

**2021 Nationwide Permits, Water Quality Certifications,
Coastal Zone Consistency Determinations and Direct Critical Area Permits
Table and Guide**

The below table has been developed by the Charleston District to assist prospective permittees with determining which state permits may be required, as well as the Water Quality Certifications and/or Coastal Zone Consistency conditions that would apply to a specific NWP in the State of South Carolina. The prospective permittee should also review the Charleston District's "FINAL REGIONAL CONDITIONS FOR 16 NATIONWIDE PERMITS IN CHARLESTON DISTRICT (SAC)" to determine additional NWP specific limits and/or requirements, which can be found at <https://www.sac.usace.army.mil/Missions/Regulatory/Permitting-Process/>.

Acronyms:

NWP: Nationwide Permit

WQC: Water Quality Certification

CZC: Coastal Zone Consistency

CAP: Critical Area Permit

SCDHEC: South Carolina Department of Health and Environmental Control

OCRM: Office of Ocean and Coastal Resource Management

Table

NWP	WQC	CZC	CAP
12	Denied*	Denied**	See condition 3
21	Denied*	Denied**	See condition 3
29	Denied*	Denied**	See condition 3
39	Denied*	Denied**	See condition 3
40	Issued, no conditions	Issued, no conditions	See condition 3
42	Issued, no conditions	Denied**	See condition 3
43	See condition 1	See condition 1	See condition 3
44	Denied*	Denied**	See condition 3
48	Issued, no conditions	Issued, no conditions	See condition 3
50	Denied*	Denied**	See condition 3
51	See condition 2	Denied**	See condition 3
52	See condition 2	See condition 2	See condition 3
55	Not applicable	Denied**	See condition 3
56	Not applicable	Denied**	See condition 3
57	Denied*	Denied**	See condition 3
58	Denied*	Denied**	See condition 3

* Denied WQC: The prospective permittee must obtain an Individual 401 WQC from SCDHEC or waiver prior to verification of the NWP by the Corps.

Please see the public notice that was issued on February 3, 2021, by the Charleston District announcing the Clean Water Act Section 401 Certification Rule. This public notice may also be found on the Charleston District's website at

<https://www.sac.usace.army.mil/Missions/Regulatory/Public-Notices/Article-View/Article/2491488/special-public-notice-clean-water-act-section-401-certification-rule/>

**Denied CZC: The prospective permittee must obtain an Individual CZC concurrence or demonstrate that concurrence is presumed prior to verification of the NWP by the Corps.

Condition 1 (WQC/CZC):

“Activities authorized by this certification are limited to maintenance of existing facilities, such as stormwater ponds, detention and retention basins, water control structures, outfall structures, emergency spillways, and existing ponds that are proposed for use as water quantity or volume control. This NWP cannot be used for existing ponds that are proposed to be converted into water quality treatment facilities such as sediment basins, sediment traps, or other similar structures.”

Condition 2 (WQC/CZC):

“This NWP is not certified for activities that cause the loss of more than 300 linear feet of stream bed.”

Condition 3 (CA):

“Activities in the Critical Areas (as defined in 48-39-10, R 30.1(D) and R 30.10) require a direct permit from SCDHEC OCRM. SCDHEC OCRM's action on direct critical area permits will serve as the consistency determination for the critical area activity.”

The prospective permittee must obtain the CA Permit, which also serves as the CZC from OCRM prior to verification of the NWP by the Corps.