

**Special Conditions of State 401 Water Quality Certification
Applicable to the Letter of Permission
for Energy and Energy Resource Related Projects**

The following Special Conditions are set in accordance with the WV Water Pollution Control Act W. Va. Code §22-11 (2014), Requirements Governing Water Quality Standards §47-2 (2025), Rules for Individual State Certification of Activities Requiring a Federal Permit §47-5A (2014) and/or Antidegradation Implementation Procedures §60-5 (2008), *et seq.*

1. Prior written notification to the West Virginia Department of Environmental Protection (WVDEP) is required for any proposed work and related activities in streams identified in Standard Condition 9, Sections A, B, and/or C of this certification and for all Section 10 rivers within the state of West Virginia as per Standard Condition 10. This notification must be provided at least 60 days prior to construction describing the project purpose, location and impacts. Activities proposed within Standard Condition 9 and/or 10 waters may require additional review to determine eligibility for the letter or permission.
2. To ensure protection of high-quality and sensitive waters, the Secretary of the WVDEP reserves the right to require an individual §401 Water Quality Certification (WQC) for any activity that would result in greater than 200 linear feet of cumulative impact to any stream listed under Standard Condition 9 Sections A, B, or C, or to any Section 10 river.
3. For any proposed stabilization activity within an embayment, island back channel, or stream mouth on a Section 10 river, the permittee must submit a Pre-Construction Notification (PCN) to the West Virginia Division of Natural Resources (WVDNR), Coordination Unit at least 45 days prior to construction. WVDEP may require additional review or an Individual §401 WQC for the proposed activity following review.