



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 e(10)
Stormwater Management Facilities

The authorized Stormwater Management Facilities 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 into non-tidal waters of the United States for the construction of stormwater management facilities (i.e., not the retrofit of existing facilities), including stormwater detention basins and retention basins and other stormwater management facilities; the construction of water control structures, outfall structures and emergency spillways; and the construction of low impact development (LID) integrated management features such as bioretention facilities (e.g., rain gardens), vegetated filter strips, grassed swales, and infiltration trenches; and the construction of pollutant reduction green infrastructure features designed to reduce inputs of sediments, nutrients, and other pollutants into waters, such as features needed to meet reduction targets established under Total Maximum Daily Loads set under the Clean Water Act. This activity authorizes, to the extent that a Section 404 permit is required, discharges of dredged or fill material into non-tidal waters of the United States for the maintenance of stormwater management facilities, low impact development integrated management features, and pollutant reduction green infrastructure features. This activity also authorizes temporary structures, work, and discharges of dredged or fill material necessary for construction activities including but not limited to stream diversion devices, access fills, structures and/or fills for dewatering of construction sites, and placement of construction matting. Retrofits of existing stormwater management facilities may be reviewed under MDSPGP-7 j(1) Retrofits of Existing Stormwater Management Facilities, or an individual permit. (Section 404; all nontidal waters).

Category A Impact Limits and Requirements:

- (i) Except for maintenance of stormwater management facilities, the total temporary and permanent impacts to nontidal waters of the United States, including nontidal wetlands, streams, and other nontidal open waters, are not to exceed 5,000 square feet including no more than 200 linear feet of streams, rivers, and other nontidal open waters.
- (ii) This Category A activity does not authorize work in nontidal navigable waters under Section 10 of the Rivers and Harbors Act of 1899. Applications proposing work in applicable navigable waters under Section 10 of the Rivers and Harbors Act must be reviewed under a Category B or alternate Corps permit review procedures, as appropriate.

(iii) This Category A activity does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities or new LID features in streams designated as Specific Designated Use Classes, Use III or IV (as defined in COMAR Sections 26.08.02.02 and 26.08.02.02-1).

(iv) Maintenance of stormwater management facility activities are eligible for authorization under Category A as long as the activity is limited to restoring the original design capacities of the stormwater management facility or pollutant reduction green infrastructure feature.

Category B Impact Limits and Requirements:

(i) The single and complete project will result in no more than a total 0.5 acres of loss to nontidal waters of the United States.

Requirements Applicable to Both Category A and Category B Activities:

(i) Application must be submitted to MDE for Corps authorization.

(ii) Compensatory mitigation may be required for direct adverse permanent impacts, indirect adverse impacts to waters of the United States, including conversions of aquatic resource types, caused by the discharge of dredged or fill material that exceed 5,000 square feet and/or 200 linear feet of stream.

(iii) This activity cannot be used in combination with other MDSPGP-7 activities.

(iv) This activity does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities or new LID features into tidal waters, tidal wetlands, non-tidal wetlands adjacent to tidal waters, and perennial streams.