



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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**PUBLIC NOTICE OF OPPORTUNITY FOR COMMENT
APPLICATION FOR SECTION 401 WATER QUALITY CERTIFICATION
OF THE PROPOSED ISSUANCE OF DEPARTMENT OF THE ARMY NATIONWIDE
PERMITS PROPOSED FOR IMPLEMENTATION IN
THE COMMONWEALTH OF MASSACHUSETTS**

Notice is hereby given of an opportunity for public comment on the application by the U.S. Army Corps of Engineers (USACE) to the Massachusetts Department of Environmental Protection (MassDEP) for a Water Quality Certification (WQC) pursuant to Section 401 of the Clean Water Act, 33 U.S.C. § 1341(a)(1). The USACE proposes to reissue 56 existing Nationwide Permits (NWP) and issue one new NWP. NWPs are issued by the USACE to authorize categories of activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 that have no more than minimal individual and cumulative adverse environmental effects. The USACE New England District, 696 Virginia Road, Concord, MA 01742-2751, seeks certification of a subset of these proposed permits and additional regional conditions specific to New England. This public notice of that request for certification is being issued in accordance with 33 U.S.C. § 1341(a)(1) and 314 CMR 9.05(3).

Nationwide Permits

The NWPs will provide authorization of activities subject to the USACE jurisdiction in waters of the U.S. within the boundaries of, and off the coast of, the Commonwealth of Massachusetts. NWPs streamline authorization for activities with minimal environmental impact pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. The USACE New England District has notified MassDEP that it intends to withdraw, once the NWPs are in effect, some or all of the state-wide General Permits for the Commonwealth of Massachusetts (MA GPs) currently in effect for activities in these geographic areas. The NWPs are proposed to be issued for five years with a start date in 2026 and an expiration date five years later in 2031. Information on the USACE proposed Nationwide Permits is available at:

<https://www.federalregister.gov/documents/2025/06/18/2025-11190/proposal-to-reissue-and-modify-nationwide-permits>

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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Proposed Massachusetts regional conditions are available at:

<https://www.nae.usace.army.mil/Missions/Regulatory/PublicNotices/Article/4221092/nationwide-permits-reissuance-for-proposed-implementation-in-massachusetts-main/>

The USACE will be holding an informative outreach session on July 24th at 10:00AM to 12:00 PM at the MassDOT Office, 499 Plantation Pkwy, Worcester, MA. If you wish to attend, please RSVP via email to CENAE-RNWP@usace.army.mil, and include in the subject line Mass Outreach.

Comments on NWP's can be sent to: 2026nationwidepermits@usace.army.mil

Comments on regional conditions can be sent to: CENAE-R-NWP@usace.army.mil

Section 401 Water Quality Certification

Section 401 of the federal Clean Water Act requires any applicant for a Federal license or permit seeking to conduct an activity that may result in a discharge of a pollutant into waters of the U.S. in Massachusetts to obtain a Water Quality Certification (WQC) from the appropriate state agency. The WQC certifies that the discharge will comply with the Massachusetts Surface Water Quality Standards, 314 CMR 4.00, and other appropriate requirements of state law. The USACE has therefore requested that MassDEP determine whether to issue, issue with conditions, deny or waive a WQC for the NWP's. MassDEP makes this determination pursuant to its regulations at 314 CMR 9.00.

Please send written comments on the WQC of the NWP's by 5:00pm on **August 11, 2025** to: Lisa Rhodes, MassDEP Wetlands Program, at lisa.rhodes@mass.gov (preferred) or by mail to 100 Cambridge Street, Suite 900, Boston, MA 02114. Additional information may also be obtained by request from Ms. Rhodes. Please note that any ten persons of the Commonwealth, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment that has submitted written comments may also appeal the Department's WQC and that failure to submit comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing.