



State of Vermont  
**PERMIT AND LICENSE INFORMATION**

**WATER QUALITY CERTIFICATION – HYDROELECTRIC**

<b>SUMMARY DESCRIPTION OF PERMIT</b>	Section 401(a)(1) of the Clean Water Act specifies that any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State... that such discharge will comply with the applicable provisions of sections 301 (Effluent limitations), 302 (Water quality related effluent limitations), 303 (Water Quality Standards and implementation plans), 306 (National Standards of Performance) and 307 (Toxic and Pretreatment Effluent Standards) of the Act. The Act also enables the administering agency to waive certification requirements. A federal license or permit may not be granted if certification has been denied.
<b>EXAMPLE OF REGULATED ACTIVITY</b>	This sheet applies specifically to activities at hydroelectric dams, such as licensing or relicensing of hydroelectric projects by the Federal Energy Regulatory Commission and construction related activities subject to Corps of Engineers jurisdiction under Clean Water Act Section 404 or the Rivers and Harbor Act of 1899. See Sheet 27 for other activities subject to Section 401.
<b>CRITERIA FOR JURISDICTION</b>	The need for a certification is triggered by the need for a federal license or permit.
<b>INFORMATION REQUIRED</b>	The application form is available on the web at <a href="http://www.anr.state.vt.us/dec/waterq/division/hydroelectric/power/">Water Quality Division - Hydroelectric Power</a> Information submitted must be sufficient to make a determination that the activity (construction and operation) will be carried out in a manner that will comply with the Vermont Water Quality Standards and any other appropriate requirements of state law. The application and supporting documentation goes to the Director, Water Quality Division.
<b>WEB ADDRESSES</b>	<a href="http://www.anr.state.vt.us/dec/waterq/permits/htm/pm_401.htm">http://www.anr.state.vt.us/dec/waterq/permits/htm/pm_401.htm</a> <a href="http://www.anr.state.vt.us/dec/waterq/rivers/htm/rv_hydropower.htm">http://www.anr.state.vt.us/dec/waterq/rivers/htm/rv_hydropower.htm</a>
<b>FEES</b>	None
<b>APPLICATION TIME FRAME</b>	30 days public notice for draft decision. General processing time is 3 months or more.

**ADMINISTERING  
AGENCY**

<p><b>AGENCY OF NATURAL RESOURCES DEPARTMENT OF ENVIRONMENTAL CONSERVATION WATER QUALITY DIVISION</b></p> <p>CONTACT: Brian Fitzgerald Streamflow Protection Coordinator Phone: 802-241-3468 <a href="mailto:brian.fitzgerald@state.vt.us">brian.fitzgerald@state.vt.us</a></p> <p>ADDRESS: 10 North 103 South Main Street Waterbury, VT 05671-0408</p>
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**AUTHORITY**

10 V.S.A. Section 1004  
Section 401 of the Federal Clean Water Act

**APPEAL  
PROCESS**

Effective January 31, 2005, within 30 days of the date of an act or decision, any person aggrieved by an act or decision of the secretary, or any party by right, may appeal to the environmental court in accordance with the provisions of [10 VSA Chapter 220](#).

**OTHER PERMITS  
AND APPROVALS**

Other state permit programs involving discharges to waters, wetlands or water-related resources may need to be contacted. Army Corps of Engineers (see Sheets [97](#), [98](#), [99](#)).