



Maryland

Department of the Environment

MARYLAND DEPARTMENT OF THE ENVIRONMENT
Water Supply Program

Water Appropriation and Use Permits
Frequently Asked Questions for Construction Dewatering
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What is the purpose of a Water Appropriation and Use Permit?

A Water Appropriation and Use Permit authorizes the permittee to make reasonable use of the waters of the State without unreasonable interference with other persons also attempting to make reasonable use of water. The permittee may not unreasonably harm the water resources of the State.

What is construction dewatering?

Construction dewatering means the temporary lowering of the water table or the removal/diversion/pumping of surface water from its source of natural occurrence to facilitate any construction activity.

When is a Water Appropriation and Use Permit for construction dewatering required?

Water Appropriation and Use Permits are required for construction dewatering if:

- The dewatering is greater than 10,000 gallons per day (gpd) as an annual average (equal to a total volume pumped of 3.65 million gallons during a calendar year); or,
- The dewatering lasts more than 30 days including intermittent, non-pumping periods.

Dewatering operations over 30 days, but less than 5,000 gpd (as an annual average) may qualify to file a notice of exemption.

What is an annual average?

Annual average means the total number of gallons of water used in a calendar year divided by 365 days.

Are there any references available for calculating dewatering quantities?

Many applicants and consultants refer to the following publication:

Powers, P. (2007). *Construction dewatering and groundwater control: New methods and applications* (3rd ed.). Wiley.

Other published sources of literature contain methods for dewatering calculations that are also acceptable.

Is a Water Appropriation and Use Permit required for temporarily diverting surface water for projects such as, or similar to, stream restoration, culvert installation, dewatering of a pier for a bridge abutment, etc.?

Many different types of permits may be required for temporary surface water diversions. Some of the permits have overlapping authority. To avoid redundant permitting, surface water diversions that meet the following criteria do not typically require a Water Appropriation and Use Permit:

- The use is temporary and associated with a construction activity.
- The water that is diverted is also returned to the same source.
- The water quantity is not diminished in volume.
- There are no other water users that would be impacted by the diversion.
- A State issued waterway construction permit, authorization to proceed, or letter of authorization, is in force that protects against unreasonable impacts to the water resource.

If during the planning phase of the project, if a water intake is observed in the area around the work or if it is unclear if there are other permitted water users in the area, the Maryland Department of the Environment (MDE) Water Supply Program (WSP) should be contacted.

Is a Water Appropriation and Use Permit also required for activities that have other permits such as a Water Quality Certification or discharge permit?

The issuance of a Water Appropriation and Use Permit does not relieve the requirements to comply with any other local, state, or federal requirements. It is the applicant's responsibility to obtain any other permits necessary for the proposed project. The MDE has a list of fact sheets for relevant permits, licenses, and certifications by topic to help identify the approvals that may apply to your activity at the following link:

<https://mde.maryland.gov/programs/permits/Pages/ApprovalFactSheets.aspx>.

The permittee shall be responsible for the impact of silt, sediment, or pollution problems which may result from the pumping of turbid and/or poor-quality water, or by sediment and/or erosion problems in receiving streams or water courses. County and/or City governments and respective soil conservation districts should be contacted specifically about possible permitting needs since many local governments have some jurisdiction in these matters.

The discharge of water may require a National Pollutant Discharge Elimination System (NPDES) Permit or coverage under a Water Quality Certification. Other groups within the MDE which should be contacted for assistance in these matters are:

1. Sediment, Stormwater and Dam Safety Program 410-537-3643
2. Wastewater Permits Program 410-537-3651
3. Compliance Program 410-537-3109

4. Non-Tidal Wetlands Division 410-537-3768
5. Tidal Wetlands Division 410-537-3837

How long should I expect the application permitting process to take?

Permit turnaround times for construction dewatering applications are typically less than 90 days after receipt of an application and all supporting materials. This period can take longer if the applicant delays or fails to take the necessary steps to complete the application requirements.

How much will this permit cost?

MDE does not charge a fee for Water Appropriation and Use Permits.

How do I apply?

The applicant needs to submit:

- (1) a completed application;
- (2) a location map;
- (3) a brief narrative of the project including the purpose of the dewatering, dewatering durations and techniques;
- (4) a geotechnical report describing the site geology, depth to water at the project site including cross sections of the project site with key elevations (changes in subsurface, bottom of the aquifer, depth of excavation), aquifer hydraulic conductivity determination and basis, and,
- (5) detailed calculations for how the water demand was calculated including radius of influence.

Forms for notice of exemptions and permit applications can be downloaded from the MDE website at http://mde.maryland.gov/programs/water/water_supply/Pages/wapformsandapps.aspx. Forms and applications may be submitted by mail to:

Water Supply Program
1800 Washington Blvd,
Baltimore MD 21230)

or emailed to:
water.use@maryland.gov

What happens after an application is submitted?

Requests for an annual average withdrawal of more than 10,000 gpd (as a new request or an increase of an existing withdrawal) will receive a detailed package of instructions for additional information to complete the application. These instructions may include a technical analysis, including an assessment of impact on adjacent properties or requests for additional information, and will require notification of contiguous property owners and local elected officials by certified mail. Requests for an annual average withdrawal of less than 10,000 gpd do not require notification of adjoining property owners.

What is the public notification process?

All property owners contiguous to the property that the proposed project is located must be informed by the applicant of the proposed project. The package to the applicant will include a tax map that highlights the contiguous property owners that need to be notified of this project and a suggested generic form letter for notifying contiguous property owners and elected officials. Local officials who shall be notified are the City Mayor and/or County Executive and the President of the County and/or City Council/Commission. For each project, elected officials that need to be notified are specified in the package of requirements. It is the applicant's responsibility to provide the name and complete mailing address of all persons notified on the Certification of Notification Form. These persons shall be notified by delivery of a signed and dated notification letter either sent by certified mail or delivered in-person. A permit decision cannot be made until at least two weeks after the last person who is required to be notified receives their notification.

What is the process if a request from a notified party for more information is received? Can this hold up the permit process?

The MDE WSP provides information to the requestor or directs the applicant to do so. Responding to public comments or questions can extend the time to issue a permit, but every effort is made to expediently process all applications while considering available resources and the order in which applications and supporting material are received.

What is the permit term?

For construction dewatering permits, the length of time the permit is valid is typically set to coincide with the amount of time the applicant needs to complete the dewatering activities on site. The maximum term is twelve years. Permit terms can be extended for good cause if requested by the permittee.

What conditions are contained within a Water Appropriation and Use Permit for construction dewatering?

The MDE has broad authority to impose any condition on a permittee relating to water use in order to protect the water resource or other users of the water resource. These permits are individually customized to manage the State's water resources. A typical Water Appropriation and Use Permit for construction dewatering limits the amount of water that can be withdrawn; describes the specific use, source and location; provides right of entry to the MDE; and includes conditions related to permit review, renewal, suspension, revocation, change of operations, the ability to change permit conditions, drought period emergency restrictions, transferability, flow measurement, water use reporting, initiation of withdrawal, and access for water level measurements for wells. Each permittee should review their individual permit for more information.

If required, how does a permittee report water use?

Water use reports may be submitted through the online portal available at the following link:
https://mde.maryland.gov/programs/water/water_supply/Pages/Water%20Usage%20e-Reporting.aspx

Does the permit need to be closed out?

Yes, please provide written notification when construction dewatering activities on the site are finished so that the permit can be administratively inactivated.

Disclaimer

This document is intended to provide general guidance only. Specific guidance regarding the facts of a particular project may be provided from MDE upon submission of an application or in response to an inquiry.