



DEPARTMENT OF THE ARMY
U. S. ARMY CORPS OF ENGINEERS, BALTIMORE DISTRICT
ATTN: REGULATORY DIVISION
2 HOPKINS PLAZA
BALTIMORE, MARYLAND 21201-2930

MDSPGP-7
Activity b(1)
General Maintenance

The authorized General Maintenance activities must comply with the following applicable activity specific conditions, all general conditions of this permit, and any project-specific special conditions.

This activity authorizes discharges of dredged or fill material for the repair, rehabilitation, or replacement of any currently serviceable structure or fill that was previously authorized or did not require a permit at the time it was constructed, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for the structure or fill in the original permit or the most recently authorized modification. This activity authorizes minor deviations in the configuration of the structure or filled area, including changes in materials, construction techniques, requirements of other regulatory agencies, current construction codes, or safety standards that are necessary to the repair, rehabilitation, or replacement, provided the adverse environmental effects resulting from such repair, rehabilitation, or replacement are minimal. This activity also authorizes the removal of previously authorized structures or fills. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project. Currently serviceable means that the structure or fill is usable in its current condition, or with some maintenance, but not so degraded as to essentially require reconstruction.

This activity also authorizes the removal of accumulated sediments and debris within the immediate vicinity of or replacement in-kind of structures or fills destroyed or damaged by storms, floods, fire, or other discrete events. This activity also authorizes maintenance activities for the discharge of grout paving material associated with repairs to degraded pipe and box culverts. This activity authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Section 404(f) exemption for maintenance. This activity also authorizes temporary structures, work, and discharges of dredged or fill material necessary for associated construction activities or repairs, including but not limited to temporary stream diversion devices, access fills, structures and/or fills for dewatering of construction sites, and placement of construction matting (Sections 10 and/or 404; all waters of the United States).

Category A Impact Limits and Requirements:

- (i) No application is required for Corps authorization.

(ii) The total temporary (i.e., construction impacts including stream diversion devices, construction mats, etc.) and permanent impacts to waters of the United States, which includes tidal and nontidal wetlands, streams, rivers, navigable waters, and other open waters, are not to exceed one (1) acre (43,560 square feet) including no more than 1,000 linear feet of streams, rivers, and other open waters. Of this overall one (1) acre impact limit, no more than 10,000 square feet of waters of the United States and/or 500 linear feet of stream may be permanent impacts.

(iii) The removal of accumulated sediment and debris is limited to the minimum necessary to restore the waterway in the immediate vicinity of the structure to the approximate dimensions that existed when the structure was built but cannot extend any further than 200 linear feet in any direction from the structure. Removal of accumulated sediments and debris outside the immediate vicinity of an existing structure (e.g., bridges, culverted road crossings, water intake structures, etc.) are not authorized under Category A and must be reviewed by the Corps under a Category B.

(iv) Impacts to SAV (documented to exist in the last five years as specified in Section III) are not authorized under Category A.

(v) During the period March 16 through November 30, dredging within tidal waters in depths greater than -3 feet mean low water must be conducted behind turbidity curtains or other exclusion structure that would prevent aquatic animals from entering the dredge footprint. Dredging activities that would occur in this time period without the use of turbidity curtains or other exclusion devices must be reviewed under Category B or an alternate Corps permit review process.

(vi) General maintenance activities where more than 1 permanent culvert is proposed to be installed at a single location (side by side) within a perennial non- tidal stream channel are not authorized and must be reviewed on a project- specific basis under a Category B or an alternate Corps permit review process. (Please note that this condition does not apply to intermittent or ephemeral stream channels, temporary crossings, tidal crossings, or culverts installed in the floodplain). Please note that a single culvert may not be placed in each stream braid within the same channel under Category A.

(vii) All tide gate replacements where a self-regulating tide gate is not being proposed are not authorized and must be reviewed on a project-specific basis under a Category B or an alternate Corps permit review process.

(viii) Blasting or other forms of uncontained in-water demolition must be reviewed on a project-specific basis under a Category B or an alternate Corps permit review process.

Category B Impact Limits and Requirements:

- (i) An application must be submitted to MDE for Corps authorization. See Section II.D for when an application is required to be submitted for Corps review.
- (ii) Removal of accumulated sediments and debris must not extend any further than 500 linear feet in any direction from the structure, unless the Corps waives this criterion by making a written determination concluding that the work will result in no more than minimal adverse environmental effects. The removal of sediment is limited to the minimum necessary to restore the waterway to the approximate dimensions that existed when the structure was built. This 500-foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures.
- (iii) Tide gate replacements: For projects not proposing the use of self-regulating tide gates, the applicant shall demonstrate why it is not practicable to replace the tide gate with self-regulating tide gates and shall also provide documentation that the waterway above the proposed gate does not currently support diadromous fish migrations.

Requirements Applicable to Both Category A and Category B Activities:

- (i) The application must include information regarding the original design capacities and configurations of the structures and fills (e.g., outfalls, intakes, impoundments, canals, culverts, etc.).
- (ii) The repair, rehabilitation, or replacement activity is limited to the original dimensions or configuration, except for minor deviations due to changes in materials, construction techniques, or current construction codes or safety standards. Minor deviations in the configuration of the structure or filled area must not exceed the minimum necessary to make the repair, rehabilitation, or replacement. New bank stabilization measures that were not included in the previously authorized structure or fill would require a separate authorization from the Corps.
- (iii) Repair, rehabilitation, or replacement of an existing serviceable structure shall not result in the displacement of in-stream habitats or features important to anadromous, estuarine, and resident fish, such as plunge or scour pools. Work under this activity must not impede the passage of normal or high flows in the waterway and/or must not block or impede the movements of anadromous and resident fish.
- (iv) The structure or fill must not be put to uses differing from those uses specified or contemplated for it in the original permit or the most recent authorized modification.

(v) Repair, rehabilitation, or replacement of previously authorized, currently serviceable structures or fills destroyed or damaged by storms, floods, fire, or other discrete events must be started or under contract to start within two (2) years of the date that they were damaged or destroyed. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the Corps, provided the permittee can demonstrate funding, contract, or other similar delays.

(vi) Maintenance of existing stormwater management facilities must be performed in accordance with any maintenance plan to restore to the design as originally approved and constructed, which includes limiting excavation to the original contours.

(vii) This activity does not authorize the discharge of dredged or fill material for the purpose of reclaiming land lost through gradual erosion processes.

(viii) This activity does not authorize any maintenance dredging for the primary purpose of navigation, beach restoration, stream restoration, stream relocation, or stream channelization, and/or repair or replacement of bulkheads.

(ix) This activity does not authorize blasting or other forms of uncontained in- water demolition, unless the Corps waives this criterion by making a written determination concluding that the activity will result in no more than minimal adverse environmental effects.

(x) All dredged or excavated materials must be deposited and retained in an upland (non-wetland) area, unless otherwise specifically approved by the Corps under separate authorization.

(xi) For utility line projects completed by horizontal directional drilling or boring methods that require an application submittal, a remediation plan to address, to the extent that a Department of the Army authorization is required, any anticipated temporary structures, fills or work within waters of the United States necessary for the remediation of inadvertent returns of drilling fluids to waters of the United States through sub-soil fissures or fractures. If an inadvertent return occurs, and the remediation requires work within waters of the United States that extends beyond the limits of work authorized by the originally approved remediation plan, then the permittee must notify the Corps immediately and submit a revised remediation plan as soon as possible. The remediation plan must include a detailed narrative of methods to contain and remediate impacts associated with inadvertent returns of drilling fluids, information on equipment kept on site to handle inadvertent returns, and coordination procedures with the Corps and MDE in the event of inadvertent returns of drilling fluids.