



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Water Pollution Control
6th Floor Life and Casualty Annex
401 Church Street
Nashville, Tennessee 37243

May 4, 2007

Ron Gatlin
Chief, Regulatory Branch
Nashville District, Corps of Engineers
3701 Bell Road
Nashville, TN 37214-2260

**SUBJECT: §401 Water Quality Certification
Reissuance of Nationwide Permits**

Dear Mr. Gatlin:

Pursuant to §401 of the Federal Clean Water Act (33 U.S.C. §1341), the state of Tennessee is required to certify whether the activities authorized by the proposed nationwide general permits (NWP), will violate applicable water quality standards. Accordingly, the Division of Water Pollution Control requires reasonable assurance that the activities will not violate provisions of *The Tennessee Water Quality Control Act of 1977* (T.C.A. § 69-3-101 et seq.) or of §§ 301, 302, 303, 306 or 307 of *The Clean Water Act*. The proposed NWPs were published in the Federal Register Vol. 72, No. 47 Monday, March 12, 2007, part II.

The Federal Register notice began a 60-day period for states, Indian Tribes, and EPA to complete their water quality certification process (WQC) for the NWPs. This 60-day period will end on May 11, 2007. If the state takes no action by May 11, 2007, WQC will be considered waived for those NWPs.

Certain procedures for public notice and participation are required before it can properly act on the proposal for re-issuance of the WQC. The state finds that it must hereby deny §401 water quality certification for the nationwide general permits in waters of the U. S. within the state of Tennessee. Certification is denied without prejudice.

The division will publish notice and schedule hearings on the matter in the coming weeks. In the interim, please advise applicants who seek an NWP authorization to contact the division directly to address WQC. We look forward to discussions with your office regarding details of possible future action regarding certification of nationwide permits in Tennessee.

Sincerely,

A handwritten signature in black ink that reads "Paul E. Davis".

Paul E. Davis
Director

Cc: Lee Barclay, U.S. Fish and Wildlife Service, Cookeville, TN
Rob Todd, Tenn. Wildlife Resources Agency, Nashville, TN
Tom Welborn, U.S. Environmental Protection Agency, Atlanta, GA