

# Texas Commission on Environmental Quality 401 State Certification Pre-filing Meeting Request Form

**Why is this Pre-Filing Meeting Request Required?** The U.S. Environmental Protection Agency published its Clean Water Act Section 401 Certification Rule in the Federal Register effective September 11, 2020 and updated by the Federal Clean Water Act Section 401 Water Quality Improvement Rule effective September 27, 2023. The federal rules include that applicant's submit a Pre-filing Meeting Request to the state certifying authority, the Texas Commission on Environmental Quality (TCEQ), at least 30 days prior to submitting a Section 401 Water Quality Certification Request (Certification Request). The TCEQ has prepared this Pre-filing Meeting Request form to help project applicants comply with the new 401 Certification Rule requirements.

**Next Steps:** The TCEQ will review your request for a Pre-filing Meeting to determine whether it is necessary or appropriate for your specific project, though actually conducting a Pre-filing Meeting is optional. Completing this form will help with the TCEQ's determination. Thank you for using this form.

1. Please submit this request form and a project location map to [401Certs@tceq.texas.gov](mailto:401Certs@tceq.texas.gov).
2. If a Pre-filing Meeting is determined to be necessary by either the applicant or the TCEQ, the meeting will be scheduled to discuss the project.
3. If you do not receive a response to your request for a pre-filing meeting, after at least 30 days, you may submit the certification request to the TCEQ if a Section 401 certification is required for your project. Projects that require state certification are 1) all individual permit U.S. Army Corps of Engineer 404 permit applications and, 2) individual conditional certifications for the return water of Nationwide Permit 16.

For more information: EPA's 401 rule: <https://www.epa.gov/cwa-401/final-rule-clean-water-act-section-401-certification-rule>

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**Project Information**

<b>Project Name:</b>
<b>United States Army Corps of Engineers Project Number:</b> <b>(note a pre-filing meeting request cannot be processed without this number)</b>
<b>Project Applicant</b>
Name:
Organization:
Phone no.:
Email:
<b>Consultant</b>
Name:
Organization:
Phone no.:
Email:
<b>Project Location</b> <i>(Note: Please attach a project location map when submitting this form)</i>
Address:
<b>City:</b>
<b>County:</b>
Latitude/Longitude of project location:
<b>Brief Project Description and Scope:</b>
Please provide the type of federal permit for which the applicant is seeking state 401 certification. Please include a federal permit number if available.

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Will coastal critical areas be impacted by the proposed project?

Coastal critical areas are: coastal wetland, oyster reef, hard substrate reef, submerged aquatic vegetation, or a tidal sand or mud flat (as defined in 31 Texas Administrative Code §501.3).

### Jurisdictional Impacts

Fill/Excavate	Wetland (Cowardian Class), Seagrass, Oyster	Acres	Intermittent Stream (linear feet)	Perennial Stream (linear feet)	Tidal (linear feet)
Example. Excavation	Example. Palustrine Emergent Wetland (PEM)	Example. 3			
Example. Fill			Example. 300	Example. 100	

**Best Management Practices (BMPs) to be implemented:**

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March 31, 2023