



US Army Corps of Engineers

# Sediment Basin Exemption Summary

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

## TEMPORARY SEDIMENTATION BASINS

Pursuant to Section 404 of the Clean Water Act (33 USC 1344) and Federal Regulations (33 CFR 323.4), certain discharges have been exempted from requiring a Section 404 permit. Included in this exemption is construction of temporary sedimentation basins on a construction site which does not include placement of fill material into waters of the U.S. The term "construction site" refers to any site involving the erection of buildings, roads, and other discrete structures and the installation of support facilities necessary for construction and utilization of such structures. The term also includes any other land areas which involve land-disturbing excavation activities, including quarrying or other mining activities, where an increase in the runoff of sediment is controlled through the use of temporary sedimentation basins.

A Section 404 permit is required if either of the following occurs:

(1) Any discharge of dredged or fill material resulting from the above activities which contains any toxic pollutant listed under Section 307 of the Clean Water Act shall be subject to any applicable toxic effluent standard or prohibition, and shall require a permit.

(2) Any discharge of dredged or fill material into waters of the United States incidental to the above activities must have a permit if it is part of an activity whose purpose is to convert an area of the waters of the United States into a use to which it was not previously subject, where the flow or circulation of waters of the United States may be impaired or the reach of such waters reduced. Where the proposed discharge will result in significant discernible alterations to flow or circulation, the presumption is that flow or circulation may be impaired by such alteration. For example, a permit will be required for the conversion of a wetland from silvicultural to agricultural use when there is a discharge of dredged or fill material into waters of the United States in conjunction with construction of dikes, drainage ditches, or other works or structures used to effect such conversion. A discharge which elevates the bottom of waters of the United States without converting it to dry land does not thereby reduce the reach of, but may alter the flow or circulation of, waters of the United States.

If the proposed discharge satisfies all of the above restrictions, it is automatically exempted and no further permit action from the Corps of Engineers is required. If any of the restrictions of this irrigation exemption will not be complied with, an individual permit is required and should be requested using ENG Form 4345 (Application for a Department of the Army permit). A nationwide permit authorized by the Clean Water Act may be available for the proposed work. State or local approval of the work may also be required.

For general information on the Corps' Regulatory Program please check our web site at [www.spk.army.mil/regulatory](http://www.spk.army.mil/regulatory). For additional information or for a written determination regarding a specific project, please contact the Corps at the following addresses:

Sacramento Main Office-1325 J Street, Room 1480, Sacramento, CA 95814	(916) 557-5250
Redding Field Office-152 Hartnell, Redding, CA 96002	(530) 223-9534
Reno Office-300 Booth Street, Room 2103, Reno, NV 89509	(775) 784-5304
Intermountain Region Main Office-533 West 2600 South, Suite 150, Bountiful, UT 84010	(801) 295-8380
Colorado/Gunnison Basin Office-402 Rood Ave., Room 142, Grand Junction, CO 81501	(970) 243-1199
Durango Office-278 Sawyer Dr., Unit #1, Durango, CO 81301	(970) 375-9506
Frisco Office-301 W Main, Suite 202, P.O. Box 607, Frisco, CO 80443	(970) 668-9676
St. George Office-321 North Mall Drive, Suite L-101, St. George, UT 84790	(435) 986-3979