

**Q: What was Regional Condition C?**

A: Regional Condition C stated:

**REGIONAL CONDITION C - Wood Preservatives**

*This Regional Condition applies to all NWP's when the regulated activity involves the use of wood preservative products in waters of the U.S.*<sup>1</sup>

1. For new materials<sup>2</sup>:

- a) Preservatives for wooden structures shall be applied by pressure treatment.
- b) In fresh waters, wood structures treated with creosote or pentachlorophenol preservative shall not be used.
- c) In marine waters wood structures treated with pentachlorophenol preservative shall not be used.
- d) For marine installations with more than 50 pilings, or where current velocities are less than 10 cm/sec, a site-specific risk assessment shall be conducted to determine the potential adverse effects of using creosote or copper-related wood products.

2. For the reuse of previously treated wood products in marine waters the wood preservative product's use shall be consistent with its original use and may not be treated with any additional wood preservative. (e.g. the reuse for dock piling of creosote treated wood for dock piling is allowable, the reuse for a retaining wall of creosote treated railroad ties is not allowed, etc.).

<sup>1</sup> Wood preservative products allowed for use in the aquatic/marine environments is determined by the Environmental Protection Agency.

<sup>2</sup> Treated wood products are produced and installed in accordance with the "Best Management Practices for the Use of Treated Wood in Aquatic and Other Sensitive Environments" (August 2006), including amendments published by the Western Wood Preservers Institute (WWPI) ([www.wwpinstitute.org](http://www.wwpinstitute.org)) including the standards set forth by the American Wood-Preservers Association (AWPA) ([www.awpa.com](http://www.awpa.com)), the Timber Piling Council (TPC) ([www.timberpilingcouncil.org](http://www.timberpilingcouncil.org)) and/or the American Lumber Standards Committee as appropriate.

**Q: Why was Regional Condition C withdrawn?**

A: New considerations of Regional Condition C indicate that a blanket prohibition against the use of treated wood under the NWP program may not be the best approach. Withdrawing Regional Condition C will allow for appropriate case-specific review of proposals using treated wood or an alternative product."

**Q: What NWP's did Regional Condition C apply to?**

A: Regional Condition C applied to all NWP's when the regulated activity involved the use of wood preservative products in waters of the U.S.

**Q: What does case specific evaluation mean?**

A: Each project proposing the use of treated wood will be evaluated to determine if a Nationwide Permit, General Permit or Individual Permit is the appropriate permitting process under which to evaluate the proposed project.

**Q: Will Regional Condition C be re-instated during the next NWP re-issuance in 2017?**

A: The Alaska District will go through a formal public process prior to instating or reinstating any Nationwide Permit and/or Regional Condition in 2017.

**Q: What is the effect of the withdrawal of Regional Condition C on non-reporting Pre-Construction Notifications (PCN's)?**

A: In Alaska the only NWP's with a potential to fall under the non-reporting PCN requirements are 12, 13, 14, 18, 22, 36, 41 & 43. With the withdrawal of Regional Condition C any application for a permit that includes treated wood and might have fallen under NWP's 12, 13, 14, 18, 22, 36, 41 & 43 requires a PCN for USACE to determine what if any permit authorization mechanism may be valid.