



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, CORPS OF ENGINEERS
ATTN: REGULATORY BRANCH
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Corps Permit Tracking No.

**MDSPGP-6
ACTIVITY e (10)
New Stormwater Management Facilities**

The authorized New Stormwater Management Facilities activities must comply with the following applicable activity specific conditions indicated by an “X” in the boxes below, 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 new 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 new 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 such as bioretention basins designed to reduce inputs of sediments, nutrients, and other pollutants into waters. 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. This activity does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities or LID features into tidal waters, tidal wetlands, non-tidal wetlands adjacent to tidal waters, perennial streams or Use III or IV (as defined in COMAR Sections 26.08.02.02 and 26.08.02.02-1) intermittent streams. The discharge of dredged or fill material for the construction of new stormwater management facilities and LID features proposed in other streams will be considered on a case-by-case basis. (Section 404; all nontidal waters).

Category A Impact Limits and Requirements:

- (i) 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 and/or 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.

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Category B Impact Limits and Requirements: 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, to include stream channel, wetlands, and open waters and the loss of stream channel may not exceed 1,000 linear feet.

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 U.S., 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, unless a project-specific waiver is granted.
- (iii) This activity cannot be used in combination with other MDSPGP-6 activities

Activity Specific 401 Water Quality Certification Conditions:

- (i) The Certification Holder conducting activities under e(10) New Stormwater Management Facilities shall obtain and comply with the appropriate stormwater management approval authority authorization to ensure that discharges from the constructed facility do not:
 - a. Violate water quality standards; and
 - b. Result in erosive flows downstream.

Project-Specific Special Conditions apply (See Corps verification letter for these conditions.)