

## **June 2020 Modified Blanket WQC (WQC0901) Information**

The Clean Water Branch (CWB) modified the Blanket WQC (WQC0901) issued to the United States Army Corps of Engineers (USACE) for certain 2017 Department of the Army Nationwide Permits (DA NWP) effective June 11, 2020. A public notice of the proposed modification was made on February 28, 2020, followed by a 30-day public comment period. The CWB's response to public comments as well as a copy of the modified Blanket WQC is available on the [Blanket Section 401 WQC](#) page of the Clean Water Branch website. The modified Blanket WQC now specifies general conditions including Best Management Practices (BMPs) for projects/activities that shall be incorporated into the permit or license issued by the USACE.

### **Modified Blanket WQC Coverage**

There have been major changes to the NWP and activities covered under the Blanket WQC. The following NWP and activities are covered under the modified Blanket WQC:

- NWP 2 – Structures in Artificial Canals
- NWP 3 – Maintenance
- NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- NWP 5 – Scientific Measurement Devices
- NWP 6 – Survey Activities
- NWP 7 – Outfall Structures and Associated Intake Structures
- NWP 9 – Structures in Fleeting and Anchorage Areas
- NWP 10 – Mooring Buoys
- NWP 11 – Temporary Recreational Structures
- NWP 12 – Utility Line Activities
- NWP 13 – Bank Stabilization
- NWP 14 – Linear Transportation Projects
- NWP 18 – Minor Discharge
- NWP 19 – Minor Dredging
- NWP 28 – Modifications of Existing Marinas
- NWP 31 – Maintenance of Existing Flood Control Facilities
- NWP 35 – Maintenance Dredging of Existing Basins
- Letters of Permission – Section 10 only activities with no discharge of fill material
- Any activity conducted in compliance with DOH pre-approved Standard Operating Procedures

The modified Blanket WQC also outlines NWP and activities that do not require a Section 401 WQC. The following NWP and activities do not require a Section 401 WQC:

- NWP 1 – Aids to Navigation
- NWP 8 – Oil and Gas Structures on the Outer Continental Shelf

- Projects in response to a public emergency proclaimed by the President of the United States or Governor of Hawaii where Hawaii Revised Statutes (HRS) Chapter 342D has been suspended
- Any emergency project as determined by the Director of Health
- Projects granted an exemption under Act 048 of 2017 (temporary exemption of certain bridge rehabilitation projects)
- Activities exempt under CWA, Section 404(f)(1)
- Directional drilling under a waterbody where entry and exit pits are located on land and all slurry/spoils/runoff is contained on land
- Structures over a waterbody where debris and other pollutants associated with the installation, construction, and operation do not enter the waterbody
- Installation of temporary Best Management Practices (BMPs) with inert material in State waters, excluding material used to divert or dam stream flow
- Comprehensive Environmental Response, Compensation, and Liability Act actions with oversight from DOH Hazard Evaluation and Emergency Response (HEER) Office and/or EPA
- DOH HEER response actions
- Bridge inspections
- Improvements or modifications to Department of Land and Natural Resources, Division of Boating and Ocean Recreation permitted existing offshore moorings installed prior to October 4, 2017
- Coral transplant with National Oceanic and Atmospheric Administration oversight
- Fireworks where visible debris is collected after event
- Lanterns and rubber duckies collected after event
- Ashes from funeral ceremonies 3 nautical miles away from shore
- After-The-Fact applications for USACE POH enforcement actions (DOH has decided not to process After-The-Fact applications so the USACE POH can proceed with their enforcement action). **This does not absolve applicants from possible enforcement actions from CWB in the event of unpermitted discharges to State waters.**

### Changes to the Application Process

**Applicants do not apply for coverage through the Clean Water Branch anymore.**

Applicants no longer request coverage under the Blanket WQC by submitting an application to the Clean Water Branch. The conditions of the modified Blanket WQC will be included in the permit or license issued by the USACE. The USACE will determine whether the proposed project or activity is eligible for coverage under the modified Blanket WQC. **Do not contact the CWB for any eligibility determinations, such determinations are made by the USACE.** If you are unable to receive coverage under the modified Blanket WQC, but are still required to obtain a WQC, you will need to apply for an individual WQC, which is still done through the Clean Water Branch.

## **Projects Covered Under the Superseded Blanket WQC**

All projects granted coverage under the superseded Blanket WQC are automatically covered under the modified Blanket WQC. Projects/activities **must** comply with the terms of the modified Blanket WQC. **If there are requirements for the project/activity from the superseded Blanket WQC that are not requirements established in the modified Blanket WQC, you are only required to comply with the requirements in the modified Blanket WQC.**

## **Projects that are in the Process of Applying Under the Superseded Blanket WQC**

If you have already submitted an application to the CWB seeking coverage under the superseded Blanket WQC, please email [CleanWaterBranch@doh.hawaii.gov](mailto:CleanWaterBranch@doh.hawaii.gov) to request withdrawal of the application. Please provide the e-Permitting Submission Number in your email.

For any further questions regarding the modified Blanket WQC (**not including eligibility determinations**), please contact the CWB at [CleanWaterBranch@doh.hawaii.gov](mailto:CleanWaterBranch@doh.hawaii.gov).