

STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION

WATER QUALITY CERTIFICATION

CERTIFICATION NUMBER: 14-WQC-02

ISSUED TO: Operations Division
Philadelphia District, Corps of Engineers
Wanamaker Building, 100 Penn Square East
Philadelphia, PA 19107-3391



EFFECTIVE DATE: December 19, 2014

EXPIRATION DATE: March 31, 2016

Description of Certified Project: This Water Quality Certification is issued for the maintenance dredging of the Chesapeake and Delaware (C&D) Canal and its approach channel during the period October 1, 2015 and March 31, 2016 and placement of the dredged material at the Pearce Creek Dredged Material Containment Facility (DMCF). Prior to the placement of dredged material, a liner will be installed at the DMCF site, maintaining the existing discharge to Pearce Creek. Maintenance dredging will be performed as required to maintain the authorized 35-foot project depth in the following reaches: (1) Pooles Island to Sassafas River – approximately 500,000 cubic yards of material to be removed by bucket, hopper, or hydraulic pipeline dredges; (2) Sassafas River to Courthouse Point – approximately 600,000 cubic yards of material to be removed by bucket, hopper, or hydraulic pipeline dredges; and (3) Courthouse Point to the Maryland State line within the Canal – approximately 200,000 cubic yards of material to be removed by bucket, hopper, or hydraulic pipeline dredges.

This water quality certification is issued under authority of Section 401 of the Federal Clean Water Act and its Amendments and the Environment Article, Sections 9-313 - 9-323, inclusive, Annotated Code of Maryland, and Code of Maryland Regulations (COMAR) 26.08.02.10. This certification does not relieve the applicant of the responsibility to obtain any other approvals, licenses or permits in accordance with federal, State, or local requirements. The Maryland Department of the Environment (“MDE” or “the Department”) has determined from a review of the plans that the project described above will not violate Maryland's water quality standards, provided that the following conditions are satisfied.

The certification holder shall comply with the following conditions:

GENERAL CONDITIONS

1. X The proposed project shall be constructed in a manner which will not violate Maryland's Water Quality Standards as set forth in COMAR 26.08.02. The applicant shall notify the Water Management Administration's Compliance Program, at 410-537-3510, ten (10) days prior to commencing work.

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2. X The proposed project shall be constructed in accordance with the approved final plans as required by this Certification and any approved revisions.
3. X All fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into waters of the State.
4. ___ The certification holder shall notify the Water Management Administration, Nontidal Wetlands and Waterways Division, in writing, upon transferring property ownership or responsibility for compliance with these conditions to another person. The new owner/operator shall request, in writing, transfer of this water quality certification to his/her name.
5. X The certification holder shall allow the Water Management Administration or its representative to inspect the project area at reasonable times and to inspect records regarding this project.

SPECIAL CONDITIONS

1. The sediments to be dredged from the C&D Canal and its approach channel shall be tested in accordance with Environmental Protection Agency regulation/guidelines to ensure the suitability for placement of the material at its designated site. The results of the Corps of Engineers' sediment testing shall be provided to the Department for its review prior to any dredging and dredged material placement.
2. Dredging shall not be conducted from April 1 through September 30, inclusive, of any year.
3. The Corps of Engineers shall install a liner that ensures that any dredged material placed at the Pearce Creek DMCF will not result in the deterioration/contamination of groundwater resources. Construction activities shall not commence until the Department has reviewed and approved the final design plans for the liner.
4. The Corps of Engineers shall take all steps necessary to ensure that discharges of sediment or any other pollutants does not occur during construction or at any time that the facility is in operation. Prior to the commencement of construction of the liner, the Corps of Engineers shall submit erosion and sediment control and stormwater management plans to MDE to document how discharges will be minimized before, during, and after construction. These plans are subject to MDE's review and approval.
5. The Corps of Engineers shall provide a plan for monitoring the groundwater in the Magothy and Patapsco aquifers for the Department's review and approval. The plan shall describe the wells to be monitored, the constituents to be monitored at each well, and the frequency of monitoring water levels and constituents for each well. The plan shall include scale map(s) showing the location, well identification #, and aquifer monitored for all monitoring wells. The Corps shall submit an annual report by February 1 of each year containing tabular results of the prior year's monitoring, including water level maps and data trends using previous year's data

from each monitoring well. In addition, the Corps shall provide a plan for properly abandoning and sealing any wells within the Pearce Creek DMCF that will not be included in the groundwater monitoring plan.

6. The Corps of Engineers acknowledges that the extension of the public water supply system is being undertaken by the State of Maryland to remediate historical impacts to groundwater resources in the vicinity of the Pearce Creek DMCF. In order to ensure that further impacts to public drinking water supplies are minimized, no dredged material shall be placed at the Pearce Creek DMCF until the commencement of construction of this new public water supply system.

7. The Corps of Engineers shall submit a monitoring plan for all surface water discharges from the Pearce Creek DMCF for the Department's review and approval prior to the placement of any dredged material in the DMCF. The discharge monitoring plan shall include key parameters such as flow volume/discharge rate, total suspended solids, pH, dissolved oxygen, nutrients, and metals. Monitoring results shall be reported to the Department on a monthly basis.

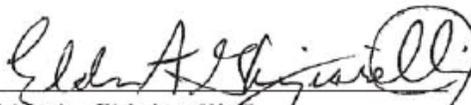
8. The Corps of Engineers shall provide a statement by a professional engineer certifying the structural integrity and stability of the existing dike system at the Pearce Creek DMCF under all modes of operation and weather conditions. The Corps of Engineers shall notify MDE immediately if any structural stability problems are observed at the site during dredging operations.

9. The Corps of Engineers shall notify MDE prior to any proposed modifications of the Pearce Creek DMCF that could impact the quantity or quality of any discharges from the facility, either to surface or groundwater, or any modification that has the potential to alter the structural stability of the dikes. MDE reserves the right to review and approve any new plans to modify the facility prior to construction.

10. Based on the aforementioned conditions, the Department has determined that the proposed dredging and the reactivation of the Pearce Creek DMCF for the placement of the dredged material is consistent with the State's federally-approved Coastal Zone Management Program, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended.

Failure to comply with these conditions shall constitute reason for suspension or revocation of the Water Quality Certification and legal proceedings may be instituted against the certification holder in accordance with the Annotated Code of Maryland. In granting this certification, the Department reserves the right to inspect the operations and records regarding this project at anytime.

CERTIFICATION APPROVED


Elder A. Ghigiarelli, Jr.
Deputy Program Administrator
Wetlands and Waterways Program