**Section 395.401 Criteria for Certification, Waiver of Certification or Denial of Certification**

In making its determination, the Agency shall consider all information provided under Sections 395.203, 395.205, 395.301 and 395.303 of these rules.

a) Certification or waiver of certification by the Agency shall be based on its determination that the intended activities of the applicant shall not cause:

1) Violations of the water quality standards of Chapter 3 of the Board's rules;

2) Violation of other applicable regulations of the Board;

3) Noncompliance with Sections 301, 302, 303, 306, and 307 of the Clean Water Act;

4) Interference with existing water uses, particularly public recreation on affected waters and public and food processing water supply sources.

b) The Agency may place conditions on its certification or waiver of certification of activities under these rules. Such conditions shall relate to the characteristics of the specific site and the nature of the intended activities. The federal licensing or permitting authority is required to include such conditions in its license or permit.

c) When the Agency determines that the intended activities cannot be performed without violation of the criteria in subsection (a) of this section, it shall deny certification.