



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 j(1)

Chesapeake Bay Total Maximum Daily Load (TMDL)/Municipal Separate Storm Sewer Systems (MS4) Activities

The authorized Retrofits of Existing 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 the discharges of dredged or fill material into nontidal waters of the United States for the retrofit of existing stormwater management facilities. Stormwater management retrofit refers to those activities that modify an existing stormwater management facility for the purpose of improving nutrient and sediment removal by the existing structural stormwater management facility that currently has little or no treatment. This activity applies only to the retrofit of features originally designed as stormwater management facilities, which are currently serviceable. Authorized activities may include, but are not limited to, changing the existing riser structure, creation of forebays (i.e., pretreatment cells within the existing facilities), changing pond elevations or creation of wetland benches. (Section 404, limited to non-tidal waters of the United States).

Category A Impact Limits and Requirements:

- (i) The total permanent impacts to nontidal waters of the United States, which includes nontidal wetlands, streams, rivers, and other nontidal open waters, are not to exceed one acre and/or 2,000 linear feet of streams, rivers, and other nontidal open waters.
- (ii) The loss or conversion of streams, rivers and/or nontidal wetlands and other nontidal open waters is not authorized under Category A.

Category B Impact Limits and Requirements:

- (i) The total permanent impacts to nontidal waters of the United States, which includes nontidal wetlands, streams, rivers, and other nontidal open waters are not to exceed three (3) acres and/or 3,000 linear feet of nontidal streams, rivers, and other nontidal open waters.
- (ii) The conversion from nontidal streams or rivers (excluding wetlands) to open water or wetlands must not exceed 5,000 square feet or 200 linear feet of nontidal streams and/or rivers.

Requirements Applicable to Both Category A and Category B Activities:

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

(ii) The authorized work does not include an expansion of stormwater management facilities outside the existing original as-built footprint or any available supplemental documentation identifying the existing limits of the facility.

(iii) The application must include the original as-built plans or any available supplemental documentation for the project, including identifying the existing limits of the facility.

(iv) This activity does not authorize work in nontidal navigable waters under Section 10 of the Rivers and Harbors Act of 1899. Applications proposing work in navigable waters under Section 10 of the Rivers and Harbors Act must be reviewed under another Corps permit review procedure, as appropriate.

(v) Activities that are solely designed for general maintenance activities within existing Stormwater Management Facilities may be reviewed under MDSPGP-7 Activity e(10) *Stormwater Management Facilities* or alternative Corps permit review process as appropriate.

(vi) Within 30 days from the completion of the authorized work, all temporary impacts within the project area, must be restored to preconstruction contours, elevations, and stabilized. Areas that require planting must be planted within the first growing season after completion of the project.

(vii) Year 1 Post Construction Report: The permittee must electronically provide a post-construction report (PDF format preferred) to the Corps (nab-regulatory@usace.army.mil) by December 31 of project completion year. The post-construction report shall include:

- a. The Corps application tracking number and State permit number.
- b. Location of the completed work (latitude and longitude in decimal degrees).
- c. Dates during which the work occurred.
- d. A point of contact name and contact information (email and phone).
- e. A set of geo-referenced photographs that show the pre-construction and post-construction conditions of the project using consistent photo stations.
- f. A narrative describing how the project purpose and objectives were met.
- g. Surveyed as-built drawings, to scale, with control (latitude/longitude) depicting the final work including the restoration of the temporary impacts. As-built drawings must be completed within 90 days of completion of the work.