



**US Army Corps
of Engineers** ®
Fort Worth District

Public Notice

Action: 2012 Nationwide Permits, Regional Conditions, and
Section 401 Certifications

Date Issued: 11 May 2012

SPECIAL PUBLIC NOTICE

**2012 NATIONWIDE PERMITS, REGIONAL CONDITIONS IN THE FORT WORTH
DISTRICT, AND 401 WATER QUALITY CERTIFICATION FROM TEXAS
COMMISSION ON ENVIRONMENTAL QUALITY, TEXAS RAILROAD
COMMISSION, LOUISIANA DEPARTMENT ON ENVIRONMENTAL QUALITY, AND
ENVIRONMENTAL PROTECTION AGENCY**

In the February 21, 2012 *Federal Register* (77 FR 10184-10290), the Corps of Engineers (Corps) announced the reissuance of 48 existing Nationwide Permits (NWP) and the issuance of two new NWP [2012 Nationwide Permits](#). To ensure that impacts to the aquatic environment authorized by the NWP are minimal, both individually and cumulatively, the Fort Worth District (District) has also implemented several regional conditions to provide protection of high value waters and Corps interests within the District [SWF Regional Conditions TX](#) [SWF Regional Conditions LA](#).

The use of the NWP also requires water quality certification (WQC) under Section 401 of the Clean Water Act. For most activities within the State of Texas, the Texas Commission on Environmental Quality (TCEQ) is the agency responsible for ensuring water quality [2012 TCEQ 401](#), while the Railroad Commission of Texas (RRC) has responsibility for the prevention of pollution that might result from activities associated with exploration, development, and production of oil, gas, or geothermal resources of the State [2012 RRC 401](#). The Louisiana Department of Environmental Quality (LDEQ) is the agency responsible for ensuring water quality for projects in Louisiana [2012 LA 401](#). The Environmental Protection Agency (EPA) Region 6 is the agency required to address water quality certification of the NWP for Indian country in Louisiana, New Mexico, Oklahoma, and Texas [2012 EPA 401](#).

The Corps Southwestern Division has denied the TCEQ's WQC for NWP 16, therefore the District will determine if projects resulting in return water from upland contained disposal areas can be performed in compliance with the NWP general and regional conditions. If so, the District

will issue a provisional NWP authorization and notify the applicant that work cannot begin until an individual WQC is obtained from TCEQ.

The LDEQ has denied WQC for NWPs 29 and 39, therefore the District will issue a provisional NWP authorization and notify the applicant that work cannot begin until an individual water certification is obtained from LDEQ.

Application forms for the 2012 NWPs 3, 12, 13, 14, 21, 29, 39, and 43 are available at: [SWF NWP Application Forms](#). It is our goal that the application forms will provide guidance for the information needed to help expedite the review and authorization process while also protecting the aquatic resources.

This public notice consolidates the 2012 Nationwide Permits, regional conditions applicable to the Fort Worth District in Texas and Louisiana, the WQCs applicable to the nationwide permits, and a [map of the District boundaries](#).

We would appreciate your feedback on how we are performing our duties and if you find this information helpful. A Customer Service Survey is located at: <http://per2.nwp.usace.army.mil/survey.html> Thank you for taking the time to visit this site and complete the survey. If you have any questions on this public notice, please go to the website www.swf.usace.army.mil/regulatory or contact:

Regulatory Branch, CESWF-PER-R
U.S. Army Corps of Engineers
P.O. Box 17300
Fort Worth, Texas 76102-0300
817-886-1731 Phone
817-886-7643 Fax

DISTRICT ENGINEER
FORT WORTH DISTRICT
CORPS OF ENGINEERS