

Reference: RGL 84-02

Subject: NATIONWIDE PERMIT-INDIV REVIEW

Title: CRITERIA FOR INDIVIDUAL REVIEW OF DISCHARGE ACTIVITIES SUBJECT TO CERTAIN NATIONWIDE GENERAL PERMIT

Issued: 02/24/84 Expires: 12/31/86

Originator: DAEN-CWO-N

**Description: PROVIDES GUIDANCE ON USE OF DISCRETIONARY
AUTHORITY TO ADD REGIONAL CONDITIONS OR REQUIRE INDIVIDUAL
PERMIT REVIEW. ENCOURAGES DEVELOPMENT OF SPECIFIC
CRITERIA.**

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1. The purpose of this guidance is to emphasize our policy that clear and effective criteria be used in determining when to require individual permit review for discharge activities otherwise subject to the two nationwide general permits for certain classes of waters, 33 CFR 330.4.
 2. Section 330.7 of the Corps' regulations authorizes division engineers to modify nationwide permits by adding regional conditions or to override such permits by requiring individual permit applications on a case-by-case basis. In addition, Section 325.7(a) authorizes district engineers to modify any permit as may be made necessary by considerations of the public interest.
 3. A fundamental purpose of the above authorities is to insure that activities authorized by nationwide or other general permits do not result in more than minimal individual or cumulative adverse environmental impacts.
 4. The development of specific quantitative criteria is desirable to guide the discretion of district and division engineers in exercising such authorities. Such criteria should, for discharge activities occurring in waters subject to the Section 330.4 nationwide permits, specify that where a particular discharge activity is likely to cause the loss or substantial adverse modification of more than a specified area of waters of the United States, individual permits will be required. Such criteria should also specify that where a particular discharge activity is likely to cause the loss or substantial adverse modification of more than a specified smaller area of waters of the United States, prospective dischargers will be required to give prior notice to the Corps of their intention to discharge so that the Corps may undertake any necessary consultation with state and

federal resource agencies to insure that the discharge will not have more than minimal individual or cumulative adverse environmental impacts.

5. In exercising their discretion, division and district engineers are encouraged, through the promulgation of regional conditions or other appropriate means, to develop promptly such specific criteria to govern when activities otherwise subject to the general permits of Section 330.4 will be made subject to prior notice or individual permitting requirements.

FOR THE COMMANDER: