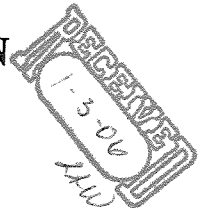


**STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION**



AUTHORIZATION TO PROCEED

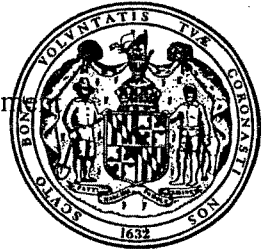
AUTHORIZATION NUMBER: 200563321/05-NT-3082

EFFECTIVE DATE: June 13, 2005

EXPIRATION DATE: June 13, 2008

AUTHORIZED PERSON:

Frederick County Utilities and Solid Waste Management
7303 Marcie's Choice Lane
Frederick, MD 21704
Attn: Eric Dutrow



IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(b), ANNOTATED CODE OF MARYLAND, COMAR 26.17.04.03A AND 26.23.02.01A, AND THE ATTACHED PERMIT CONDITIONS OF AUTHORIZATION, Frederick County Division of Utilities and Solid Waste Management ("AUTHORIZED PERSON"), IS HEREBY AUTHORIZED BY THE WATER MANAGEMENT ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS, INCORPORATED HEREIN, AS DESCRIBED BELOW:

Remove sediment by hydraulic pumping from the intake at the New Design WTP at the Potomac River to maintain capacity. The project will impact 42 linear feet (494 square feet) of waterway. No nontidal wetlands are impacted by the project. The project location is New Design Road WTP pump house at the Potomac River in Frederick County.

MD Grid Coordinates: N 176 – E 358

Amanda Sigillito

for Amanda Sigillito, Chief

Nontidal Wetlands & Waterways Division

Attachments: Conditions of Authorization

MDSPGP-2 Cat. I C 1

cc: Compliance Program, Frederick County w/ file
Dave Walbeck, NTW&W
Sean McKewen, MDE
Joseph P. DaVia, U.S. Army Corps of Engineers

THE FOLLOWING CONDITIONS OF AUTHORIZATION APPLY:

1. Validity: Authorization is valid only for use by Authorized Person.
2. Responsibility and Compliance: Authorized Person is fully responsible for all work performed. A copy of this Authorization shall be kept at the construction site. In accordance with §5-514 and §5-911, Environment Article, Annotated Code of Maryland, penalties may be assessed for violations.
3. Failure to Comply: If Authorized Person, its employees, agents or contractors fail to comply with Authorization to Proceed, the Administration may, in its discretion, issue an administrative order requiring that all activities which violate this Authorization be stopped, or the Administration may take any other enforcement action available to it by law.
4. Other Approvals: Authorized Person shall obtain all other required federal, State and local approvals prior to starting work.
5. Federally Mandated State Authorizations:
X Water Quality Certification: Water Quality Certification is granted for this project provided that all work is performed in accordance with the authorized project description and associated conditions.
6. Inspection Access and Notification: Authorized Person shall allow Administration personnel to conduct compliance inspections during normal business hours. Authorized Person shall notify the Administration's Inspection & Compliance Program at least five (5) days before starting activities authorized by Permit and five (5) days after completion. For Carroll, Frederick, and Washington counties, Authorized Person shall call the Hagerstown office at (301) 665-2850.
7. Best Management Practices During Construction: Authorized Person shall conduct authorized activities in a manner consistent with the attached Best Management Practices, if applicable.
8. Disposal of Excess: Unless specifically authorized, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
9. Temporary Impacts: Temporary construction trailers or structures, staging areas, stockpiles and stream access crossings shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically authorized.
10. In-stream Construction Prohibition: To protect important aquatic species and habitat, motor driven construction equipment shall not be allowed within stream channels unless on authorized ford crossings. Activities within stream channels are prohibited as determined by the classification of the stream (COMAR 26.08.02.08): Potomac River is a Use I waterway; No in-stream work may be conducted from March 15 through June 15, inclusive.
11. Vegetative Stabilization: All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

2005 63221
Corps Permit Number

MDSPGP-2
CATEGORY I ACTIVITIES
Repair and Maintenance Activities
General Maintenance

This activity authorizes discharges of dredged or fill material for the repair, rehabilitation or replacement of any previously authorized, currently serviceable structure or fill. This activity authorizes minor deviations in the configuration of the structure or filled area, including changes in materials, construction techniques, current construction codes or safety standards that are necessary to make the repair, rehabilitation or replacement. Currently serviceable means that the structure or fill is usable in its current condition, or with some maintenance. This activity also authorizes the removal of sediment in nontidal waters that is limited to the minimum necessary to restore the waterway within and in the immediate vicinity of the existing structure to the approximate dimensions that existed when the structure was built, but cannot extend further than 50 feet in any direction from the structure. This activity also authorizes repair, rehabilitation or replacement in-kind of structures destroyed by storms, floods, fire or other discrete events. All work authorized by this activity, including discharges, must comply with all activity-specific impact limits and conditions listed below, in addition to the general conditions of this permit. All work, including discharges, that does not meet the impact limits and/or conditions does not qualify for authorization under Category I, will require submission of an application and will be reviewed under Category III or alternate Corps permit review. (Sections 10 and 404; **limited to all nontidal wetlands and streams, and all tidal wetlands and waters**)

A. Impact Limits: The total temporary (i.e., construction impacts including stream diversion devices) and permanent impact to Waters of the United States, which includes tidal and nontidal wetlands, streams, rivers, navigable waters, and other open waters, is limited to less than 5,000 square feet. Included in this areal limit is a maximum distance impact limit to streams and other open waters of no more than 500 linear feet, which is measured along the centerline of the waterway, with the stipulation that permanent impacts (e.g., fill) to in-stream habitat are limited to the area of the existing footprint of the serviceable structure; or, to an area extending no more than 50 feet upstream or downstream from the existing structure's footprint, provided such encroachment beyond the existing footprint is the minimum necessary for repair, rehabilitation or replacement. The width of the waterway is measured bank to bank at the ordinary high water line or the mean high water line. The acreage of impact to all Waters of the United States includes the filled area, both temporary and permanent, plus those that are adversely affected by the project through permanent flooding, draining, or mechanized landclearing. Any impact to Waters of the United States, including wetlands, associated with this activity is to be minimized below these impact limits to the greatest extent possible.

B. Conditions:

1. No application is required for Federal authorization. (Refer to pages 67-68 for exceptions.)
2. The discharge must be part of a single and complete project that includes all attendant features, both temporary and permanent. (See General Condition VI.A.5 concerning "single and complete project.")
3. Minor deviations in the configuration of the structure or filled area must not exceed the minimum necessary to make the repair, rehabilitation or replacement.

4. Repair, rehabilitation or replacement of an existing serviceable structure should not result in the displacement of in-stream habitats or features important to anadromous, estuarine and resident fish, such as plunge or scour pools.
5. For replacement culvert crossings, the single culvert, or one of the multiple cells, must be depressed a minimum of one foot below the invert of the stream, or 20% of the diameter width for culverts less than 36 inches in diameter.
6. Work under this activity must not impede flow in the waterway, and/or must not block or impede the movements of anadromous and resident fish.
7. 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.
8. In-stream work must be conducted "in the dry" whenever practicable. This should be accomplished by using stream diversion devices, other than earthen or stone cofferdams.
9. Areas impacted by temporary activities or structures must be returned to pre-construction conditions, which includes contours, elevations and revegetation with native, wetland species.
10. Repair, rehabilitation or replacement of structures or fills destroyed or damaged by storms, floods, fire or other discrete events must be started or under contract to start within two years of the date that they were damaged or destroyed.
11. 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.
12. This activity does not authorize the discharge of dredged or fill material for the purpose of reclaiming land lost through gradual erosion processes.
13. This activity does not authorize any maintenance dredging, beach restoration, stream restoration, stream relocation or channelization, and repair or replacement of bulkheads.
14. This activity does not authorize blasting or other forms of uncontained in-water demolition.
15. All excavated materials must be deposited and retained in an upland (non-wetland) area.
16. This activity does not authorize stationing equipment in nontidal streams. Work should be done from the stream bank or road crossing using the appropriate equipment, such as an excavator arm or boom.