

Cal. Code Regs., Tit 23, §3837

§3837 Denial of Certification.

(a) If certification is denied, the applicant shall be notified in writing of the denial and the reasons for the denial. Written notification of the denial shall be sent to the applicant, the state board or appropriate regional board(s), the federal agency, EPA, and other persons and agencies known to be interested no later than three (3) days after taking the certification (denial) action.

(b) An application for water quality certification may be denied when:

- (1) the activity requiring a federal license or permit will result in a discharge which will not comply with applicable water quality standards and other appropriate requirements; or
- (2) compliance with water quality standards and other appropriate requirements is not yet necessarily determined, but the application suffers from some procedural inadequacy (e.g., failure to provide a complete fee or to meet CEQA requirements). In this case denial shall be without prejudice.