



US Army Corps
of Engineers®

2021 Nationwide Permit (NWP) and Texas Regional Conditions Frequently Asked Questions



1 Question: Which Texas Regional Condition document applies to my project?

- The document titled, “2021-Combined Nationwide Permit (NWP) Regional Conditions the State of Texas” applies to all 2021 NWPs. Please note that this document, supersedes the previous Texas Regional Condition document. Look for the dates at the lower right-hand corner. If it says, “Feb 2022-Mar 2026”, you have the correct document.

2 Question: When do I need to engage Texas Commission on Environmental Quality (TCEQ) or Texas Railroad Commission (TxRRC) for a Clean Water Act Section 401 Water Quality Certification (Section 401 WQC) for an NWP verification from the Corps?

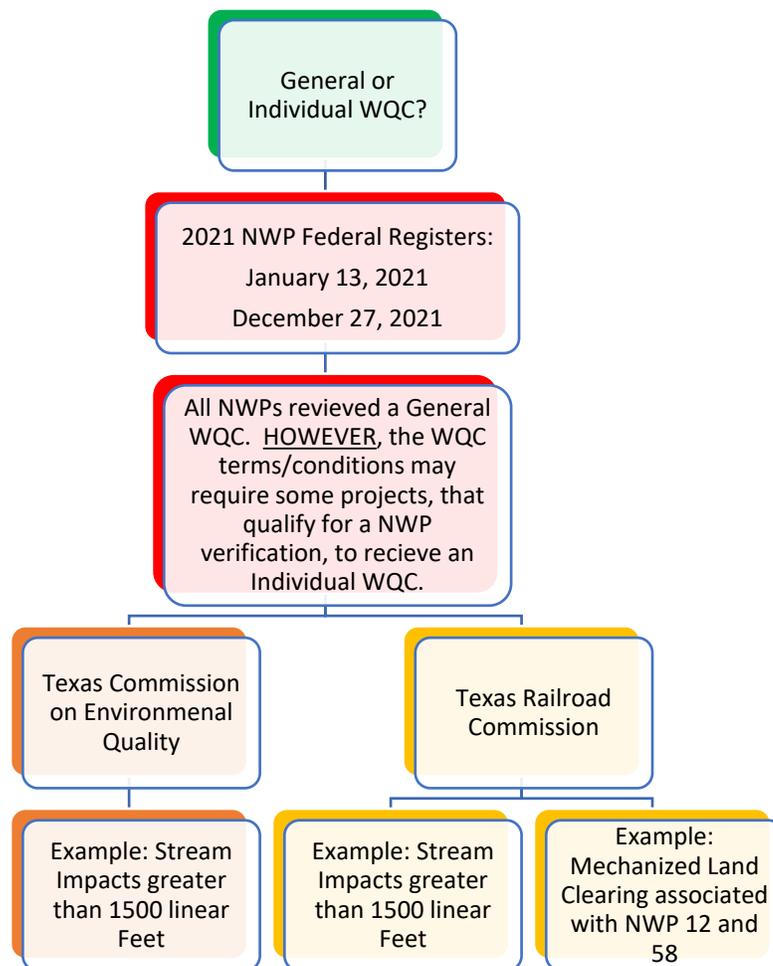
-If the NWP you are requesting a verification under has received a GENERAL WQC, you do NOT need to engage TCEQ or TxRRC to receive a verification from the Corps. You will need to incorporate the terms, conditions, and Best Management Practices (BMPs) described by TCEQ or TxRRC in their Section 401 WQC packet. Please see your Corps District’s website for further information. You may also contact TCEQ or TxRRC. TCEQ - 401CERTS@tceq.texas.gov TxRRC - leslie.savage@rrc.state.tx.us

-If the NWP you are requesting a verification under requires an INDIVIDUAL WQC, you WILL need to engage TCEQ or TxRRC and obtain an INDIVIDUAL WQC before you request an NWP verification from the Corps. When you apply for the INDIVIDUAL WQC, a copy of the application should be submitted to the Corps at the same time it is filed with TCEQ or TxRRC. If you do not already have an issued INDIVIDUAL WQC, you will potentially receive a Provisional NWP verification from the Corps. A Provisional NWP verification will mean that you will not be able to start work within waters of the United States until the Corps has received a copy of and confirmed your issued INDIVIDUAL WQC. See General Condition 25.

-To determine if an NWP has received/requires a General or Individual WQC, see below chart. You may also see the “Texas_Summary_Table_2021 NWPs” document on your Corps District’s website.



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3 Question: So, my project appears to fit a 2021 NWP; however, the project proposes to impact greater than 1500 linear feet of streams and/or requires mechanized land clearing associated with NWP 12 and/or 58. Now what?

- Step 1: Submit your pre-filing request with the TCEQ or TxRRC.
- Step 2: Submit your Individual WQC request with the TCEQ or TxRRC and provide a copy to the Corps. The Corps determined that the reasonable period of time for the WQC review to be 60-days during the 2021 NWP renewal process.
- Step 3: Receive the Individual WQC decision (waive, issuance, or denial*) from TCEQ or TxRRC. *NOTE: If you have received a WQC denial from the TCEQ or TxRRC, please contact your local Corps District office for further discussions on how this decision will affect your Corps permit process.
- Step 4: Apply to the Corps for an NWP verification.



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NOTE: If you start at Step 4, you will potentially receive a Provisional NWP verification from the Corps. This Provisional NWP verification will require you to go through Steps 1 through 3 before you re-apply to the Corps.

4 Question: How do I know if my project falls under the authority of TCEQ or TxRRC?

- Under Texas Natural Resources Code, Chapter 91, §91.101, relating to Rules and Orders, the TxRRC has jurisdiction over “activities associated with the storage, handling, reclamation, gathering, transportation, or distribution of oil or gas prior to the refining of such oil or prior to the use of such gas in any manufacturing process or as a residential or industrial fuel.” TCEQ has jurisdiction over refined petroleum products and has authority over all non-oil and gas projects. If you have further questions, please contact TCEQ and/or TxRRC. TCEQ - 401CERTS@tceq.texas.gov TxRRC - leslie.savage@rrc.state.tx.us