



## Texas Commission on Environmental Quality 401 Water Quality Certification Conditions for Nationwide Permits Attachment 1

Below are the 401 water quality certification conditions the Texas Commission on Environmental Quality (TCEQ) added to the March 12, 2007 issuance of Nationwide Permits (NWP), as described in the Federal Register (Part II, Vol. 67, No. 10, pages 2020-2095).

Additional information regarding these conditions, including descriptions of the best management practices (BMPs), can be obtained from the TCEQ by contacting the 401 Coordinator, MC-150, P.O. Box 13087, Austin, Texas 78711-3087 or from the appropriate U.S. Army Corps of Engineers district office.

### **I. Erosion Control**

Disturbed areas must be stabilized to prevent the introduction of sediment to adjacent wetlands or water bodies during wet weather conditions (erosion). *At least one* of the following BMPs must be maintained and remain in place until the area has been stabilized for NWPs 3, 6, 7, 12, 13, 14, 15, 17, 18, 19, 21, 22, 25, 27, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, and 50. If the applicant does not choose one of the BMPs listed, an individual 401 certification is required.

- Temporary Vegetation
- Blankets/Matting
- Mulch
- Sod
- Interceptor Swale
- Diversion Dike
- Erosion Control Compost
- Mulch Filter Berms and Socks
- Compost Filter Berms and Socks

### **II. Sedimentation Control**

Prior to project initiation, the project area must be isolated from adjacent wetlands and water bodies by the use of BMPs to confine sediment. Dredged material shall be placed in such a manner that prevents sediment runoff into water in the state, including wetlands. Water bodies can be isolated by the use of one or more of the required BMPs identified for sedimentation control. These BMP's must be maintained and remain in place until the dredged material is stabilized. *At least one* of the following BMPs must be maintained and remain in place until the area has been stabilized for NWPs 3, 6, 7, 12, 13, 14, 15, 17, 18, 19, 21, 22, 25, 27, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, and 50. If the applicant does not choose one of the BMPs listed, an individual 401 certification is required.

- Sand Bag Berm
- Rock Berm
- Silt Fence
- Hay Bale Dike
- Triangular Filter Dike
- Brush Berms
- Stone Outlet Sediment Traps
- Sediment Basins

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- o Erosion Control Compost
- o Compost Filter Berms and Socks
- o Mulch Filter Berms and Socks

### **III. Post-Construction TSS Control**

After construction has been completed and the site is stabilized, total suspended solids (TSS) loadings shall be controlled by *at least one* of the following BMPs for NWP 12, 14, 17, 18, 21, 29, 31, 36, 39, 40, 41, 42, 44, 45, 49, and 50. If the applicant does not choose one of the BMPs listed, an individual 401 certification is required. Runoff from bridge decks has been exempted from the requirement for post construction TSS controls.

- o Retention/Irrigation Systems
- o Extended Detention Basin
- o Vegetative Filter Strips
- o Grassy Swales
- o Erosion Control Compost
- o Compost Filter Berms and Socks
- o Constructed Wetlands
- o Wet Basins
- o Vegetation lined drainage ditches
- o Sand Filter Systems
- o Mulch Filter Berms and Socks
- o Sedimentation Chambers\*

\* Only to be used when there is no space available for other approved BMPs.

### **IV. NWP 16: Return Water from Upland Contained Disposal Areas**

Effluent from an upland contained disposal area shall not exceed a TSS concentration of 300 mg/L unless a site-specific TSS limit, or a site specific correlation curve for turbidity (nephelometric turbidity units (NTU)) versus (TSS) has been approved by TCEQ.

### **V. NWP 29, 39, 40, and 42, 43**

The Corps will copy the TCEQ on all authorizations for impacts of greater than 300 linear feet of intermittent and ephemeral streams.

### **VI. NWP 13 and 41**

The Corps will copy the TCEQ on all authorizations for impacts greater than 500 linear feet in length of ephemeral, intermittent, perennial streams or drainage ditches.

### **VII. NWP 36**

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The Corps will copy the TCEQ on all authorizations for discharges greater than the 50 cubic yard limit or boat ramps greater than 20 feet in width.

**VIII. NWP 7, 12, 14, 15, 17, 18, 19, 22, 25, 29, 30, 31, 32, 33, 36, 37, 39, 40, 41, 42, 43, 44, 45, 46**

These NWPs are not authorized for use in coastal dune swales in Texas.