Flow Chart **TCEQ Section 401 Certification Process** Department of Transportation Which USACE Section 404/10 Permit does the Project Require? Individual Standard Permit Nationwide Permit No Permit Required

No Section 401 authorization required.

Section 401 Certification is required. Blanket certification pre-approved by TCEQ, no additional coordination required.

In general, TCEQ does not require a 401 Water Quality Certification for Section 10 only waters. However, TCEQ has the authority to require certification for Section 10 waters at their discretion.

TIP

The pre-filing meeting request and the certification request should be emailed to 401certs@tceq.texas.gov and c.c.

Peter.schaefer@tceq.texas.gov. If you haven't received confirmation of receipt by a live person within 5 days, reach out to Peter Schaeffer.

Please see page 3 for required Request for Certification information.

Required (both Tier 1 and Tier 2)

Section 401 certification is required. Applicant coordinates directly with TCEQ and copies USACE on all correspondence. Applicant must follow all actions outlined within 40 CFR Part 121.

Applicant must submit a Section 401 pre-filing meeting request to TCEQ at least 30 days prior to submitting a Section 401 Certification request. TCEQ may or may not request a meeting. A USACE project number should be received prior to submitting a pre-filing meeting request and must be included on the pre-filing meeting request.

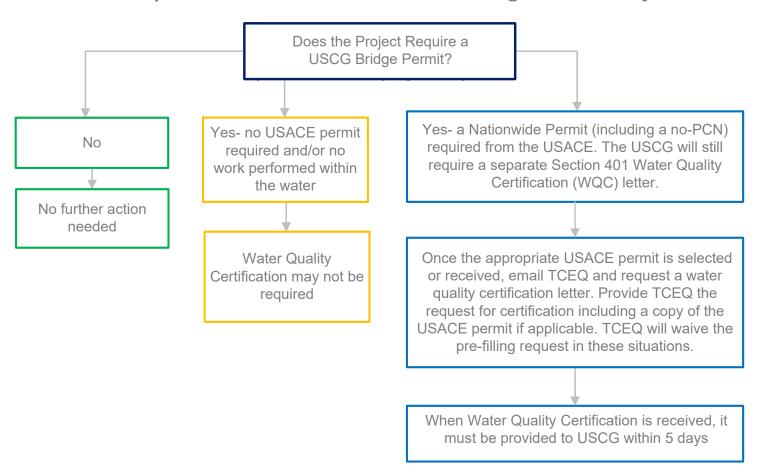
Applicant submits a Section 401 certification request to TCEQ after the USACE public notice comment period has ended. The USACE has 15 days from receipt of certification request to establish a reasonable period of time for review.

TCEQ takes an action on the Section 401 certification request and will grant, grant with conditions, deny, or expressly wave certification. There is a 6-month default timeframe if agencies do not agree on a timeframe, if agencies agree. regulations stipulate a maximum of one year statutory timeframe.

TCEQ sends 401 decision to the applicant and the USACE.

USACE makes a permit decision. USACE can issue a permit with a TCEQ Section 401 certification approval or waiver, but cannot issue if Section 401 certification is denied.

Special Considerations for USCG Bridge Permit Projects



FYI

The USCG will not accept the blanket WQC that comes with a NWP (with or without a PCN), and requires an individual WQC letter from TCEQ in order to issue a bridge permit. An individual WQC letter already comes with an SP so, in those cases, it is not necessary to follow this flowchart and request an individual WQC letter.

What needs to be included with a Request of Certification?

A copy of the USACE permit application and any readily available waterquality related documentation must be included with the request. The list below itemizes seven items that must be included with the Request for Certification. Some (or all) of these items may already be contained within the permit application.

Seven additional components that must be included with the Request for Certification

- 1. A description of the proposed activity, including the purpose of the proposed activity, and the type(s) of discharges(s) that may result from the proposed activity.
- 2. The specific location of any discharge(s) that may result from the proposed activity.
- 3. A map or diagram of the proposed activity site, including the proposed activity boundaries in relation to local streets, roads, and highways.
- 4. A description of current activity site conditions, including but not limited to relevant site data, photographs that represent current site conditions, or other relevant documentation.
- 5. The date(s) on which the proposed activity is planned to begin and end and, if known, the approximate date(s) when and discharge(s) may commence.
- 6. A list of all other Federal, interstate, Tribal, state, territorial, or local agency authorizations required for the proposed activity and the current status of each authorization.
- 7. Documentation that a pre-filing meeting request was submitted to the certifying authority in accordance with applicable submission procedures, unless the pre-filing meeting request requirement was waived.