



NATIONWIDE PERMIT 39—COMMERCIAL AND INSTITUTIONAL DEVELOPMENTS UPDATE FACTSHEET

Authorizes activities for the discharge of dredged or fill material into waters of the United States (WOUS) for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, and recreation facilities such as playgrounds and playing fields. Commercial and institutional developments may include retail stores, industrial facilities, restaurants, business parks, and shopping centers, schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The discharge must not cause the loss of greater than 1/2-acre of non-tidal WOUS, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds. A Pre-Construction Notification to the U.S. Army Corps of Engineers (Corps) may be needed.

Updated 2017-2021 Nationwide Permit Program:

The Corps issues Nationwide Permits (NWP) to authorize activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 that will result in no more than minimal individual and cumulative adverse environmental effects. The new NWP program will begin on March 19, 2017 and will extend through 2021.

Current activities authorized by the 2012 NWPs remain authorized until March 18, 2017. Activities authorized by the 2012 NWPs that have commenced or are under contract to commence by March 18, 2017, will have one year (i.e., until March 18, 2018) to complete those activities.

Anticipated Changes to NWP 39—Commercial and Institutional Developments:

- This NWP would now authorize the discharge of dredged or fill material into WOUS to construct wastewater treatment facilities that are attendant features for commercial, industrial, and institutional facilities to hold and treat wastewater.

For more information please visit our website: www.coxmclain.com

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