



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 January 15, 2002 issuance of Nationwide Permits (NWP), as described in the Federal Register (Part II, Vol. 67, No. 10, pages 2020-2095). These conditions were included as part of TCEQ's certification finalized on April 12, 2002 and September 5, 2003.

Additional information regarding these conditions, including descriptions of the best management practices, 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, 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, and 44. If the applicant does not choose one of the BMPs listed, an individual 401 certification is required.

- o Temporary Vegetation
- o Blankets/Matting
- o Mulch
- o Sod
- o Interceptor Swale
- o Diversion Dike
- o Erosion Control Compost
- o Mulch Filter Berms and Socks
- o 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, 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, and 44. If the applicant does not choose one of the BMPs listed, an individual 401 certification is required.

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- o Sand Bag Berm
- o Silt Fence
- o Triangular Filter Dike
- o Stone Outlet Sediment Traps
- o Erosion Control Compost
- o Compost Filter Berms and Socks
- o Rock Berm
- o Hay Bale Dike
- o Brush Berms
- o Sediment Basins
- 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, and 44. 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
- 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

IV. Return Water from Upland Contained Disposal Areas

Effluent from an upland contained disposal areas shall not exceed a TSS concentration of 300 mg/L unless an individual certification has been issued with site-specific TSS limits.

V. NWP 39, 40, and 42

The Corps will copy the TCEQ on all authorizations for impacts of greater than 300 feet of intermittent streams sent to applicants.