



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

OFFICE OF WATER RESOURCES

235 Promenade Street, Providence, Rhode Island 02908-5767

Water Quality Certification Application Instructions and Required Enclosures

INSTRUCTIONS

1. All applicable sections of the application form must be completed and signed as indicated.
2. The [Water Quality Certification \(WQC\)/Stormwater \(WQC/SW\) application form](#) must be submitted with all supporting documents, studies, reports or additional information where required and applicable.
3. If the proposed project requires a State WQC (not 401) and is being submitted in association with another Department-issued permit (i.e. Freshwater Wetlands (FWW), Rhode Island Pollution Discharge Elimination System (RIPDES) (non-Construction General Permit (CGP))) which has primacy in accordance with the [Rhode Island Water Quality Regulations \(250-RICR-150-05-1\)](#), then the WQC application and permitting requirements will be satisfied under those respective programs. *NOTE: If there is a stormwater or floodplain component to any application the WQC/SW application must be filled out and submitted as well.*
4. If the proposed project requires a Federal 401 WQC permit for a Federal permit that is not already covered by an existing General Permit (such as the RI General Permit issued by the Army Corps of Engineers (ACOE)) then the [Supplemental WQC application form](#) will need to be submitted in addition to the base application form. Such Federal Permits may include, but are not limited to:
 - Discharge of dredged or fill material under Section 404 of the Clean Water Act that will require an Individual Permit application to the Army Corps of Engineers;
 - Federal Energy Regulatory Commission (FERC) licenses for hydropower or pipeline projects;
 - Rivers & Harbors Section 9 and 10 Permits

For any projects requiring Federal 401 WQC permitting, [a pre-application meeting](#) request *must* be made through DEM's Office of Customer & Technical Assistance (OCTA) at least 30 days prior to the submittal of the application as required by Clean Water Act section 401 Regulations.

REQUIRED ENCLOSURES FOR WQC APPLICATIONS:

1. Site plans (minimum one set) which include both existing and proposed project conditions.
2. A project narrative describing the scope of work and the anticipated water quality impacts resulting from the entire project.
3. A list of direct abutting property owners including current mailing addresses (if applicable).

4. Any additional items outlined below: **A) Site Plan Requirements:**

1. All plans must be drawn to scale (not to exceed 1" = 100').

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2. All plans must be at least 8-1/2" x 11" in size and shall not exceed 24"x36" unless requested.
3. All plans must have all markings permanently fixed.
4. All plans must depict the following:
 - (a) Street(s) abutting site with fixed reference point (e.g. utility poles and numbers, house numbers or similar structures).
 - (b) Magnetic north arrow.
 - (c) Entire property boundary outline and dimension (scale drawing not required for overall project plan on very large sites).
 - (d) Insert map showing site location in the community (locus plan).
 - (e) Graphic and numeric scale.
 - (f) Legend which explains all markings and symbols.
 - (g) Wetland edge(s), perimeter wetlands, rivers, streams, coastal feature(s).
 - (h) The name of any flowing water body(ies) where applicable.
 - (i) Existing and proposed contour lines at two- foot intervals.
 - (j) Proposed limits of disturbance.
 - (k) All temporary and permanent erosion and sediment controls.
 - (l) All temporary and permanent stormwater and water quality management controls and all best management practices (where applicable).
 - (m) The location and limits of any proposed Fill in State waters.
 - (n) The location(s) of any proposed point of direct discharge to State waters.
5. All site plans must be prepared by a licensed or registered professional and must contain the stamp affixed to each sheet along with the date and the signature of the professional (Not required for plans submitted by ACOE).
6. All site plans containing more than one sheet must be numbered consecutively.

The following types of projects will include additional requirements as specified below:

Dredge Projects (see [Dredging Checklist](#)):

1. A proposed sampling plan must be submitted for review and approval prior to samples being taken. The required sampling will depend on the proposed disposal option for the dredged material. At a minimum, for upland disposal, grain size analysis and bulk sediment analysis must be conducted. Toxicity Characteristic Leaching Procedure (TCLP) testing is recommended to determine if the material is considered hazardous.
2. A species inventory addressing community structure may be required. The scope of work must be approved by the Office of Land Revitalization and Sustainable Materials Management (OLRSMM) prior to performing the inventory.
3. Project plans must include the following:
 - (a) The area to be dredged with the existing and proposed contours of the dredging area.
 - (b) Cross sectional views of the area to be dredged showing the existing and proposed contours of the dredging area.

- (c) The location of the disposal area(s) with the existing and proposed contours of the disposal area (Does not apply to Confined Aquatic Disposal (CAD) cells nor Rhode Island Sound Disposal Site (RISDS) disposals).
- (d) The location of any dewatering area including the existing and proposed contours of the dewatering area.
- (e) MHW (Mean High Water), MLW (Mean Low Water), and MHHW (Mean High Higher Water) elevations.
- (f) The datum used to reference all grades and depths (NAVD88 when possible).
- 4. A letter requesting the time frame for dredging if work is proposed anytime other than November 1 - December 31.
- 5. A narrative report including the following:
 - (a) The proposed dredging method and an estimate of the length of time to conduct the dredging project.
 - (b) Calculations verifying the estimated volume of dredge material in cubic yards (cy).
 - (c) Aquatic resources in the area such as shellfish beds, eel grass beds, migratory pathways, habitat for finfish, etc.
 - (d) Information on past dredging events, historical spills, past sediment test data taken in or near proposed dredge area, and the presence of outfalls for both the dredging and surrounding areas.
 - (e) The method of transport to the disposal area.
 - (f) Calculations verifying the capacity of any dewatering area(s) and the disposal area (Does not apply to CAD cell nor RISDS disposals).
 - (g) A letter from the property owner of the dewatering and the disposal areas indicating approval for the estimated volume of dredge material to be dewatered and/or disposed of on their property (Does not apply to CAD cell nor RISDS disposals).
- 6. Approval letters from the solid waste landfill and/or the RIDEM - OLRSM may be required for upland disposal at a solid waste landfill.
- 7. Disposal in open water requires a narrative discussing the alternatives to open water disposal that were considered and why these alternatives were not chosen. The Office of Water Resources (OWR) will coordinate with the ACOE and the EPA in developing a sampling plan for open water disposal.

Marinas:

Note: Proposed projects that require a Federal Permit under the Section 9 or 10 of the Rivers & Harbors Act will also require submittal of the [Supplemental WQC Application Form](#).

- 1. A species inventory addressing aquatic resources and community structure may be required. The scope of work must be approved by the OWR prior to performing the inventory.
- 2. Existing and proposed dock arrangement.
- 3. Location(s) of any existing and/or proposed pump-out facility(ies).
- 4. Maximum number of boats to be kept at the marina at both the slips and the mooring fields.
- 5. Existing and proposed Coastal Resources Management Council (CRMC) Marina Perimeter Limit (MPL) and any associated facility mooring field perimeter. All coordinates are to be provided using geocoordinates with Northing and Easting in decimal form out to six characters to the right of the decimal point.

6. Project narrative explaining maintenance and servicing activities to be performed at the marina and the Best Management Practices (BMPs) proposed to prevent impacts to water quality.
7. Assessment of need to expand Onsite Wastewater Treatment System (OWTS) if applicable.

Harbor Management Plans (see [Guidance for the WQC review of HMPs and CRMC Harbor Management Website](#)):

1. An appropriate background utilizing aerial photos and/or marine maps.
2. Overlay(s) of the WQ Classifications in the City or Town, which can be obtained at the [RIDEM Map Room](#) under Environmental Resource Map. There is an option to open the Water Quality and Impairments folder.
3. Overlay(s) of any 303(d) listed waters in the City or Town. These are available at the same website listed above.
4. Overlay(s) of natural resources within City/Town harbors, including submerged aquatic vegetation (SAV), intertidal flats, and tidal wetlands.
5. Municipal marinas, anchorages, and mooring areas including the existing boat counts and maximum boat counts for each area.
6. Identification of all proposed mooring areas and/or municipal marinas.
7. Location(s) of existing and proposed pump-out facilities (privately and publicly-owned/operated). Assurance that adequate sewage pump-out facilities/service is provided is required.
8. Municipal marina best management practices (BMPs) for ALL site-wide operations and uses.
9. Reference statement related to all applicable State and Federal laws regarding no-discharge and the Harbormaster's enforcement authority over the discharge of sewage from vessels associated with mooring fields and municipal marinas.
10. Standards and considerations relating to shellfish harvesting/boat locations and densities in SA, SA {b}, and SB waters.
11. Standards and considerations related to impacts to habitat(s) and water quality.
12. MUST include statement "The Harbormaster will execute the specific enforcement capabilities relating to the discharge of sewage provided under applicable State law RI General Law 46-12-39 through 41".

Flow Alterations and Water Withdrawals:

1. All calculations must be performed by a qualified professional including:
 - (a) Volume and rate of water withdrawal or alteration.
 - (b) The existing aquatic base flow values for summer, spring, fall and winter.
 - (c) Hydrologic and hydrogeologic studies quantifying and qualifying the groundwater flows (groundwater withdrawal projects).
 - (d) Maximum, minimum and average demand expected from the withdrawal or alteration.
2. A species inventory addressing aquatic resources and community structure may be required for the project area; scope of work must be approved by the OWR.
3. A comprehensive description of proposed methodology of irrigation and pesticide/herbicide application (agriculture related projects).

4. A narrative describing impacts to all state waters associated with the project and surrounding area.
5. If the proposed Flow Alteration is due to a surface and/or groundwater withdrawal, then additional studies related to potential groundwater drawdown effects to both may be required.
6. If the proposed Flow Alteration is due to a proposed groundwater withdrawal of 10,000 GPD or greater will need to refer to the [Preapplication Guidance Document](#).

Filling of Waters of the State:

Note: Projects that are not covered under the RI General Permit and will require an Individual Permit under Section 404 of the Clean Water Act from the Army Corps of Engineers, and/or that require a license from FERC, will also require the [Supplemental WQC Application Form](#).

1. Site plans must include the following:
 - (a) The existing and proposed physical site conditions.
 - (b) MHW and MLW elevations.
 - (c) The datum used to reference all grades and depths (NAVD88 when possible).
2. A species inventory addressing aquatic resources and community structure. The scope of work must be approved by the OWR prior to performing the inventory.
3. A narrative report including:
 - (a) Analysis of the existing uses of the area and discussion of any changes that will result due to the project.
 - (b) A description of the need for the filling and a discussion of the alternatives to filling that were investigated.
4. Proposed mitigation to filling and resulting impacts.
5. Calculations showing the proposed volume of new net Fill in State waters (in cubic yards).

Hydropower/FERC Projects:

For proposals involving either new Hydropower projects, or re-licensing of existing hydropower projects, it is important to note the following:

- Nearly all hydropower projects also fall under the jurisdiction and authority of FERC, and are reviewed under a lengthy application process that precedes the submittal of a 401 WQC request and which the State WQC Program participates in. Applicants are directed to the [FERC website](#) for additional information.
- Excepting relicensing proposals in which no changes are proposed for the existing hydropower facility and operations, in general a hydropower project will need to seek separate State permitting authorization from at least the RIDEM FWW Program and the RIDEM WQC Program. While the State encourages simultaneous submittal of these applications, they are separate and distinct permitting Programs for hydropower, with separate forms, fees, and timelines. Pre-application coordination is required as noted in the Instructions Section at the beginning of this document.

In addition to the standard application requirements, WQC Requests for Hydropower projects must address at least the following:

1. The [Supplemental WQC Application Form](#) will need to be completed in addition to other forms;
2. A narrative report that includes a description of potential impacts associated with project operation to the following:
 - (a) Water quality within the bypass reach and tailrace, including but not limited to temperature and dissolved oxygen. Applicants must comply with all applicable sections of the [RI WQ Regulations \(250-RICR-150-05-1\)](#), including but not limited to the anti-degradation provisions.
 - (b) Upstream and downstream migratory fish passage within the project area (for both anadromous and catadromous fish, as applicable). Include a description of any existing or proposed fish ladder(s), fish passage or by-pass structure(s), and/or trash-rack(s) (including dimensions, bar-spacing and orientation).
 - (c) Habitat quality and quantity for resident and migratory fish, macroinvertebrates, listed species, aquatic plants and other relevant biota. A species inventory addressing aquatic resources and community structure may be required.
 - (d) Alterations to the river flow regime as a result of project operation. Include a description of the mode of operation (i.e., run of river, peaking, etc.), minimum bypass flow requirements, minimum project operation requirements, impoundment drawdown procedures (as applicable) and any other flow management mechanisms associated with the project.
 - (e) Continued public access to and along the river for fishing, canoeing and kayaking, with provisions for new, or continued, access around dams.
 - (f) A description of any proposed mitigation measures to address the abovementioned impacts.
3. Copies of previous environmental studies conducted within the project area (many of these will be generated during the FERC review process)
4. A statement of compliance with all applicable statewide plans (e.g. State Wildlife Action Plan, Statewide Comprehensive Outdoor Recreation Plan, etc.) and/or applicable waterbody/watershedspecific action plans (e.g. Blackstone River Action Plan). Applicants may contact RIDEM OWR prior to application submittal, if necessary, to determine applicable statewide and waterbody/watershed action plans.

NOTE FOR ALL SUBMITTAL TYPES:

Additional information may be requested on a site and project specific basis. The information listed above are minimum requirements for project review.