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REGULATORY UPDATE: U.S. ARMY CORPS OF ENGINEERS RE-ISSUES NATIONWIDE PERMITS

The U.S. Army Corps of Engineers (USACE) has published a final rule for reissuance of the remaining 40 Nationwide Permits (NWP) and the issuance of 1 new NWP, which authorizes work in streams, wetlands, and other waters of the U.S. under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. This rule follows reissuance/modification of [12 NWPs and 4 new NWPs in January 2021](#). The 40 reissued NWPs contain no major changes from 2017, when last authorized.

The new and reissued NWPs will become effective on February 25, 2022 and will expire on March 14, 2026. These NWPs will replace the remaining NWPs set to expire on February 24, 2022.

The new NWP authorizes the following:

- NWP 59 – Water Reclamation and Reuse Facilities – Authorizes work within non-tidal waters for the construction, expansion and maintenance of water reclamation and reuse facilities.

Activities previously authorized under NWPs typically carry an expiration date of March 18, 2022 or prior. The date listed in your permit will remain valid and in certain circumstances the authorization may be eligible for a 12-month “grandfathering” period to complete the activities authorized within wetlands/waters.

To discuss this rule and how it could impact your project, please contact your Langan Project Manager or:



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