your communication, please reference the submission ID number, the original submission “Project Name” and the date of the original submission.