Most of the permits that a municipality or municipal agency would need to begin to build a desalination plant are specific permits from local authorities, like city and county-level. However, there are some federal threshold requirements that can be determinate of eligibility to proceed with such a project.

**FEDERAL CONSIDERATIONS**

- **Antenna Permit:** If the antenna is higher than the average height of the terrain, then the antenna needs height authorization from the FAA.

- **Clean Water Act Section 404 Permit:** This permit issued by the United States Army Corps of Engineers is required for activities that might discharge dredged or fill material into Waters of the United States.

- **Endangered Species Act Take Permit:** If the Environmental Assessment reveals that there are endangered species or endangered species habitat on the project site, then a permit is required from the U.S. Fish and Wildlife Service to proceed with construction on the site.

- **Federal Emergency Management Agency (FEMA):** If a proposed construction project is in the floodplain or requires changing the floodplain it requires permission from FEMA first.

**STATE CONSIDERATIONS**

- **Clean Water Act § 401 Water Quality Certification:** If the pipeline crosses waterways or wetlands, a Section 401 permit is needed from TCEQ.

- **Public Water System Plan Review:** Several project components must be pre-approved by TCEQ and/or TWBD before construction can begin. Examples include but are not limited to: (1) well-drilling, (2) access roads to the site, and (3) ground storage tank placement.

- **Texas Antiquities Permit:** This permit is required from the Texas Historical Commission for any activity causing a disturbance on public land.

- **National Historic Preservation Act:** Federal agencies must take into account the effects of their undertakings on historic properties.

- **Marl, Sand, Gravel, Shell, or Mudshell Permit from Texas Parks & Wildlife Department:** This permit is required if digging in a stream bed.

- **TPDES General Stormwater Construction Permit:** This permit is required if a construction site will discharge stormwater associated with the construction activity and that disturbs more than one acre of land.

- **Phase II, Small MS4 permit:** This regulates requirements related to water quality permitting for stormwater runoff from construction sites, industrial facilities, and publicly owned and operated storm sewers.

- **Register Above Ground Storage Tanks:** Above ground storage tanks with petroleum products over a certain capacity have to be registered.

- **Elimination of Architectural Barriers Law from Texas Department of Licensing and Regulation:** To ensure facility is accessible to those with disabilities.

- **Environmental Assessment:** This assessment is required if the project receives funding from TWDB.

**LOCAL CONSIDERATIONS**

- **Utility Installation Permit:** Texas Department of Transportation (TxDOT) requires this permit if the utilities will cross roads in TxDOT’s Right of Way (ROW).

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