



Title: Environmental Permitting Procedures for Emergencies

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The Maine Department of Transportation is responsible for addressing emergency repairs to infrastructure where permits are required from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. There are currently no well-established criteria in place to address the permitting process during and emergency event and who the responsible party in charge will be.

All projects shall follow these procedures when a project falls under an emergency as defined below:

**An emergency is a situation which, would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and economic hardship if corrective action requiring a permit is not undertaken within a time period less than that to process and receive an environmental permit under standard procedures.**

The Region Engineer will be notified immediately of any infrastructure failure that may rise to the level of emergency. If not done already, the Region Engineer will immediately secure the site for safety of both employees and the traveling public.

Region Engineer will next review the failure and determine if the failure meets the above criteria for an emergency.

If, in the Region Engineer's opinion, the failure meets the criteria for emergency, he/she will immediately contact the Director of Maintenance and Operations, Chief Engineer, and Region Manager, clearly outlining why the failure is an emergency. The Chief Engineer or Director of Maintenance and Operations will make the final determination if the event has risen to the level of emergency.

Upon the Chief Engineers or Director of Maintenance and Operations direction of emergency, the Region Engineer will contact the relevant resources (i.e., ENV Specialist, Geotechnical Eng., Utility Coordinator, Traffic Eng.) whose technical expertise is required to affect the repair.

For those emergencies affecting a resource, the ENV office will be contacted and given the following information

1. An emergency has been determined that meets the definition of CFR 352.2 (e)(4).
2. Location of work (vicinity map showing location)

3. Description of work/project including basic dimensions and drawings. Drawings do not need to be detailed engineering drawings
4. Cause of emergency (describe when and how emergency occurred)
5. Urgency of work (explain what would happen if emergency permitting not used)
6. Time to complete work (estimated beginning and end). Note: if work takes months it is not an emergency.

The repair shall be evaluated for both short term and long-term solution options. The options shall be presented to the Chief Engineer for engineering concurrence. The emergency repair drawings or design shall be stamped by a Professional Engineer in charge of the repair.