TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Tier I (Small Projects)
Checklist

Incorporation of Best Management Practices (BMPs) into a proposed project will allow an individual Section 404 permit application to proceed without further review by the Texas Commission on Environmental Quality (TCEQ). The basic standards for the BMPs described in items I-III are included in this packet. Tier I projects are those which will result in a direct impact of three acres or less of waters in the state or 1500 linear feet of streams. If a project has a combination of impacts that exceed the threshold or is submitted after the fact, it does not qualify as a Tier I project (one acre of impact is considered equal to 500 linear feet of stream). The provisions of the checklist, including BMPs selected by an applicant, will become part of the Section 404 permit. If an applicant fails to implement these provisions and BMPs, the permit is subject to enforcement. Applicants who do not wish to incorporate all the provisions of the checklist into their project or desire to use alternatives may seek individual 401 review and certification from the TCEQ.

Exceptions: Projects that impact certain types of rare or ecologically significant wetlands are not eligible for inclusion in Tier I and will require individual review, even if under the size threshold. These wetlands are identified by the Corps in its regional conditions to the Nationwide Permits in Texas, and include the following habitats:

Pitcher plant bogs, swamps dominated by bald cypress and tupelo gum tree species, the area of Caddo Lake within Texas that is designated as a Ramsar Wetland of International Importance, mangrove marshes, coastal dune swales and Coastal Critical Areas which include: coastal wetland, oyster reef, hard substrate reef, submerged aquatic vegetation, or a tidal sand or mud flat.

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. Please check the BMP(s) you will incorporate into your project.

☐ Temporary Vegetation

☐ Blankets/Matting

☐ Mulch

☐ Sod

☐ Interceptor Swale

☐ Diversion Dike

☐ Erosion Control Composts*

☐ Compost Filter Berms and Socks*

☐ Mulch Filter Berms and Socks*

II. 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. Please check the BMP(s) you will incorporate into your project.

☐ Retention/Irrigation Systems

☐ Extended Detention Basin

☐ Vegetative Filter Strips

☐ Grassy Swales

☐ Erosion Control Compost

☐ Compost Filter Socks

☐ Constructed Wetlands

☐ Wet Basins

☐ Vegetation-lined drainage ditches

☐ Sand Filter Systems

☐ Mulch Filter Socks

☐ Sedimentation Chambers*

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

III. 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. *At least one* of the following BMPs must be maintained and remain in place until project completion. Please check the BMP(s) you will incorporate into your project.

☐ Sand Bag Berm

☐ Silt Fence

☐ Triangular Filter Dike

☐ Rock Berm

☐ Hay Bale Dike

☐ Brush Berms

☐ Sediment Basins

☐ Erosion Control Compost*

☐ Compost Filter Berms and Socks*

☐ Mulch Filter Berms and Socks*

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 BMPs must be maintained and remain in place until the dredged material is stabilized.

Hydraulically dredged material shall be disposed of in contained disposal areas. Effluent from contained disposal areas shall not exceed a TSS concentration of 300 mg/L.

IV. Contaminated Dredge Material

If contaminated dredge material that was not anticipated or provided for in the permit application is encountered during dredging, operations shall cease immediately. Pursuant to § 26.039 (b) of the Texas Water Code, the individual operating or responsible for the dredging operations shall notify the commission's emergency response team at (512) 463-7727 as soon as possible, and not later than 24 hours after the discovery of the material. The applicant shall also notify the U.S. Army Corps of Engineers (Corps) that activities have been temporarily halted.

Contaminated dredge material shall be remediated or disposed of in accordance with TCEQ rules. Dredging activities shall not be resumed until authorized in writing by the Commission.

"Contaminated dredge material" is defined as dredge material which has been chemically, physically, or biologically altered by man-made or man-induced contaminants which include, but not limited to "solid waste", "hazardous waste", and "hazardous waste constituent" as those terms are defined by 30 Texas Administration Code (TAC) Chapter 335, "Pollutants" as defined by Texas Water Code § 26.001 and "Hazardous Substances" as defined in the Texas Health and Safety Code, §361.003.

V. Wetland Mitigation Requirements

Where wetland mitigation is determined to be necessary by the Corps, the applicant must satisfy the minimum success criteria established by the Corps including wetland hydrology, hydrophytic vegetation, and two years of monitoring. If that criteria includes less than two years of monitoring, the applicant may request water quality certification under Section 401.

*VI. Compost Requirements

New types of erosion control compost (ECC) and compost and mulch filter berms and socks are continuously being developed. The Texas Department of Transportation (TxDOT) has established minimum performance standards which must be met for any products seeking to be approved for use within any of TxDOT's construction or maintenance activities. Material used within any TxDOT construction or maintenance activities must meet material specifications in accordance with current TxDOT specifications. TxDOT maintains a website at www.dot.state.tx.us/business/contractors_consultants/recycling/compost_row.htm that provides information on Use of Compost and Shredded Wood on Rights of Way. This website also contains information on areas where the TCEQ restricts the use of certain compost products.

ECC and compost and mulch filter berms and socks used for projects not related to TxDOT should also be of quality materials by meeting performance standards and compost specification data. To ensure the quality of compost used as an ECC, products should meet all applicable state and federal regulations, including but not limited to the United States Environmental Protection Agency (USEPA) Code of Federal Regulations (CFR), Title 40, Part 503 Standards for Class A biosolids and Texas Natural Resource Conservation Commission (now named TCEQ) Health and Safety Regulations as defined in the TAC, Chapter 332, and all other relevant requirements for compost products outlined in TAC, Chapter 332. Testing requirements required by the TCEQ are defined in TAC Chapter 332, including Sections §332.71 Sampling and Analysis Requirements for Final Products and §332.72 Final Product Grades. Compost specification data approved by TxDOT are appropriate to use for ensuring the use of quality compost materials or for guidance.

Testing standards are dependent upon the intended use for the compost and ensures product safety, and product performance regarding the product's specific use. The appropriate compost sampling and testing protocols included in the United States Composting Council (USCC) Test Methods for the Examination of Composting and Compost (TMECC) should be conducted on

compost products. TMECC information can be found at www.compostingcouncil.org/page/tmecc The USCC Seal of Testing Assurance (STA) program contains information regarding compost STA certification. STA program information can be found at www.compostingcouncil.org/page/CompostManufacturersSTA

VII. Coastal Zone Management Act

In accordance with 31 TAC § 506, all projects located in the coastal zone boundary shall be consistent with the Texas Coastal Management Program.

Applicant should sign and return the original statement and completed checklist to the the TCEQ and send a copy to the U.S. Army Corps of Engineers . Questions regarding the checklist should be directed to the TCEQ.

Standards Implementation Team- 401 Coordinator
MC 150
Texas Commission on Environmental Quality
12100 Park 35 Circle
Austin, Texas 78753

Or by e-mail at 401CERTS@tceq.Texas.gov

Applicant's Name (please print): _____

Corps Project Manager or Regulatory Specialist (if known):
_____

Permit Number (if known):_____

I will incorporate all of the above requirements and selected BMPs (Items I, II, and III) into my proposed project. I understand that these requirements and BMPs as described above will be part of my Section 404 permit, and failure to implement any of them will constitute a permit violation.

Date: _____

Applicant Signature:_____