



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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## PUBLIC NOTICE

### PROPOSED MAINTENANCE DREDGING CHESAPEAKE AND DELAWARE CANAL PROPOSED MODIFICATION TO WATER QUALITY CERTIFICATION APPLICATION # 14-WQC-02

DATE: October 9, 2014

Pursuant to Code of Maryland Regulations (COMAR) 26.08.02, Regulation .10 Water Quality Certification, the Maryland Department of the Environment ("MDE" or "the Department") is required to give public notice of this Modification. Section 401 of the federal Clean Water Act requires the State of Maryland to issue a Water Quality Certification for any federally proposed/permitted project which will result in a discharge to jurisdictional wetlands or waters of the State. The purpose of the Water Quality Certification is to advise the federal agency as to whether the proposed activity will or will not comply with Maryland's water quality standards.

**Applicant:** Operations Division  
Philadelphia District, U.S. Army Corps of Engineers  
Wanamaker Building, 100 Penn Square East  
Philadelphia, PA 19107-3391

**Application # 14-WQC-02**  
Chesapeake Bay, Use I & II Waters

The purpose of this public notice is to solicit comments from the public regarding the modification described below. At this time, no decision has been made on the application for a Water Quality Certification or the proposed modification.

**Background:** On September 11, 2014, the Department issued a public notice on the subject application for a Water Quality Certification (WQC) submitted by the Philadelphia District, U.S. Army Corps of Engineers (Corps) to maintenance dredge the Chesapeake and Delaware Canal during the period of October 1, 2015 through March 31, 2016, and place the dredged material at the Pearce Creek Dredged Material Containment Facility (DMCF) in Cecil County, Maryland. Prior to the placement of dredged material, the Corps proposes to install a liner over the entire Pearce Creek DMCF to ensure that the placement of dredged material at the site will have no effect on groundwater resources. In addition, the Corps proposed to relocate the sluice discharge from Pearce Creek to the Elk River.

A public informational hearing was held on the application on September 27, 2014 at the Cecilton Elementary School in Cecilton, Maryland. A copy of the September 11, 2014 public notice can be found on the MDE website at the following link:



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<http://www.mde.state.md.us/programs/Water/WetlandsandWaterways/Documents/www.mde.state.md.us/assets/document/wetlandswaterways/C.and.D.Canal.PN.WQC.2015-2016.pdf>

**Proposed Modification:** At the public hearing on September 27, 2014, the applicant/Corps announced that maintaining the existing/historic discharge from the DMCF to Pearce Creek was under consideration by the Corps. Since the public hearing, MDE has received a request from the Corps to modify its application for a WQC by retaining the existing sluice discharge into Pearce Creek, as opposed to its initial request to relocate the discharge from the facility to the Elk River. The Corps' request for the modification and plans can be found on the Corps' website at the following link: <http://www.nap.usace.army.mil/Missions/CivilWorks/ChesapeakeDelawareCanal.aspx>

Any person or party interested in commenting on the probable water quality impacts of this modification to Application # 14-WQC-02 is requested to submit written comments to Elder Ghigiarelli, Jr., Deputy Program Administrator, Wetlands and Waterways Program, Water Management Administration, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 430, Baltimore, MD 21230, or email comments to [elder.ghigiarelli@maryland.gov](mailto:elder.ghigiarelli@maryland.gov). Comments must be received by October 27, 2014.

