

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Office of Environmental Services | Water Permits Division

MEMORANDUM

TO: Prospective Applicants for a Louisiana Water Quality Certification and their Agents

FROM: Water Permits Division, Office of Environmental Services

DATE: August 4, 2026

SUBJECT: Application Requirements for a Clean Water Act §401 Water Quality Certification — Louisiana Administrative Code 33:IX.1507

1. Purpose and Applicability

This memorandum summarizes the content and procedural requirements that apply to an application for a state Water Quality Certification ("WQC") under Section 401 of the federal Clean Water Act, as implemented by the Louisiana Department of Environmental Quality ("LDEQ" or "the Department") through LAC 33:IX.Chapter 15. It is provided as a planning aid so that applicants may assemble a complete submittal at the outset and avoid the delay associated with a Request for Additional Information.

The certification procedures of LAC 33:IX.Chapter 15 "apply to all water quality certifications which applicants for federal licenses or permits are required to provide to the appropriate federal agency." **LAC 33:IX.1503.A.**

The Department's authority to process certification applications, and to require the applicant to bear the cost of public notice, is conferred by **Revised Statutes 30:2074(A)(3)**, which is also the statutory authority under which LAC 33:IX.1507 was promulgated.

Where to file

Any person desiring issuance of a state water quality certification shall first request a pre-file meeting through the following address: deg-waterqualitycertifications@la.gov. Once the pre-file meeting request has been responded to, a prospective applicant should follow the directions provided in the response e-mail.

2. Required Application Contents

Each element below is drawn from LAC 33:IX.1507.A.1. The citation column gives the specific subparagraph that imposes the requirement.

Required Application Content	Regulatory Citation
The date of application.	LAC 33:IX.1507.A.1.a
The name, address, or principal place of business of the applicant.	LAC 33:IX.1507.A.1.b
If the applicant is a corporation: the state in which it is incorporated, the name of its principal officers, and the name and address of the Louisiana agent for service of process.	LAC 33:IX.1507.A.1.c
The name of the individual who shall be primarily responsible for conduct of the activity for which certification is sought (for example, the plant manager or other person responsible for facility operation).	LAC 33:IX.1507.A.1.d
The nature of the activity to be conducted by the applicant, including estimates of volume of excavation for dredge and fill activities.	LAC 33:IX.1507.A.1.e

Required Application Content	Regulatory Citation
Whether the discharge is occurring or proposed, including an estimated schedule for all proposed activities.	LAC 33:IX.1507.A.1.f
The location of the discharge, stating if applicable the municipality, the parish, the drainage basin, the name of the receiving water, and the location of the point of discharge with regard to the receiving water.	LAC 33:IX.1507.A.1.g
The nature of the receiving water, including type (creek, river, swamp, canal, lake or pond), nature (fresh, brackish or salt), and direction of flow.	LAC 33:IX.1507.A.1.h
A description of waste treatment works, if any, that will receive and process the wastewater before discharge into the receiving water.	LAC 33:IX.1507.A.1.i
The type of discharge, including chemical composition, quantity (expressed as gallons per unit of time), frequency, temperature, and kinds and quantities of pollutants or contaminants.	LAC 33:IX.1507.A.1.j
Projected future variations in the nature of the discharge.	LAC 33:IX.1507.A.1.k
The type, diameter or cross-section, and length of any conduit conveying the discharge.	LAC 33:IX.1507.A.1.l
Names and addresses of adjoining riparian owners.	LAC 33:IX.1507.A.1.m
Maps, drawings, or plats at an appropriate scale and referenced to a commonly used set of geographic coordinates (latitude/longitude or section/range/township), providing sufficient detail to accurately delineate the four features itemized in Section 3 below.	LAC 33:IX.1507.A.1.n

3. Maps, Drawings, and Plats

The mapping requirement at LAC 33:IX.1507.A.1.n is the most frequent source of incomplete applications. The maps must be at an appropriate scale and referenced to a commonly used set of geographic coordinates, and must delineate each of the following four features.

Feature That Must Be Delineated	Regulatory Citation
The boundaries of the lands owned or to be utilized by the applicant in carrying out any activity.	LAC 33:IX.1507.A.1.n.i
The location and extent of receiving waters in the vicinity of said lands.	LAC 33:IX.1507.A.1.n.ii
The location, dimensions, and type of any temporary or permanent structures or conveyances erected or to be erected on said lands.	LAC 33:IX.1507.A.1.n.iii
The location of discharges into receiving waters.	LAC 33:IX.1507.A.1.n.iv

Departmental practice on coordinates and map legibility

The following conventions are how the Division applies the "sufficient detail" and "commonly used set of geographic coordinates" standard of LAC 33:IX.1507.A.1.n. They are implementing practice rather than separate regulatory requirements, and following them will reduce the likelihood of a request for additional information.

- Coordinates should be expressed in decimal degrees or in degrees-minutes-seconds. Surveyor's bearings alone are not usable for the Department's review purposes.
- Small residential projects (for example, a bulkhead or boathouse, a single residential home, or a camp): include at least one coordinate point on the project map.

- Large commercial or municipal linear projects (for example, pipelines, facility bulkheads, or waterbody dredging): include beginning and end point coordinates. For projects greater than one mile, provide coordinates at regular intervals between the beginning and end points.
- Large commercial or municipal non-linear projects (for example, a plant expansion, a subdivision, or an LNG plant): include coordinates at a minimum of four corners of the property boundary.
- Every map should carry, at a minimum, a title, a scale, a north arrow, the date of composition, the name of the cartographer, locational references such as a topographic background, and a legend or key.

4. Processing Fee

A one-time processing fee is assessed on all applicants according to a fee schedule set out in the regulation. **LAC 33:IX.1507.A.2.a.** The fee is nonrefundable, and payment must be made by one of the methods listed in LAC 33:IX.1309.M.1-2.b. **LAC 33:IX.1507.A.2.b.** The fee will be requested by the Department, once the application has been reviewed.

Fee amount and the commercial / noncommercial distinction

The fee that applies depends on whether the activity is commercial or noncommercial. Both terms are defined in the Chapter:

- **Commercial Activity** — "any conduct, operation, or process performed by governmental agencies for public use or by private interests for business or other use for profit." **LAC 33:IX.1505.** Note that a project undertaken by a governmental body for public use falls within this definition.
- **Noncommercial Activity** — "any conduct, operation, or process intended strictly for private use with no future profit potential expected." **LAC 33:IX.1505.**

As currently administered by the Water Permits Division, the commercial application processing fee is \$385.00 and the noncommercial application processing fee is \$37.00. Because fee schedules are periodically amended, applicants should confirm the amount in effect at the time of filing with the Water Permits Division before remitting payment.

5. Signature, Land Management Plans, Omissions, and Confidentiality

Requirement	Regulatory Citation
The application must bear the signature of an individual authorized by the company, corporation, municipality, or governmental agency, or of the individual applicant where the individual is the applicant. Applications are considered valid only if so signed. The signatory shall certify that all information contained in the application is true and correct to the best of his knowledge.	LAC 33:IX.1507.A.8
Where the application involves the clearing of land for agricultural purposes, the applicant shall submit to the Office of Environmental Services an approved land management plan for the land to be cleared before the application will be deemed adequate. A "land management plan" is a land use plan approved by the United States Soil Conservation Service or the State Department of Transportation and Development Soil and Water Conservation Committee.	LAC 33:IX.1507.A.4; definition at LAC 33:IX.1505
If the applicant considers it infeasible or unnecessary to furnish any portion of the required information, the applicant shall submit a detailed statement explaining the reasons for the omission; if the administrative authority does not concur in the omission, the applicant shall submit the omitted information.	LAC 33:IX.1507.A.6
Information submitted as required by an application and declared confidential by the applicant is handled in accordance with LAC 33:I.Chapter 5.	LAC 33:IX.1507.A.7

6. Application Submittal

A request for certification submitted to a certifying authority must, at a minimum, be in writing, signed, and dated, and must include a copy of the federal license or permit application submitted to the federal agency, together with any readily available water quality-related materials that informed the development of the application. **40 CFR 121.5(a)(1)**. For a general federal license or permit, the corresponding items are a copy of the draft federal license or permit and any readily available water quality-related materials that informed its development. **40 CFR 121.5(a)(2)**.

The federal application package must still supply the substantive content described in Sections 2 and 3 of this memorandum. Where the federal form does not capture an element required by LAC 33:IX.1507.A.1 — commonly the conduit specifications at Subparagraph l, the adjoining riparian owners at Subparagraph m, or the coordinate-referenced mapping at Subparagraph n — that element should be supplied as a supplement, or an omission statement should be furnished under LAC 33:IX.1507.A.6.

Where a signed ENG Form 4345 is used, the Division will look for a legible copy including a clear set of plans, with the "applicant" authorizing the "agent" where an agent is acting on the applicant's behalf, consistent with the signature requirement of **LAC 33:IX.1507.A.8**.

7. Requests for Additional Information

The administrative authority may request, and the applicant shall furnish, any additional information deemed necessary for the proper consideration of the application to determine whether the proposed discharge meets all applicable effluent limitations, water quality related effluent limitations, water quality standards, new source performance standards, and toxic and pretreatment standards. **LAC 33:IX.1507.A.5**.

This provision is the authority under which the Division issues a Request for Additional Information. The items most frequently requested under LAC 33:IX.1507.A.5 are listed below. Anticipating them in the initial submittal is the single most effective way to shorten review time.

Commonly Requested Additional Information	Regulatory Citation
A detailed description of the Best Management Practices that will be used to ensure that dredging and construction practices comply with water quality standards — including, but not limited to, the criteria for floating, suspended and settleable solids, turbidity, and dissolved oxygen. Include the dredge type and the dredging and disposal practices.	LAC 33:IX.1507.A.5; criteria at LAC 33:IX.1113.B.3, 1113.B.9, and 1113.C.3
A description of dredging and disposal methods (for example, open water, pipeline to spoil bank, or containment area), where a disposal site is not otherwise defined.	LAC 33:IX.1507.A.5
Assurance, to the best of the applicant's knowledge, that any excavated and fill material does not contain unsuitable material (trash, debris, asphalt, and the like) or toxic pollutants in toxic amounts, or that such material will be disposed of in an approved landfill as necessary.	LAC 33:IX.1507.A.5
Assurance that all other required discharge permits — for example, construction stormwater coverage under General Permit LAR100000 for activities disturbing five or more acres, including smaller areas that are part of a larger plan of development or sale that cumulatively disturb at least five acres — will be obtained from LDEQ for any other discharges generated from the site.	LAC 33:IX.1507.A.5
Maps, drawings, or plats indicating pre-development and post-development stormwater drainage patterns.	LAC 33:IX.1507.A.5
For projects served by sanitary wastewater treatment: where the development ties into an existing system, a copy of the approval letter from the treatment	LAC 33:IX.1507.A.5

Commonly Requested Additional Information	Regulatory Citation
system operator confirming the system has capacity to accommodate the anticipated additional sewage input; where it does not, application for a Louisiana Pollutant Discharge Elimination System (LPDES) permit as soon as practical.	
A description of any water control structure operation and management plan, specifying operational conditions in relation to seasonal and drought conditions.	LAC 33:IX.1507.A.5
Assurance that the drainage system complies with the applicable municipal separate storm sewer system (MS4) stormwater management plan, and that no construction will occur without the prior authorization of the parish, municipality, or MS4 permittee.	LAC 33:IX.1507.A.5

Water quality standards and impaired subsegments

Applications are reviewed for compliance with State Water Quality Standards, the approved Water Quality Management Plan for the affected water body, and applicable state water laws, rules, and regulations. LAC 33:IX.1507.C.3. Where the receiving subsegment is not supporting its designated uses, or is subject to an approved Total Maximum Daily Load, the Division will request additional project information to confirm that the proposed activity will not cause or contribute to further impairment.

Applicants whose projects also require an LPDES permit should note that issuance of a water quality certification does not guarantee issuance of an LPDES permit. No LPDES permit may be issued to a new source or new discharger if the discharge from its construction or operation will cause or contribute to the violation of water quality standards; where the receiving segment does not meet applicable water quality standards and a pollutant load allocation has been performed, the owner or operator must demonstrate before the close of the public comment period that sufficient remaining load allocations exist and that existing dischargers are subject to compliance schedules designed to bring the segment into compliance. **LAC 33:IX.2317.A.9.** Applicants should proceed with caution until receipt of a final LPDES permit.

8. Application Review and Completeness

Review Provision	Regulatory Citation
All applications are reviewed for adequacy of content in accordance with application criteria and the type and extent of the proposed activity. The application is considered incomplete until payment of the processing fee is received. An application will be deemed complete if the administrative authority does not indicate otherwise by written response to the applicant within 30 days. The administrative authority reserves the right to request additional information where deemed necessary to make a final certification decision.	LAC 33:IX.1507.C.1
The administrative authority may conduct investigations concerning the application. The applicant shall cooperate to the extent of furnishing additional information, allowing access to lands or works of the applicant, and lending such assistance as shall be reasonable.	LAC 33:IX.1507.C.2
All applications are reviewed for compliance with State Water Quality Standards, the approved Water Quality Management Plan for the water body affected by the activity, and applicable state water laws, rules, and regulations.	LAC 33:IX.1507.C.3

9. Public Notice — Applicant Obligations

Public notice is an applicant obligation, and the proofs of publication are a prerequisite to issuance. Within 10 days after the review process is completed, the Department sends the applicant a public notice for publication.

Public Notice Requirement	Regulatory Citation
The applicant shall publish the public notice one time in the official journal of the state, and one time in at least one or more local newspapers or journals of general circulation in each parish in which the activity is to be conducted, as directed by the administrative authority.	LAC 33:IX.1507.D.1
The Advocate of Baton Rouge is the official journal of the state.	LAC 33:IX.1507.D.1.a
A period of 10 calendar days after the date of publication is allowed for public comment.	LAC 33:IX.1507.D.1.b
The applicant shall provide proofs of publication of the public notice to the administrative authority.	LAC 33:IX.1507.D.1.d
The applicant shall bear the costs of publication of the notices required by LAC 33:IX.1507.D. Where a hearing is requested by the applicant and is held, the applicant shall bear the costs of publishing that hearing notice.	LAC 33:IX.1507.D.7; R.S. 30:2074(A)(3)
Notices required for state certification are in addition to any other notice concerning the same activity by the applicant or any federal agency, unless the state and federal agencies have adopted a procedure for issuance of joint public notices.	LAC 33:IX.1507.D.6

Contents of the public notice

The notice content is prescribed at LAC 33:IX.1507.D.1.c and comprises: the name and address of the applicant (Clause i); the activity proposed in the application (Clause ii); the nature and location of the activity (Clause iii); the date of and final action proposed by the administrative authority (Clause iv); the name and address of the administrative authority's representative to whom comments shall be submitted (Clause v); a statement that comments will be received for 10 days following publication (Clause vi); and a statement that additional information is on file with the administrative authority, may be inspected at any time during normal working hours, and shall be made available upon payment of the cost of printing (Clause vii).

10. Public Hearings

Hearing Provision	Regulatory Citation
A public hearing may be held in connection with consideration of an application for an original certification, or where it is proposed that an existing certification be modified or revoked.	LAC 33:IX.1507.E.1.a
Any person may request a public hearing in writing within the comment period specified in the public notice. Upon receipt, the administrative authority determines whether the issues raised are substantial and whether a valid public interest would be served by holding a hearing.	LAC 33:IX.1507.E.1.b
A public hearing is appropriate where there is significant public opposition to a proposed certification and the case involves significant economic, social, or environmental issues.	LAC 33:IX.1507.E.1.c
If a hearing is to be held, the applicant is notified by registered or certified mail, return receipt requested, and notice is published and given as required by LAC	LAC 33:IX.1507.E.1.d

Hearing Provision	Regulatory Citation
33:IX.1507.D. The hearing is held within 90 days following the date of notification.	
Notice of hearing is published one time in the official journal of the state and one time in at least one or more newspapers or journals of general circulation in the locality of the activity, at least 30 days prior to the hearing date, and must state the time, place, and nature of the hearing. A copy is served on the applicant and on the person or persons requesting the hearing at least 30 days prior to the hearing.	LAC 33:IX.1507.D.3
If certification is denied, the applicant may request a hearing in writing within 10 days after notification of denial, unless the denial rests on a determination made at a prior hearing that the activity would violate the federal Clean Water Act, the Louisiana Environmental Quality Act, or regulations thereunder. The administrative authority may grant such a request in its sole discretion for good cause shown.	LAC 33:IX.1507.E.2
The hearing record remains open for 30 days after the hearing date to receive written comments, which become part of the official hearing record.	LAC 33:IX.1507.E.4

11. Action on the Application

All applications shall be granted or denied within 60 days after the application is deemed complete by the administrative authority, unless one of the exceptions at **LAC 33:IX.1507.F.1.a-f** applies: the applicant or federal agency agrees in writing to a longer period; the final decision is to be made pursuant to a public hearing; the applicant or federal agency fails to furnish information necessary to complete the application; the applicant or federal agency refuses access to records or premises for purposes of gathering information necessary to the certification decision; information necessary to the certification decision is unavailable; or the application is for an NPDES permit requiring an extended review period under an agreement with the federal agency. Following a public hearing, applications shall be granted or denied within 90 days unless the applicant otherwise agrees in writing or unless LAC 33:IX.1507.F.1.c-f apply. **LAC 33:IX.1507.F.2.**

Where, after review of the application and any comments, publication of public notices, a public hearing if applicable, expiration of the required public comment periods, and receipt of proofs of publication, it is determined that the proposed project will not violate State Water Quality Standards, is in accordance with an approved Water Quality Management Plan, or is in accordance with applicable state water laws, rules, or regulations, the administrative authority issues a letter of no objection with a statement of water quality certification and forwards a copy to the applicable federal agency. **LAC 33:IX.1507.F.3.a.** The letter of certification will include any stipulations or conditions necessary to ensure compliance. **LAC 33:IX.1507.F.3.b.**

Where the administrative authority denies, modifies, or revokes certification, or is for any reason unable to approve the application, it notifies the applicant by certified or registered mail, return receipt requested, specifying the reasons; a copy of that notification is mailed to the appropriate federal agency or agencies. **LAC 33:IX.1507.F.3.c.i-ii.**

This memorandum is a summary prepared for the convenience of prospective applicants. It does not alter, expand, or limit any requirement of LAC 33:IX.Chapter 15 or of any other applicable law or regulation. Where this summary and the governing text differ, the governing text controls. Fee amounts, submittal channels, and contact information are subject to change; applicants should confirm current figures and procedures with the Water Permits Division before filing.