



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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August 22, 2018

Lieutenant Colonel Cullen A. Jones  
United States Army Corps of Engineers  
Nashville District  
3701 Bell Road  
Nashville, Tennessee 37214-2660

**RE: Final Section 401 Certification of Nashville District Programmatic General Permit (18-PGP-01)**

Dear Lieutenant Colonel Jones:

Provided herein is the Commonwealth of Virginia's decision with regard to Section 401 Water Quality Certification for activities authorized by the U.S. Army Corps of Engineers (the Corps) Nashville District Programmatic General Permit (18-PGP-01) for Minor Structures, Work, and Associated Minor Activities Located in the Tennessee Valley Authority Reservoirs and Slackwaters within the states of Alabama, Kentucky, Mississippi, Tennessee, & Virginia, as public noticed by the Corps on March 30, 2018.

Pursuant to 40 CFR 121.2 (a)(2) and (3), the Virginia Department of Environmental Quality (DEQ) on behalf of the State Water Control Board (the Board) has examined (i) the 18-PGP-01 and (ii) other decision documents provided by the Corps to base its certification. Accordingly, the Board finds that there is a reasonable assurance that the activities permitted under the Corps' programmatic general permit 18-PGP-01 will be conducted in a manner which will not violate applicable water quality standards, provided permittees comply with all applicable Section 401 conditions (see table attached herein).

Further, pursuant to Virginia Water Protection (VWP) Permit Regulation 9VAC25-210-130 H, the Board is issuing this final §401 Water Quality Certification as meeting the requirements of the VWP regulation after having advertised and accepted public comment for 30 days on our intent to provide this certification. The public comment period began on July 16, 2018 and ended on August 15, 2018. No comments were received.

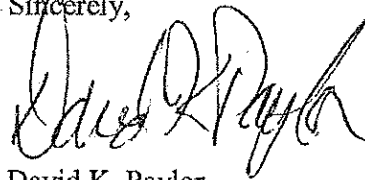
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Review by DEQ for consistency with Virginia's Coastal Resources Management Program (VCP) pursuant to the federal Coastal Zone Management Act of 1972, as amended, is not applicable to this action.

The Commonwealth reserves its right to require an individual application for a permit or a certificate or otherwise take action on any specific project that could otherwise be covered under any of the Corps' regional, general, or programmatic general permits when it determines on a case-by-case basis that concerns for water quality and the aquatic environment so indicate.

Please do not hesitate to contact Dave Davis (804) 698-4105 or [dave.davis@deq.virginia.gov](mailto:dave.davis@deq.virginia.gov) if you have any questions.

Sincerely,



David K. Paylor

Attachment: Commonwealth of Virginia Section 401 Water Quality Certification Actions Table – Nashville District 18-PGP-01

cc: Ms. Bettina Sullivan, DEQ Office of Environmental Impact Review  
Mr. Casey Ehorn, Nashville District, East Branch Regulatory Division  
Ms. Scharlene Floyd, Norfolk District Army Corps of Engineers  
Mr. Tony Watkinson; Chief, Habitat Division, Virginia Marine Resources Commission  
Regional VWP Managers

**Commonwealth of Virginia Section 401 Water Quality Certification Actions Table –  
Nashville District 18-PGP-01**

Final §401 Certification	Conditions
<p>18-PGP-01 Deny certification for any activities involving surface water withdrawals from state waters of the Commonwealth of Virginia, including but not limited to, dredging to create a deep hole for a surface water withdrawal; construction or installation of surface water intake pipes or geothermal heat exchange units; construction of an intake structure, weir, water diversion structure, or other structure transporting non-potable raw surface water; modification or maintenance of existing intake pipes or impounding structures that change the character, scope, or size of the original design or approved alternative design; construction of docks, piers, pilings or other structures for the purpose of pipes or other conveyances for a surface water withdrawal; increasing the capacity of an impoundment or reducing instream flows; and diversion of surface waters for any purpose. Separate review is necessary by the Virginia Department of Environmental Quality and may result in the issuance of a permit.</p>	

Final §401 Certification	Conditions
<p>18-PGP-01 Conditionally certify non-surface water withdrawal related activities in category 4a (Docks, Piers, Boathouses, and Other Water Use Facilities), and the activities in category 4d (Boat Ramps and Other Recreation Watercraft Launching Facilities)</p>	<p>(1) Activities shall not permanently impact more than 1,500 linear feet of any type of non-tidal stream bed or more than 1/10 of an acre non-tidal wetlands.  (2) Any compensatory mitigation shall meet the requirements in the Code of Virginia, Section 62. 1-44. 15:23 A through C.  (3) Construction of boat ramps in non-tidal waters that <i>do not</i> meet the following criteria require application to DEQ for consideration of a VWP permit: (a) The discharge into surface waters is 50 cubic yards or less of concrete, rock, crushed stone or gravel into forms, or in the form of pre-cast concrete planks or slabs, unless waived in writing by the Corps district engineer because the discharge will result in no more than minimal adverse environmental effects; (b) The boat ramp is 20 feet or less in width, unless waived in writing by the Corps district engineer because the discharge will result in no more than minimal adverse environmental effects; (c) The base material is crushed stone, gravel or other suitable material; (d) The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no surface waters; and, (e) No material is placed in special aquatic sites, including wetlands.  (4) Deviations from the original configuration or filled area shall not change the character, scope, or size of the original design or approved alternative design.</p>
<p>18-PGP-01 Conditionally certify activities in category 4b (New Work Channel Excavation)</p>	<p>Any compensatory mitigation shall meet the requirements in the Code of Virginia, Section 62. 1-44. 15:23 A through C.</p>
<p>18-PGP-01 Conditionally certify activities in category 4c (Shoreline Stabilization)</p>	<p>(1) Any compensatory mitigation shall meet the requirements in the Code of Virginia, Section 62. 1-44. 15:23 A through C.  (2) Activities shall not permanently impact more than 1,500 linear feet of any type of non-tidal stream bed or more than 1/10 of an acre non-tidal wetlands.</p>