

**U.S. Army Corps of Engineers - Charleston District  
Checklist for 2012 Nationwide Permit Review  
Nationwide Permit 38**

**Cleanup of Hazardous and Toxic Waste  
(10/404)**

SAC #: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Waterway/Location: \_\_\_\_\_

Project Name: \_\_\_\_\_

**\*A Pre-Construction Notification (PCN) is required for all activities authorized by NWP 38**

1. Is the proposed specific activity required to effect the containment, stabilization, or removal of hazardous or toxic waste materials?  

Yes\*       No
  
2. Is the specific activity being performed, ordered or sponsored by a government agency with established legal or regulatory authority, AND/OR is the specific activity a court ordered remedial action plan or related settlement?  

Yes\*       No
  
3. Does the proposed specific activity include the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste?  

Yes       No\*
  
4. Are the activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA? *(Note: If the answer is yes, permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act are not required for the activities.)*  

Yes       No\*

5. Does the activity comply with all of the NWP General and Regional Conditions, including mitigation, endangered species, and cultural resources, and if any Federally listed species and/or designated critical habitat occurs in the action area, have you made an effect determination and properly documented it in the administrative record?

Yes\*       No

6. Is the activity proposed in designated critical resource waters or their adjacent wetlands? (critical resource waters include NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves)

Yes\*       No\*

7. Does the discharge cause the loss of greater than 300 linear feet of streambed?

Yes       No\*

8. Does the PCN include ALL of the following information: a) documentation that the specific activities are required to effect the containment, stabilization, or removal of hazardous or toxic waste materials as performed, ordered, or sponsored by a government agency with established legal or regulatory authority; b) a narrative description indicating the size and location of the areas to be restored, the work involved and a description of the anticipated results from the restoration; and c) a plan for the monitoring, operation, or maintenance of the restored area?

Yes\*       No

TO QUALIFY FOR THE NWP, UNLESS OTHERWISE NOTED, EVERY NUMBERED ITEM MUST HAVE A CHECKED BOX.

**\* - REQUIRES A PRE-CONSTRUCTION NOTIFICATION (PCN) TO THE DISTRICT ENGINEER. SEE THE SEPARATE PCN CHECKLIST TO ENSURE THE PROSPECTIVE PERMITTEE SUBMITS THE REQUISITE INFORMATION.**

Remember, determination of completeness must be made within 30 days of the date of receipt. If all required information is not provided, the prospective permittee will be notified that the preconstruction notification (PCN) is still incomplete and the review will not commence until all requested information has been received. If the applicant has not received any written notice from the DE within **45 days** of the date of receipt of the PCN, **the verification is issued by default.**

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_