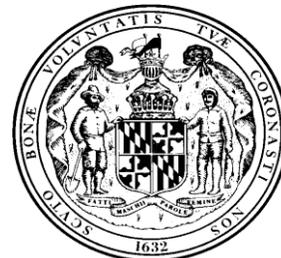


**STATE OF MARYLAND  
DEPARTMENT OF THE ENVIRONMENT  
WATER AND SCIENCE ADMINISTRATION**

**WATER QUALITY CERTIFICATION  
for  
NONTIDAL WETLANDS AND WATERWAYS**

**CERTIFICATION NUMBER: 20-WQC-0019/201861717**

**ISSUED TO:** Somerset County Solid Waste and Drainage Department  
11916 Somerset Ave  
Princess Anne, Maryland 21853  
Attn: Charles Cavanaugh



**EFFECTIVE DATE:** April 21, 2020

**EXPIRATION DATE:** April 21, 2025

**Description of Certified Project:**

To conduct maintenance excavation of 2,190 linear feet and the reconstruction of 660 linear feet of drainage ditch for the purpose of restoring original conveyance characteristics. The project will include removing approximately one foot of organic matter from the ditches and depositing the excavated material on an adjacent equipment access path. The reconstruction of a portion of the ditch will result in 3,300 square feet of permanent impact to forested wetlands. Tree clearing for the equipment access path will temporarily convert approximately 43,750 square feet of forested nontidal wetland to emergent wetland. Placement of debris within the cleared equipment access path will result in a temporary impact to 17,500 square feet of nontidal wetland. The project is located along Wedda Scott Road approximately 520 feet southeast of the intersection with Crisfield Highway near Westover in Somerset County, Maryland.

This Water Quality Certification is issued under authority of Section 401 of the Federal Water Pollution Control Act and its Amendments and the Environment Article, Sections 9-313 - 9-323, inclusive, Annotated Code of Maryland. A copy of this required Certification has been sent to the Corps of Engineers. 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. The Maryland Department of the Environment 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. 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 is to notify the Water and Science Administration's Compliance Program, at 410-537-3510, ten (10) days prior to commencing work. If project is part of a mining site, please contact the Land and Materials Administration's Mining Program at 410-537-3557 at least ten (10) days prior to commencing work. Verbal notification is to be followed by written notice within ten (10) days.

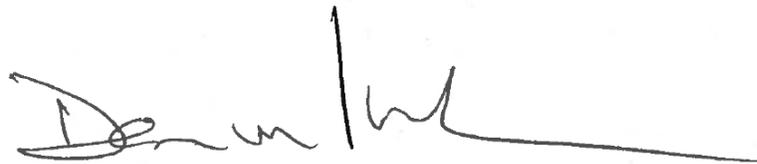
2. The proposed project shall be constructed in accordance with the approved final plan and its revisions.
3. All fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into waters of this State.
4. The certification holder shall notify the Water and Science Administration, Nontidal Wetlands 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. The certification holder shall allow the Water and Science Administration or its representative to inspect the project area at reasonable times and to inspect records regarding this project.

#### SPECIAL CONDITIONS

1. The conditions of Nontidal Wetlands and Waterways Letter of Authorization No. 18-NT-2117/201861717 are incorporated, by reference, into this Water Quality Certification. (**Note Nontidal Wetlands and Waterways Letter of Authorization, Special Condition No. 5., Easements: Somerset County Solid Waste and Drainage Department must obtain easements from all adjacent property owners prior to beginning work.**)
2. The disturbance of the bottom of the water and sediment transport into adjacent State waters shall be minimized. The Permittee shall obtain and certify compliance with a grading and sediment control plan, which has been approved by the, Somerset County Conservation District. The approved plans shall be available at the project site during all phases of construction.
3. The Certification Holder shall ensure that a copy of this Water Quality Certification, including the approved plans, is available at the site until the authorized work is complete.
4. A Water Quality Certification may be extended prior to the expiration of the term. The Certification Holder must request an extension in writing from MDE 14 days prior to the expiration of the term.

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



Denise M. Keehner  
Program Manager  
Wetlands and Waterways Program

**STATE OF MARYLAND**  
**DEPARTMENT OF THE ENVIRONMENT**  
**WATER AND SCIENCE ADMINISTRATION**  
**LETTER OF AUTHORIZATION**

AUTHORIZATION NUMBER: 18-NT-2117/201861717

EFFECTIVE DATE: April 21, 2020

EXPIRATION DATE: April 21, 2025

AUTHORIZED PERSON: Somerset County Office of Solid Waste and Drainage  
11916 Somerset Avenue  
Princess Anne, MD 21853  
Attn: Charles Cavanaugh



IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(b), ANNOTATED CODE OF MARYLAND (2007 REPLACEMENT VOLUME), COMAR 26.17.04 AND 26.23.01, AND 26.08.02 AND THE ATTACHED CONDITIONS OF AUTHORIZATIONS, Somerset County Office of Solid Waste and Drainage (AUTHORIZED PERSON"), IS HEREBY AUTHORIZED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION ON January 2, 2020 ("APPROVED PLAN") AND PREPARED BY Charles Cavanaugh AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

To authorize regulated activities associated with the maintenance excavation of 2,190 linear feet and the reconstruction of 660 linear feet of drainage ditch for the purpose of restoring original conveyance characteristics. The reconstruction of a portion of the ditch will result in 3,300 square feet of permanent impact to forested nontidal wetlands. Tree clearing for the equipment access path will temporarily convert approximately 43,750 square feet of forested nontidal wetland to emergent wetland. Placement of debris within the cleared equipment access path will result in a temporary impact to 17,500 square feet of nontidal wetland. The project is located along Wedda Scott Road approximately 520 feet southeast of the intersection with Crisfield Highway near Westover in Somerset County, Maryland.

MD Grid Coordinates: 51689 x 513669

A handwritten signature in black ink, appearing to read 'Denise M. Keehner', written over a horizontal line.

Denise M. Keehner  
Program Manager  
Wetlands and Waterways Program

cc: MDE Compliance Program  
U.S. Army Corps of Engineers

**SPECIFIC CONDITIONS:**

1. **Scope of Maintenance:** The removal of sediments, leaf litter, and tree debris shall be limited to the minimum necessary to restore the approximate dimensions that existed when the structures were built. Restoration of drainage conveyance may result in localized removal of surface water; however, due to slowly permeable soil types (clay), these activities will not alter wetland hydrology to the extent that the affected areas convert to uplands.
  - a. Primary ditches shall not exceed a maximum top width of 5 feet or a maximum depth of 4 feet.
  - b. Spur ditches shall not exceed a maximum top width of 3 feet or a maximum depth of 2 feet.
2. **Equipment Access and Tree Removal:**
  - a. The equipment access path shall not exceed 25 feet in width and may include tree removal.
  - b. Tree removal should be limited to the minimum amount necessary to conduct excavation of accumulated material from the ditch.
  - c. Trees removed from the equipment access path must be cut at or above the ground plane.
3. **Placement of Spoil:**
  - a. Tree debris shall be placed in small piles along the equipment access path to promote decomposition. Debris piles should be located within areas with the highest elevation available.
  - b. Excavated material shall be placed within the equipment access path and thinly spread to a depth of 4 inches or less. Placement of thinly spread excavated organic material directly adjacent to the ditch will have no adverse effect on wetland function or elevation.
4. **Vegetation Regeneration:** All impacted areas shall be allowed to naturally regenerate with native vegetation.
5. **Easements:** The applicant must obtain easements from all adjacent property owners prior to beginning work.

**GENERAL CONDITIONS:**

1. **Validity:** Authorization is valid only for use by Authorized Person. Authorization may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Authorization.
2. **Initiation of Work, Modifications and Extension of Term:** Authorized Person shall initiate authorized activities in waterways, including streams and the 100-year floodplain, within two (2) years of the Effective Date of this Authorization or the Authorization shall expire. [Annotated Code of Maryland, Environment Article 5-510(a)-(b) and Code of Maryland Regulations 26.17.04.12]. Authorized Person may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Authorization, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of term. Requests for modification shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion. (Annotated Code of Maryland, Environment Article 5-510(c), and Code of Maryland Regulations 26.17.04.12, and Annotated Code of Maryland, Environment Article 5-907 and Code of Maryland Regulations 26.23.02.07).
3. **Responsibility and Compliance:** Authorized Person is fully responsible for all work performed and activities authorized by this Authorization shall be performed in compliance with this Authorization and Approved Plan. Authorized Person agrees that a copy of the Authorization and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Authorized Person, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Authorization, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Department of the Environment Article, Annotated Code of Maryland (2007 Replacement Volume).
4. **Failure to Comply:** If Authorized Person, its employees, agents or contractors fail to comply with this Authorization or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Authorized Person, its employees, agents and contractors to cease and desist any activities which violate this Authorization, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. **Suspension or Revocation:** Authorization may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Authorized Person: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Authorization; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Department of the Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Authorization and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.
6. **Other Approvals:** Authorization does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.

7. **Site Access:** Authorized Person shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Authorized Person shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. **Inspection Notification:** Authorized Person shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester Counties, Authorized Person shall call 410-901-4020.
9. **Sediment Control:** Authorized Person shall obtain approval from the Somerset County Soil Conservation District for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan, and shall be available at the construction site.
10. **Best Management Practices During Construction:** Authorized Person, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration.
11. **Disposal of Excess:** Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
12. **Temporary Staging Areas:** Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
13. **Temporary Stream Access Crossings:** Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Authorized Person, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
14. **Discharge:** Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
15. **Instream Construction Prohibition:** To protect important aquatic species, motor driven construction equipment shall not be allowed within stream channels unless on authorized ford crossings. Activities within stream channels are prohibited as determined by the classification of the stream (COMAR 26.08.02.08). No instream work is permitted with this authorization.
16. **Instream Blasting:** Authorized Person shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.
17. **Minimum Disturbance:** Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by this Authorization or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
18. **Restoration of Construction Site:** Authorized Person shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Authorized Person as directed by the Administration.

#### **FEDERALLY MANDATED STATE AUTHORIZATIONS**

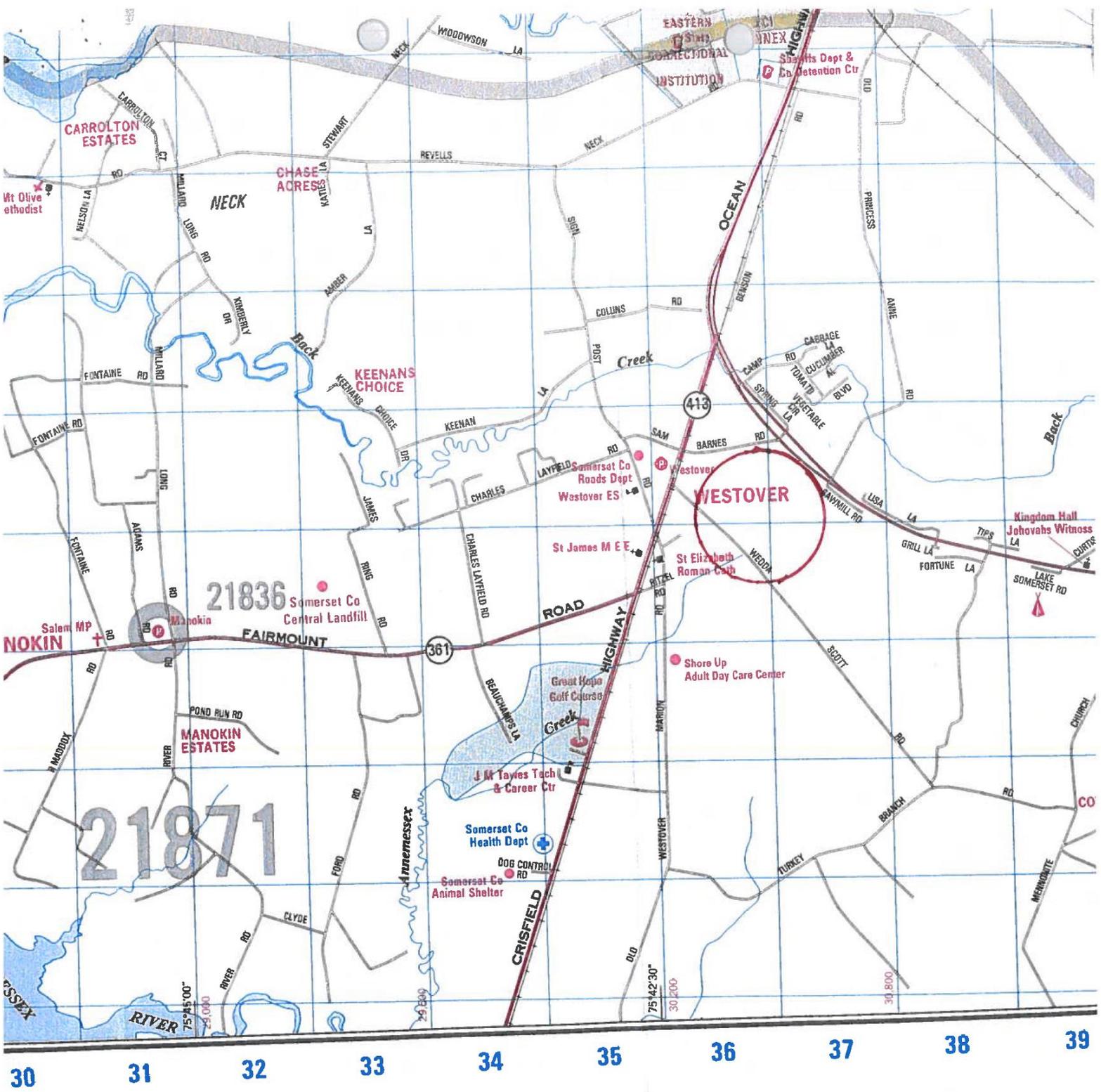
The State of Maryland issued a Water Quality Certification to the U.S. Army Corps of Engineers for projects receiving federal authorization under the Maryland State Programmatic General Permit, Regional General Permit for Chesapeake Bay Total Maximum Daily Load (TMDL) Activities and non-suspended Nationwide Permits. In addition, as applicable, this Authorization constitutes the State's concurrence with the Applicant's certification that the activities authorized herein are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. Activities in the following counties are not subject to the Maryland Coastal Zone Management requirement: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington.

#### **U.S. ARMY CORPS OF ENGINEERS AUTHORIZATION**

The U.S. Army Corps of Engineers will review this activity as an Individual Permit. Any authorization granted and accompanying terms will be sent directly from the U.S. Army Corps of Engineers to the applicant.

**BEST MANAGEMENT PRACTICES FOR WORKING IN  
NONTIDAL WETLANDS, WETLAND BUFFERS,  
WATERWAYS AND 100-YEAR FLOODPLAINS**

- 1) No excess fill, construction material, or debris shall be stockpiled or stored in nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
- 2) Place materials in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
- 3) Do not use the excavated material as backfill if it contains waste metal products, unsightly debris, toxic material, or any other deleterious substance. If additional backfill is required, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance.
- 4) Place heavy equipment on mats or suitably operate the equipment to prevent damage to nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
- 5) Repair and maintain any serviceable structure or fill so there is no permanent loss of nontidal wetlands, nontidal wetland buffers, or waterways, or permanent modification of the 100-year floodplain in excess of that lost under the originally authorized structure or fill.
- 6) Rectify any nontidal wetlands, wetland buffers, waterways, or 100-year floodplain temporarily impacted by any construction.
- 7) All stabilization in the nontidal wetland and nontidal wetland buffer shall consist of the following species: Annual Ryegrass (*Lolium multiflorum*), Millet (*Setaria italica*), Barley (*Hordeum* sp.), Oats (*Uniola* sp.), and/or Rye (*Secale cereale*). These species will allow for the stabilization of the site while also allowing for the voluntary revegetation of natural wetland species. Other non-persistent vegetation may be acceptable, but must be approved by the Nontidal Wetlands and Waterways Division. **Kentucky 31 fescue shall not be utilized in wetland or buffer areas.** The area should be seeded and mulched to reduce erosion after construction activities have been completed.
- 8) After installation has been completed, make post-construction grades and elevations the same as the original grades and elevations in temporarily impacted areas.
- 9) To protect aquatic species, in-stream work is prohibited as determined by the classification of the stream:
  - Use I waters: In-stream work shall not be conducted during the period March 1 through June 15, inclusive, during any year.
  - Use III waters: In-stream work shall not be conducted during the period October 1 through April 30, inclusive, during any year.
  - Use IV waters: In-stream work shall not be conducted during the period March 1 through May 31, inclusive, during any year.
- 10) Stormwater runoff from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
- 11) Culverts shall be constructed and any riprap placed so as not to obstruct the movement of aquatic species, unless the purpose of the activity is to impound water.



30 31 32 33 34 35 36 37 38 39

75°42'30" 75°45'00"

21871

- Equipment access
- Main ditch (5' top width; 4' max depth)
- Spur ditch (3' top width; 2' max depth)



**SOMERSET COUNTY TAX MAP 32 & 40**  
**WEDDA SCOTT ROAD/PHASE III**  
**WESTOVER, MARYLAND**  
**TOTAL NON-TIDAL DRAINAGE**  
**PROJECT=2850'**