



# Assumption and State Programmatic General Permits: An Overview

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# Common Goals of Assumption and SPGPs

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- Reflect “cooperative federalism” in CWA implementation.
- Reduce program duplication.
- Provide a streamlined permitting procedure addressing both federal and state requirements, while maintaining at least the same level of environmental protection.
- Continue to allow states and tribes to adopt more stringent aquatic resource protection requirements than in federal programs.



# What Is “404 Assumption?”

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CWA §404(g) allows state or tribe to get EPA approval to administer its own permit program for discharge of dredged/fill.

- ❖ Requires regulatory authority comparable to federal program.
- ❖ Once a program is approved, Corps section 404 permits not required for certain waters.
- ❖ Assumed program does not cover waters capable of transporting commerce or subject to ebb/flow of the tide, or wetlands adjacent to these waters.

# What is an SPGP?

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An SPGP is a programmatic general permit issued by the Corps to the state, where:

- ❖ Activities are similar in nature and cause no more than minimal adverse impact, and
- ❖ An SPGP reduces duplication of regulatory control by state/tribal and federal agencies.



# What Does an SPGP Allow the State/Tribe to Do?

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An SPGP allows the state to verify an applicant qualifies for the federal general permit, as part of issuing the state authorization.

- ❖ The authorization reflects the general permit limitations and exclusions, consistent with goals in 404(b)(1) Guidelines.





# Looking at a Comparison of § 404 Assumption and SPGPs

Assumption	SPGPs
Reduces duplication between Corps and state/tribal agencies	Reduces duplication between Corps and state/tribal agencies
Can be faster than applying to the Corps	Can be faster than applying to the Corps
Covers all dredged/fill activities in assumed waters	Limited to activities with minimal impacts in all WOTUS, subject to exclusions and conditions
Does not cover all waters; Corps retains TNWs, adjacent wetlands	Covers all WOTUS
State/tribe is permitting authority in assumed waters	Corps is permitting authority
Partial assumption currently not allowed	Can cover partial waters, activities, areas
Assumed program does not expire	Must be issued at least every five years