



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

May 24, 2021

Maryland Port Administration
c/o Kenna Oseroff
Maryland Environmental Service
259 Najoles Road
Millersville, Maryland 21108

Re: Agency Interest Number: 63952
Tracking Number: 202060790
Tidal Authorization Number: 21-WQC-0318

Via email: Koseroff@menv.com
Maria.teresi@usace.army.mil

Dear Maryland Port Administration:

Your project did not qualify for approval under the Maryland State Programmatic General Permit (MDSPGP); therefore, a separate review and issuance of the federal permit will be required by the U.S. Army Corps of Engineers. The federal permit is not attached.

Additionally, your project required a Wetlands License to be approved and issued by the Maryland Board of Public Works (BPW). The Wetlands License will be sent to you by the BPW's Wetlands Administrator.

A project that does not qualify for approval under the MDSPGP requires an individual Water Quality Certification (WQC) to be issued by the Maryland Department of the Environment, which is attached. Please take a moment to read and review your WQC to ensure that you understand the limits of the authorized work and all of the general and special conditions.

You should not begin any work until you have obtained all necessary State, local, and federal authorizations. Please contact Matt Wallach at matthew.wallach@maryland.gov or 410-537-3527 with any questions.

Sincerely,

for Tammy Roberson
Division Chief
Tidal Wetlands Division



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
WATER QUALITY CERTIFICATION



21-WQC-0318

EFFECTIVE DATE:
CERTIFICATION HOLDER:
PROJECT LOCATION:

May 24, 2021
Maryland Port Administration
Masonville DMCF
2020 Childs Street
Baltimore, MD 21202
Patapsco River, Baltimore City

UNDER AUTHORITY OF SECTION 401 OF THE FEDERAL WATER POLLUTION CONTROL ACT AND ITS AMENDMENTS AND IN ACCORDANCE WITH §9-313 THROUGH §9-323, INCLUSIVE, OF THE ENVIRONMENT ARTICLE, ANNOTATED CODE OF MARYLAND, THE WATER AND SCIENCE ADMINISTRATION (“ADMINISTRATION”) HAS DETERMINED THAT THE REGULATED ACTIVITY DESCRIBED IN THE REQUEST FOR CERTIFICATION FOR MARYLAND PORT ADMINISTRATION, WILL NOT VIOLATE MARYLAND’S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION AND WITH ALL TERMS AND CONDITIONS OF THIS CERTIFICATION.

THIS CERTIFICATION DOES NOT RELIEVE THE APPLICANT OF RESPONSIBILITY FOR OBTAINING ANY OTHER APPROVALS, LICENSES, OR PERMITS IN ACCORDANCE WITH FEDERAL, STATE, OR LOCAL REQUIREMENTS AND DOES NOT AUTHORIZE COMMENCEMENT OF THE PROPOSED PROJECT. A COPY OF THIS REQUIRED CERTIFICATION HAS BEEN SENT TO THE CORPS OF ENGINEERS. THE CERTIFICATION HOLDER SHALL COMPLY WITH THE CONDITIONS LISTED BELOW.

PROJECT DESCRIPTION

Raise the dikes of the Masonville Dredged Material Containment Facility (DMCF) in Baltimore City from a height of +10 to a height of +30 and then to a height of +42. The 1,572-linear foot long by 131-foot wide new dike will be constructed by emplacing 545,000 cubic yards of dike fill above the existing dike within 1,572 feet channelward of the original mean high water line. The proposed construction will not result in any additional channelward encroachment beyond the existing Masonville DMCF footprint.

The dike raising is associated with the following impacts:

- 765 linear feet of new 36-inch storm water pipes and associated stone outfall;
- 6,981-long by 55-foot to 90-foot wide vegetated earthen wall, a 6,550-long by 12-foot to 30-foot wide gravel maintenance road;
- 2,408 linear feet of a 2-foot high concrete block wall,
- pumping system with three 12-inch diameter discharge connections per spillway with an 8-ft by 12-ft floating spillway structure at each spillway.

GENERAL CONDITIONS

- A. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.

Statement of Necessity for Condition: The condition is necessary to ensure that water quality standards are met under unique circumstances for discharges which may otherwise qualify under the certified Nationwide Permits.

Citations: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.08.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.24; COMAR 26.23.02.06

- B. This Certification does not authorize any injury to private property, any invasion of rights, or any infringement of federal, state, or local laws or regulations.

Statement of Necessity for Condition: The condition is necessary to clarify the scope of this certification to ensure compliance with water quality regulations, without limiting restrictions through other requirements.

Citations: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08, COMAR 26.08.02.10E; COMAR 26.23.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

- C. The Certification Holder shall allow authorized representatives of the Department access to the site of authorized activities during normal business hours to conduct inspections and evaluations of the operations and records necessary to assure compliance with this Certification.

Statement of Necessity for Condition: Conditions of certification involve precise actions to comply with water quality standards. Site inspection may be necessary to ensure that limits, methods, and other requirements are met to ensure that water quality standards are met and designated uses are maintained.

Citations: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24; COMAR 26.17.04

- D. This Certification is valid for the project identified herein and the associated U.S. Army Corps of Engineers authorization until such time that it expires or is not administratively extended.

Statement of Necessity for Condition: This condition is necessary to qualify the period of applicability of the terms and conditions of this Certification to be protective of Maryland water quality standards.

Citations: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; 40 C.F.R. 121, 15 C.F.R. 930, Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24

SPECIAL CONDITIONS

- A. The Certification Holder shall obtain and comply with the appropriate stormwater management approval authority authorization to ensure that discharges from the constructed facility do not: (a) Violate water quality standards; and (b) Result in erosive flows downstream;

Statement of Necessity for Conditions: The condition is necessary to ensure that the discharge will not result in additional eroded sediment entering waters of the United States in amounts which interfere with designated uses and/or violate water quality standards for turbidity and clarity or general water quality criteria. Discharges from the facility may contribute additional concentrated pollutants, heated waters, and erosion to downstream waters without proper design of the facility. Effects of the discharge may result in waters failing to meet designated uses.

Citations: COMAR 26.08.02.02B(1); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B; COMAR 26.08.02.03-3A; COMAR 26.08.02.03-3C

- B. The Certification Holder shall meet all water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR 26.08.02. or other water quality requirements of state law or regulation.

Statement of Necessity for Conditions: The condition is necessary to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR 26.08.02. or other water quality requirements of state law or regulation

Citations: Federal and state laws that authorize this condition include but are not limited to: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24.

- C. The Certification Holder shall apply the following condition to its project: Prevent sidecasting of excavated material into Waters of the United States. Excavated or other fill material shall be placed in a location and manner which does not adversely impact surface or subsurface water flow into or out of tidal wetlands.

Statement of Necessity for Conditions: The condition is necessary to ensure that: the discharge will not result in additional eroded sediment entering waters of the United States in amounts which interfere with designated uses and/or violate water quality standards for turbidity and clarity or general water quality criteria.

Periodic surface and subsurface flow in tidal wetlands occurs in extents and durations, affecting substrate and/or vegetation, to support specific species adapted to specific tidal wetland habitats. The condition is necessary to ensure that discharges maintain designated uses for support of marine and estuarine aquatic life.

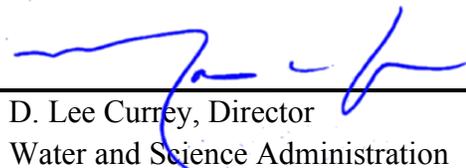
Citations: COMAR 26.08.02.03B(1)-B(2); 26.08.02.01B(2); 26.08.02.02B(1); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B; COMAR 26.08.02.03-3A; COMAR 26.08.02.03-3C.

- D. The proposed project shall be constructed in accordance with the approved final plan by the Department, or, if Department approval is not required, the plan approved by the ACOE; and its approved revisions.

Statement of Necessity for Conditions: Compliance with approved plans is necessary to ensure that sediment discharges from construction activities will not enter waters of the United States. Sediment discharges from earth disturbance within or adjacent to regulated resources may cause discharges resulting in turbidity in excess of water quality standards and interfere with designated uses of growth and propagation of fish, other aquatic life, wildlife and designated uses for support of marine and estuarine aquatic life; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citations: COMAR 26.08.02.01B(2); COMAR 26.08.02.02B(1) and COMAR 26.08.02.01B(2); COMAR 26.08.02.03B; COMAR 26.08.02.03-3A; COMAR 26.08.02.03-3C.

CERTIFICATION APPROVED



D. Lee Currey, Director
Water and Science Administration

Date 5/24/2021

Tracking Number: 202060790
Agency Interest Number: 63952

Effective Date: May 24, 2021

cc: WSA Inspection & Compliance Program
Army Corps of Engineers