



Stormwater Quality Management Committee November 9, 2021



Item 8.

- Action to receive an update on the status of the definition of waters of the United States (***For possible action***)



Waters of the U.S.

November 9, 2021



WOTUS

- Definition of a water of the U.S. has changed...again
- USACE and EPA halted implementation of the Navigable Waters Protection Rule
- Reverting back to the pre-2015 rule
- Applies to CIP and maintenance projects

WOTUS

Projects Requiring a 404 Permit:

- Placement of fill into streams, drainage ditches, drainage channels, and wetlands including detention and debris basins and temporary fills to provide access to a work site
- Rehabilitation of existing facilities that results in a change in configuration from the original authorized structure
- New construction

WOTUS

Projects That May Not Require a 404 Permit:

- Placement of fill to repair erosion in unlined or non-concrete lined facilities to rehabilitate the structure to the previously authorized configuration

WOTUS

Projects That May Not Require a 404 Permit:

- Removal of accumulated non-trash sediment and debris from authorized facilities, if there is no temporary stockpiling or storage of the dredged material in a water of the U.S. or overland area that discharges into a water of the U.S. resulting in a violation of the permit

WOTUS

Projects That May Not Require a 404 Permit:

- Removal of accumulated trash, including materials generated by homeless activity
- Any other work that does not result in the discharge of dredged material or an increase in fill, into a previously authorized structure

WOTUS

Types of 404 Permits:

- Emergency
- Nationwide
- Regional General
- Letter of Permission
- Individual



**What is a
WOTUS?**



**What is a
WOTUS?**



**What is a
WOTUS?**

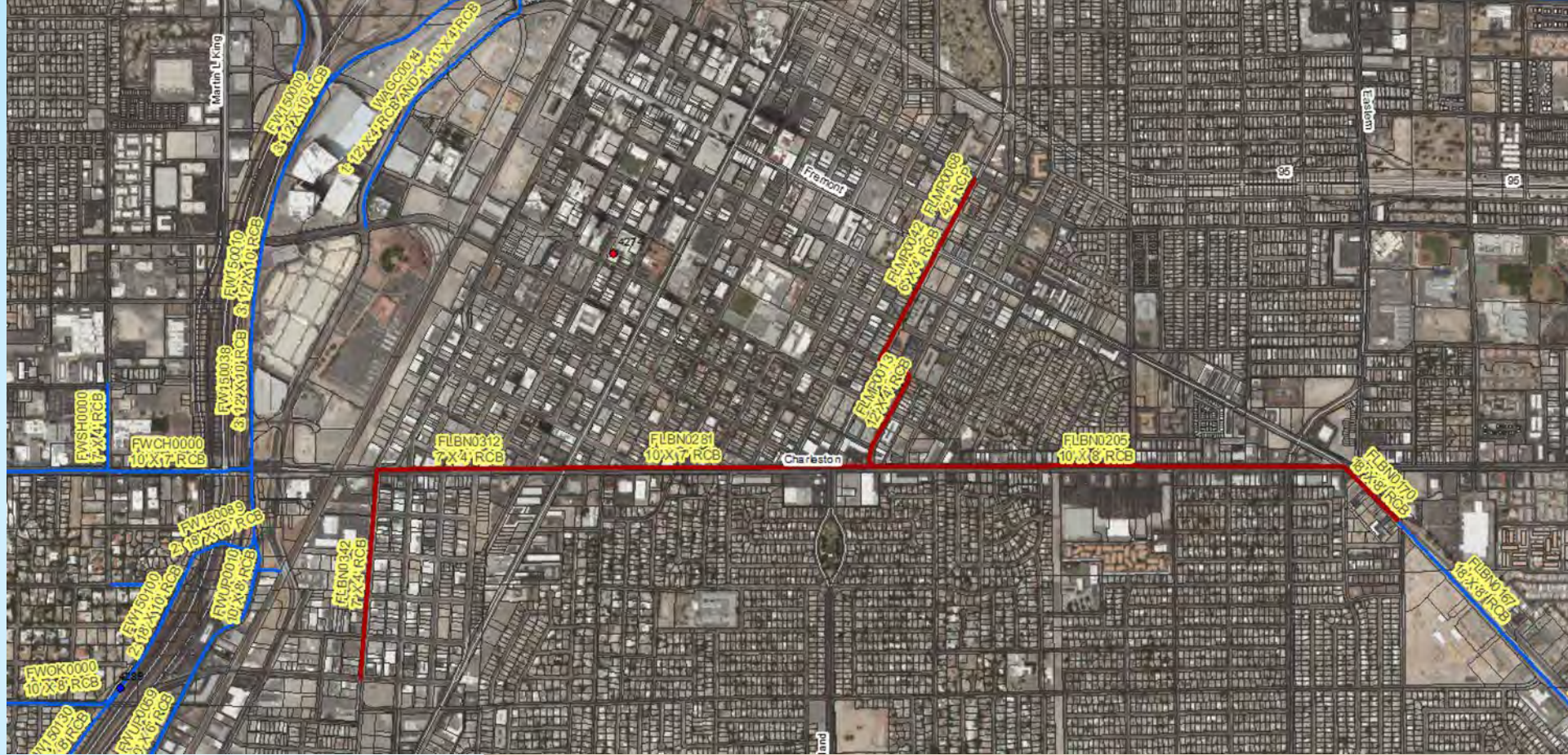


**What is a
WOTUS?**



**What is a
WOTUS?**





**What is a
WOTUS?**



**What is a
WOTUS?**

Questions?

