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**Question 36A.i**

**Tier II Section 401 Water Quality Certification**

A Tier II Section 401 Water Quality Certification will be required for impacts that have exceeded the amounts in Question 36A. The Tier II 401 Certification Questionnaire and Alternatives Analysis Checklist can be found at: [http://www.tceq.state.tx.us/permitting/water\\_quality/wq\\_assessment/401certification/401certification\\_tier2.html](http://www.tceq.state.tx.us/permitting/water_quality/wq_assessment/401certification/401certification_tier2.html). State the status of the Tier II water quality permit with the Texas Commission of Environmental Quality (TCEQ).

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**Question 36A.ii**

**BMPs during Construction**

Have Best Management Practices (BMP) such as silt fences, rock berms, etc. been included in the construction plans as part of the Tier II process? Tier I BMPs (see [ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/bus/tceq/tier1\\_checklist.pdf](ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/bus/tceq/tier1_checklist.pdf)) can be used but must be approved by TCEQ.

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**Question 36B**

**Tier I Section 401 Water Quality Certification Checklist**

Was a Tier I water quality certification from TCEQ completed and included in any individual permit or preconstruction coordination with the USACE? The Tier I checklist can be found at: [ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/bus/tceq/tier1\\_checklist.pdf](ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/bus/tceq/tier1_checklist.pdf).

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**Question 37**

**Amount of Impacts**

State the amount of acres of soil disturbing activities the project will require (including staging areas and cement batch plant locations).

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**Question 37A**

**Texas Pollutant Discharge Elimination System (TPDES) General Permit for Construction Activity**

All TPDES permits require a Storm Water Pollution Prevention Plan (SW3P) be completed which includes water quality items such as silt fences, rock berms, etc. Information can be found at: [http://www.tceq.state.tx.us/permitting/water\\_quality/stormwater/TXR15\\_1\\_to\\_5.html](http://www.tceq.state.tx.us/permitting/water_quality/stormwater/TXR15_1_to_5.html).

**BOX 6: Water Quality Legal and Regulatory Context**

Section 401 of the Clean Water Act (CWA) requires states to certify that a proposed CWA Section 404 permit would not violate water quality standards. The TCEQ issues Section 401 water quality certifications for projects prior to approval of the Section 404 permit from the USACE. Initiating the Section 404 process with the USACE automatically initiates the 401 certification process.

One aspect of a Section 404 IP is the requirement for Section 401 water quality certification. For Section 404 IPs with impacts of less than three acres or 1,500 feet of linear stream, a Tier I Water Quality Certification Checklist must be submitted with the Section 404 IP package. For impacts of greater than three acres or 1,500 feet of linear stream, a Tier II individual review would be required, which includes an alternative analysis. The design and construction would include construction and post-construction Best Management Practices (BMPs) to manage storm water runoff and control sediments.

For projects disturbing over one acre, Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR150000, under provisions of Section 402 of the CWA and Chapter 26 of the Texas Water Code, require contractors to comply with conditions in the General Permit for Construction Activity. This requires preparation and implementation of a SW3P in addition to adherence to rigorous BMPs designed to reduce or eliminate impacts to water resources. This permit would include BMPs to control total suspended solids that could be introduced into surface water.

The *Texas Water Quality Inventory Report* describes the status of Texas waters based on historical data on surface-water and groundwater quality, and the Section 303(d) list identifies water bodies that are not meeting standards set for their use. The reports satisfy the requirements of the federal CWA for both Section 305(b) water-quality reports and Section 303(d) lists.

**TPDES Municipal Separate Storm Sewer Systems (MS4s) –**

The Phase II storm water rule requires operators of certain small MS4s to develop and implement a storm water program. In an effort to further improve water quality in streams, lakes, bays and estuaries, the EPA developed the storm water program to control polluted runoff from urban areas.

Phase I of the program, issued in 1990, requires cities with a population greater than 100,000 to develop storm water management programs. Phase II is the second stage of the EPA's storm water management program requirements. It affects many small cities, some counties, and other entities that operate municipal separate storm sewer systems in urbanized and other densely populated areas. The TCEQ, the Phase II regulatory authority in Texas, is responsible for identifying the designated populated areas.

Each regulated small MS4 is required to submit a Notice of Intent (NOI) to obtain storm water permit coverage, typically by complying with the Phase II general permit requirements. Six minimum control measures must be addressed to control polluted storm water runoff. The initial submission for permit coverage must detail the programs, activities and measurable goals that will be implemented over the five-year permit term to comply with the permit requirements. Reports detailing the progress of the storm water management program (SWMP) must be submitted to the TCEQ on an annual basis for the first permit term.

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**Question 37A  
NOI with TCEQ**

A notice of intent (NOI) must be sent to TCEQ detailing your SW3P. The NOI can be found at: <http://www.tceq.state.tx.us/assets/public/permitting/waterquality/forms/10382.pdf>.

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**Question 38  
TCEQ Section 303(d)**

Will discharge from the project flow into or five miles upstream of impaired waters listed by TCEQ. A listing of Section 303(d) impaired waters can be found at: <http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/08twqi/twqi08.html>.

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**Question 38A  
TCEQ Maximum Daily Loads**

Water discharge that could affect Section 303(d) waters will require coordination with TCEQ for the total maximum daily loads of potential pollution into these impaired waters. The program and coordination can be found at: <http://www.tceq.state.tx.us/implementation/water/tmdl/>.

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**Question 38B  
BMPs during Construction**

Potential discharge that could affect Section 303(d) waters need to follow the Tier I BMP checklist (see [ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/bus/tceq/tier1\\_checklist.pdf](ftp://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/bus/tceq/tier1_checklist.pdf)). One BMP from each category: erosion control, sedimentation control, and total suspended solids should be included in the plans.

---

**Question 39  
Municipal Separate Storm Sewer System (MS4) Permit**

Is this implementing agency a public agency and does it possess a storm water collection system (ditches, curbs, gutters, etc.)? MS4 information can be found at: [http://www.tceq.state.tx.us/permitting/water\\_quality/stormwater/WQ\\_ms4\\_definition.html](http://www.tceq.state.tx.us/permitting/water_quality/stormwater/WQ_ms4_definition.html).

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**Question 39A  
Impact to MS4 Permit**

Will there be discharges into the MS4? Verify if runoff from the project will flow into a municipal storm water system.

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**Question 39B  
Mitigation for MS4**

Explain any mitigation for discharging into an MS4 system. Impacts and mitigation examples can be found at: [http://www.tceq.state.tx.us/permitting/water\\_quality/stormwater/WQ\\_ms4\\_AIR.html](http://www.tceq.state.tx.us/permitting/water_quality/stormwater/WQ_ms4_AIR.html)

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**Floodplains**

**Question 40  
Trinity River Regulatory Zone**

Document if the project will require any work, including pavement, structures, dirt disturbance, or temporary structures in the Trinity River Regulatory Zone (see Box 7). Contact the local Corridor Development Certificate (CDC)/Floodplain administrator to determine if the area lies in the Trinity River regulatory zone. Information on the CDC can be found at: <http://www.nctcog.dst.tx.us/envir/SEEsafe/fpm/cdc/index.asp>.

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**Question 40A  
CDC Coordination**

Complete a CDC based on the recommendations of the CDC/Floodplain administrator and send back to the administrator.

**BOX 7: Corridor Development Certificate (CDC)**

The CDC process aims to stabilize flood risk along the Trinity River. The CDC process does not prohibit floodplain development, but ensures that any development that does occur in the floodplain will not raise flood water levels or reduce flood storage capacity. With the CDC process, local governments retain ultimate control over floodplain permitting decisions, but other communities along the Trinity River Corridor are given the opportunity to review and comment on projects in their neighbor's jurisdiction.

Under the CDC process, a CDC permit is required to develop land within a specific area of the Trinity floodplain called the Regulatory Zone, which is similar to the 100-year floodplain. As of the adoption of the *3rd Edition of the Corridor Development Certificate* (CDC) in September 2002, no CDC regulatory map was available for consideration by the Flood Management Task Force or the Trinity Steering Committee. Instead, the interpretation by the local CDC Administrator of the FEMA 100 year floodplain was to be used as the "regulatory zone." The Federal Emergency Management Agency (FEMA) mapping information can be viewed at the FEMA Map Service Center ([www.msc.fema.gov](http://www.msc.fema.gov)). However, the floodplain administrator will provide the final determination on projects subject to the CDC Process.

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**Question 41**

**Changes to 100-Year Water Surface Elevation**

Will the project require work in the 100-year floodplain and change the function and flow and the existing floodplain? Information on the Federal Emergency Management Agency (FEMA) 100-year floodplain can be found at:

<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1&userType=G>.

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**Question 41A**

**Coordinated with the Local Floodplain Administrator and USACE**

Coordinate with the local floodplain administrator (or USACE on their regulated lakes) for potential impacts and changes to the 100-year floodplain.

**Vegetation**

**Question 42**

**Impacts to Existing Vegetation or Trees**

Will the project remove or impact ground vegetation (such as grading) or completely remove any trees?

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**Question 42A**

**Mitigation**

Removal of vegetation and trees should be mitigated per local municipal laws (i.e., tree ordinances, open space ordinances, and landscaping requirements) and should be included in the construction plans or contract.

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**Question 42B**

**Types of Mitigation**

Check if any of these statements will be included as part of the project: avoidance of vegetation disturbance, mitigation for vegetation and trees, native plants used to for revegetation, xeriscape (drought-tolerant plants) used in landscaping, and following local landscaping aesthetic requirements.

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**Air Quality**

**Question 43**

**Air Quality Improvement**

Air quality improvements, derived from transportation projects, are generally related to improvements in the movement of traffic. Typically, transportation improvements that would improve air quality include improvements to help reduce congestion and improve traffic flow, improve transit service, or encourage ridesharing or promote other travel modes.

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**Question 43**

**Air Quality Sensitive Receivers**

Are there any air quality sensitive receivers immediately adjacent to the project? Sensitive receivers are defined as public and private schools, licensed day care facilities, hospitals, and elderly care facilities.

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**Question 45**

**Air Quality during Construction**

Will the construction plans or contract include a provision requiring the contractor to make reasonable effort to comply with local, state, and federal regulations, pertaining to construction equipment emissions and/or construction equipment work hour restrictions?

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**Regulated Materials**

**Question 46**

**Visual Inspection**

Has a visual inspection of the proposed project area been conducted to search for hazardous materials (i.e., leaking drums, stressed or dead vegetation from some unknown contamination).

---

**Question 47**

**Right-of-Way Acquisition from Regulated Material Sites**

State if the proposed project will require additional property from a site handling regulated materials (e.g., gas station, dry cleaner, auto repair) or is located near a known site of hazardous materials.

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**Question 48**

**Construction Spill Prevention/Response Plan**

State if the implementing agency has a contingency plan for preventing construction spills and a response plan for accidental discovery of hazardous and/or contaminated materials.

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**Question 49**

**Regulated Materials during Construction**

State if the construction plans or contract will follow all applicable laws and regulations for hazardous materials on the construction site.

**Special Permits (See Box 8)**

**Question 50**

**Required Special Permits or Clearances**

Some projects may require special permits or clearance because of their proximity to certain features. These could include levees, airports, and/or navigable waterways. Please list any special permits and of clearances needed and the status of obtaining them.

**BOX 8: Special Permits**

Navigable Waterways

In the Dallas-Fort Worth region, the Trinity River is the only waterway considered to be navigable by the US Coast Guard (USCG). The Trinity River is listed as a navigable waterway from Riverside Drive in Fort Worth to the Gulf of Mexico. If a project crossing the Trinity River within these limits, Sections 9, 10, and 14 of the Rivers and Harbors Act of 1899 may apply. Projects crossing or within navigable waters must be recommended by the USACE and/or the USCG and authorized by the Secretary of War prior to beginning construction.

- Section 10 prohibits the creation of any obstruction to the navigable capacity of any of the waters of the US and/or prohibits the excavation, fill, or any manner of alteration/ modification to the course, location, condition, or capacity.
- Section 9 prohibits the construction of any bridge, dam, dike, or causeway over a navigable water.
- Section 14 prohibits building upon or alteration of a levee.

Airway-Highway

Federal Air Regulations Part 77 Objects Affecting Navigable Airspace require the Federal Aviation Administration be notified if construction is proposed "of greater height than an imaginary surface extending outward and upward at a slope of 100 to one for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of an airport with at least one runway more than 3,200 feet in actual length."

**Question 52**

**Access and Detours during Construction**

Will the construction of the project limit access and/or require detours? If yes, describe the impacts and how they will be minimized or mitigated during construction. Include the locations, duration, types of businesses or properties affected, and proposed mitigation (e.g., additional signage, temporary driveways) to lessen impacts.

**Question 53**

**Notification of Access Changes and Detours during Construction**

List the types of facilities or services that could be impacted during construction. List how property owners, renters, motorists, transit riders, cyclists, pedestrians, emergency service providers, and/or community services (e.g., garbage collection) will be notified of the construction project, changes in access during construction, or detours.

**Question 54**

**Noise Impacts during Construction**

Are there any noise sensitive receivers near construction area or along the detour routes? Noise sensitive receivers are defined as those lands which require serenity and quiet, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. An example of a sensitive receiver is an outdoor theater.

**Question 55**

**Mitigation of Noise Impacts during Construction**

Will the construction plans or contract include a provision requiring the contractor to make reasonable effort to minimize construction noise through abatement measures, such as work-hour controls and proper maintenance of muffler systems?

**CONSTRUCTION IMPACTS**

**Question 51**

**Construction Time**

What is the estimated time of construction?

**CERTIFICATION**

Have the completed form signed by an authorized person. Include the date, printed/typed name, and title.



## **ATTACHMENTS**

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As appropriate include the requested attachments to the form. These could include: Location Map, Railroad Agreement (Question 15B), THC Antiquities Permit (Question 23, 24), THC Coordination Letters (Question 25), USFWS Coordination Letters (Question 28B), USACE IP Coordination Letters (Question 34B), and/or Floodplain Coordination Letters (Question 41B).

**CONTACT INFORMATION**

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For more information about filling out this form,  
please contact:

Sandy Wesch, P.E., AICP  
Program Manager  
North Central Texas Council of Governments  
616 Six Flags Drive, Arlington, Texas 76011  
Phone 817.704.5632 | Fax 817.640.3028  
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ndrozd@nctcog.org

<b>PROJECT INFORMATION (Contact NCTCOG before using this form)</b>		
<b>1. Project Description</b>		
<b>1A. Length (feet or miles)</b>		
<b>1B. Scope of Work</b>		
<b>2. Implementing Agency</b>		
<b>3. Primary Contact for the Implementation Agency</b>	Name/Title: Phone: e-mail:	
<b>4. Form Preparer</b>	Name/Title: Phone: e-mail:	
<b>5. Date Form was Prepared</b>		
<b>6. Project Costs:</b>	<b>Total Amount (\$)</b>	<b>Amount of RTR Funding (\$)</b>
• Engineering		
• Right-of-Way		
• Utility Relocation		
• Construction		
• Total		
<b>7. Date of Cost Estimate</b>		
<b>8. TIP Number</b>		
<b>9. Project Location Map Attached</b>	( ) Yes ( ) No	
<b>10. Briefly describe the problems/issues and how the project will eliminate or help solve them. Include any information concerning other alternatives considered during project development.</b>		

<b>SIMPLIFIED CHECKLIST (ALL ANSWERS MUST BE "NO")</b>	
<b>11. Will the project require additional right-of-way?</b>	( ) Yes ( ) No
<b>12. Will the project affect any Section 4(f) properties (parks, historical, or archeological sites)?</b>	( ) Yes ( ) No
<b>13. Will the project require an individual Permit under Section 404?</b>	( ) Yes ( ) No
<b>14. Will the project require a Section 9 permit from the Coast Guard?</b>	( ) Yes ( ) No
<b>15. Does the project impact any federal or state threatened or endangered species?</b>	( ) Yes ( ) No
<b>16. Does the project impact known contaminated hazardous materials sites?</b>	( ) Yes ( ) No

<b>CERTIFICATION BY AUTHORIZED REPRESENTATIVE</b>	
I certify the information provided in this form accurately reflects the status of compliance with applicable laws and regulations for the project.	
Signature: _____	Date: _____
Name: _____	Title: _____

<b>FORM ATTACHMENTS</b>	
Location Map (Question 9)	Other



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**Instructions** -The following are more detailed guidance to help in the completion of the Environmental Review Checklist for Local Projects. **Please contact NCTCOG before using this form for your project.**

## **PROJECT INFORMATION**

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### **Question 1**

#### **Project Description**

State the project name and physical limits (to/from or at).

---

### **Question 1A**

#### **Length**

State the length of the project in feet or miles.

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### **Question 1B**

#### **Scope of Work**

Briefly describe the work to be performed.

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### **Question 2**

#### **Implementing Agency**

State the name of the local agency purchasing the right-of-way and/or constructing the project.

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### **Question 3**

#### **Primary Contact for the Implementing Agency**

Provide the name, title, and contact information for the person from the implementing agency that is knowledgeable of the project.

---

### **Question 4**

#### **Form Preparer**

Provide the name, title, and contact information for the person that prepared the form.

---

### **Question 5**

#### **Date Form was Prepared**

State the date the form was completed.

---

### **Question 6**

#### **Project Costs**

Under Total Amount, state the engineering, right-of-way, utility relocation, construction, and total for the project. Under Amount of RTR Funding, state the amount of funds being allocated from Regional Toll Revenue (RTR) for engineering, right-of-way, utility relocation, construction, and total.

---

### **Question 7**

#### **Date of Estimate**

State the date of the estimate provided in Question 6.

---

### **Question 8**

#### **TIP Number**

State the project number as listed in the Transportation Improvement Program (TIP). The TIP is available at <http://www.nctcog.org/trans/tip/>

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### **Question 9**

#### **Project Location Map**

Provide a map of the location for the submitted project with sufficient information for a person to understand the precise location of the proposed project. Suggested to include but not limited to: aerials, site boundaries, road names, streams/rivers and their labels, floodplains, parcel boundaries, north arrow, legend, and a scale bar.

---

### **Question 10**

#### **Need and Purpose**

Describe the specific problems and/or issues the project is addressing (e.g., travel demand, safety, system connectivity). Describe how the project will help eliminate or solve them, or improve existing conditions. Include any information concerning other alternatives considered.

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## **CHECKLIST**

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### **Question 11**

#### **Right-of-Way**

Mark if your project will require the purchase of any additional property.

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### **Question 12**

#### **Section 4(f) Properties**

Will the project impact by acquisition, visual, noise, etc. any publicly owned parks, historical resources, or archeological sites.

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### **Question 13**

#### **USACE Section 404 Permit**

Mark if the project will require a Section 404 Individual Permit through the US Army Corp of Engineers (USACE).

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**Question 14**  
**USCG Section 9 Permit**

Determine if the project will require coordination with the US Coast Guard (USCG) for a Section 9 permit.

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**Question 15**  
**Threatened and Endangered Species**

Will the project impact any federal or state threatened or endangered species? Impacts could be destruction of the species, habitat or nest. In addition, any disturbance that could prevent the species from nesting is considered an impact.

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**Question 16**  
**Hazardous Materials**

Is there known hazardous materials contamination that the project would impact and require remediation?

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**CONTACT INFORMATION**

---

For more information about filling out this form, please contact:

Sandy Wesch, P.E., AICP  
Program Manager  
North Central Texas Council of Governments  
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Phone 817.704.5635 | Fax 817.640.3028  
ndrozd@nctcog.org

**CERTIFICATION**

---

Have the completed form signed by an authorized person. Include the date, printed/typed name, and title.

**ATTACHMENTS**

---

As appropriate include the requested attachments to the form. These could include a Location Map and other important coordination letters.