



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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Lieutenant Governor

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### 401 Water Quality Certifications for Hydropower Licenses

The U.S. Environmental Protection Agency (EPA) implemented a new Clean Water Act Section 401 Certification Rule that took effect Sept. 11, 2020. This new federal rule has changed how the Massachusetts Department of Environmental Protection (MassDEP) processes requests for Section 401 water quality certifications.

Under EPA's rule, all applicants must first file a pre-filing meeting request at least 30 days before submitting a Section 401 water quality certification request.

To comply with EPA's new rule:

- **Before submitting a Section 401 certification request**, please request a pre-filing meeting with MassDEP at least 30 days beforehand. We have developed a pre-filing request form to assist applicants.
- **At least 30 days after submitting a pre-filing meeting request**, applicants may then submit their entire Section 401 request, along with a 401 Request Form, to MassDEP and the Federal Energy Regulatory Commission.
- All Section 401 requests must meet the federal requirements in this table:  
<https://www.mass.gov/media/2233676/download>.

Applicants must submit their pre-filing meeting requests, Section 401 water quality requests, and any supporting documents to Derek Standish electronically at [derek.standish@mass.gov](mailto:derek.standish@mass.gov).

**If you have any questions**, please contact Derek Standish electronically at [derek.standish@mass.gov](mailto:derek.standish@mass.gov) or by telephone at 617-654-6611.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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