

# Pre-Filing Meeting Request – Quick Guide

This guide provides how-to steps and background on Pre-Filing Meeting Request

## First, Confirm your project has not already been pre-filed.

Mass Pre-file Notifications have been sent for the majority of NCDOT projects, and can be found here: [https://xfer.services.ncdot.gov/pdea/PermApps/\\_Pre-Filing%20Meeting%20Comprehensive%20Requests/](https://xfer.services.ncdot.gov/pdea/PermApps/_Pre-Filing%20Meeting%20Comprehensive%20Requests/)  
If your project is on the list, pre-filing has been satisfied.

## Second, Confirm the project requires pre-filing:

-Merger projects do not require pre-filing. The merger meeting date is the date of the pre-filing.  
-Major project meetings that DWR attends can satisfy as pre-filing, including JDs, CFIs, or FDFIs, so long as DWR attended.

## How to Pre-File:

**Send an email to:** [401PreFile@deq.nc.gov](mailto:401PreFile@deq.nc.gov)

**Subject:** 401/Buffer Pre-filing Meeting Request

### Include the following:

Project Name:

County:

Applicant Name:

Applicant Email:

You will receive an auto-reply back. (In the event your email is not allowing auto-responses, please save a copy of your sent email for your records.)

This is your pre-filing notification documentation.

### Additional notes

- multiple submissions can be submitted within the same email by supplying all the above information for each project.
- The email address is not monitored. This email is intended to fulfill the pre-filing meeting request requirement put in place on Thursday April 7, 2022 when the Environmental Protection Agency Clean Water Act Section 401 Certification Rule was reinstated to its previous version which originally became effective on September 11, 2022

## Background

The EPA released [rule changes to the 401 Certification process](#) effective September 11, 2020, vacated in August 2021, and reinstated in April of 2022. One of the rule changes requires the project proponent (NCDOT) to **request a pre-filing meeting request** with the certifying authority (NCDWR) at least **30 days** before submitting a 401 Certification Request [Permit Application, or PCN].

While this pre-filing meeting request is required, the meeting itself does not have to occur.

To make this pre-filing meeting request, NCDWR has created a **Pre-Filing Meeting Request email alias** at [401prefile@ncdenr.gov](mailto:401prefile@ncdenr.gov)

**Timeframes** The rule does not identify a time period that is too early to satisfy the Pre-Filing Meeting Request. The only timeframe is at least 30 days prior to the Application for a 401 Certification.

**Applicability** All NCDOT projects that require a written 401 Certification.

NCDWR has identified situations that suffice as the Pre-Filing Meeting Request, this includes:

- Projects in the Merger Process (at least 4B, and 4C), or
- a meeting (e.g. Scoping Meeting, PJD) if the following information is included in DWR's records\* and approved by your DWR Representative to have satisfied the Pre-Filing Meeting requirement:
  - meeting minutes denoting: the date, project name, list of attendees, and agencies involved

\*The NCDWR coordinator and the applicant will need to verify the Pre-Filing Meeting documentation is recorded in NCDWR's [Laserfiche](#). Otherwise, the previously noted email address should be used.

**Emergency projects** can apply as an "after the fact" scenario.

**In-Field Modifications** are not subject to the pre-filing meeting request.

**Permit Modifications:**

**Phased Permit Modifications** will require pre-filing.

**Other Modifications** can reference the date on the previous application as the pre-filing notification date.

**Renewals/ Re-issuances** will require a pre-filing and can reference the date on the previous application as the pre-filing notification date.

## Links

DWR Pre-Filing Meeting Request Information:

<https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/401-buffer-transportation-permitting>

Clean Water Act Rule Change (Federal Register 40 CFR Part

121): [https://www.epa.gov/sites/production/files/2020-07/documents/clean\\_water\\_act\\_section\\_401\\_certification\\_rule.pdf](https://www.epa.gov/sites/production/files/2020-07/documents/clean_water_act_section_401_certification_rule.pdf)

Pre-Filing Meeting Notification for all NCDOT projects on 12-Month Let List:

[https://xfer.services.ncdot.gov/pdea/PermApps/\\_2022%20Pre-Filing%20Mass%20Request%20from%20Comprehensive%20List%20April%2029%202022.pdf](https://xfer.services.ncdot.gov/pdea/PermApps/_2022%20Pre-Filing%20Mass%20Request%20from%20Comprehensive%20List%20April%2029%202022.pdf)