



RAILROAD COMMISSION OF TEXAS

April 5, 2002

For DM 4/24/02
OIL AND GAS DIVISION
Brigadier General David P. Melcher
Commanding General
U.S. Army Corps of Engineers
Southwestern Division
1114 Commerce Street
Dallas, Texas 75242-0216

Re: USACE Nationwide Permits

Dear Brigadier General Melcher:

The letter is the Railroad Commission of Texas' certification decision for the Notice of Issuance of Nationwide Permits published in the January 15, 2002, issue of the *Federal Register*, with corrections published in the February 13, 2002, issue of the *Federal Register*. This certification decision is limited to those activities under the jurisdiction of the Railroad Commission of Texas (RRC), which generally include activities related to the exploration, development, and production of oil and gas and geothermal resources, including pipeline transportation.

This office has reviewed the U.S. Army Corps of Engineers Nationwide Permits 2 (Structures in artificial canals), 6 (Survey Activities), 8 (Oil and Gas Structures), 14 (Linear Transportation Projects), 18 (minor Discharges), 19 (Minor Dredging), 20 (Oil Spill Cleanup), 27 (Stream and Wetland Restoration Activities), 38 (Cleanup of Hazardous and Toxic Waste), and 43 (Stormwater Management Facilities). The Texas Natural Resource Conservation Commission (TNRCC) has certified that the activities authorized by NWP 2 and 6, unconditionally, and by NWP 14, 18, 19, 38, and 43 with conditions, should not result in a violation of the established Texas Water Quality Standards as required by Section 401 of the Federal Clean Water Act and pursuant to 30 TAC Chapter 279. This office has reviewed the TNRCC's certification and concurs with the certification determination for activities to be performed under these NWP that are associated with oil and gas activities under the jurisdiction of the RRC.

The RRC further certifies that the activities authorized by NWP 8 (Oil and Gas Structures) should not result in a violation of Texas Water Quality Standards as required by Section 401 of the Federal Clean Water Act and pursuant to the Texas Water Code §26.131.

The RRC has reviewed the Notice of Issuance of Nationwide Permits for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council and determined that the action is consistent with the applicable goals and policies of the CMP. The RRC reserves the right to modify this certification should it be determined that significant cumulative or secondary impacts are occurring.

Please contact me at (512)463-7308 or leslie.savage@rrc.state.tx.us if you have any questions or require additional information.

Sincerely yours,

A handwritten signature in black ink that reads "Leslie Savage". The signature is written in a cursive style with a large, stylized "L" and "S".

Leslie Savage, CMP Coordinator and Water Quality Certification Agent
Oil and Gas Division, Railroad Commission of Texas

Cc: U.S. Army Corps of Engineers – Fort Worth (via fax)
Regulatory Branch CESWF-OD-R

U.S. Army Corps of Engineers – Galveston (via fax)
Regulatory Branch CESWG-CO-RB

U.S. Army Corps of Engineers – Albuquerque (via Fax)

Mr. Mark Fisher, Water Quality Division
Texas Natural Resource Conservation Commission (via fax)