COMMENTS RESPONSE

May 30, 2025

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Re: **Tradepoint TiL Terminals LLC Sparrows Point Container Terminal (SPCT)**
Agency Interest Number: 141713
Tracking Number: 202361200
Tidal Authorization Number: 23-WL-0762
Water Quality Certification Number: 24-WQC-0045

The Maryland Department of the Environment ("MDE" or "the Department") received your comments regarding Tradepoint TiL Terminals LLC's (TTT) Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland ("Application") received on August 22, 2023.

The applicant proposes to construct a new container terminal in the Port of Baltimore. The Sparrows Point Container Terminal (SPCT) will be located at the Coke Point Peninsula of Tradepoint Atlantic, 6995 Bethlehem Blvd, Baltimore, MD 21219. The proposed terminal would consist of a +/-3,000-foot marginal wharf with up to nine ship-to-shore cranes, a container yard, gate complex, intermodal/rail yard, and various support structures. To provide vessel access to the wharf, the project would include deepening and widening of the existing Sparrows Point Channel and turning basin, which would require mechanical dredging and placement of approximately 4.2 million cubic yards (MCY) of dredged material. The maximum proposed dredging depth would be -52.22 feet at mean low water.

The proposed project would include four placement options with a total capacity of 4.87 MCY, including the construction of the High Head Industrial Basin Dredged Material Containment Facility (DMCF). A maximum of 1.7 MCY would be placed on-site at the upland High Head Industrial Basin DMCF, a maximum of 1.25 MCY would be placed at the existing Masonville DMCF located in Anne Arundel County, Maryland and/or Cox Creek DMCF located in Baltimore, Maryland, owned by the Maryland Port Administration, a maximum of 1.57 MCY would be barged to Norfolk Ocean Disposal Site (NODS), a designated offshore disposal area located in the Atlantic Ocean, approximately 17 miles from the entrance to the Chesapeake Bay, and a maximum of 350,000 CY of slag will be reused on site. The High Head

Industrial Basin DMCF would have an exterior dike elevation of approximately 33 feet above grade (+40 feet NAVD 88), in the existing High Head Industrial Basin located approximately 2.5 miles northeast of the terminal project area within the Tradepoint Atlantic property.

An in-person public hearing for the SPCT was held on February 25, 2025; a virtual public hearing was held on February 27, 2025; and the notice period ended on March 21, 2025. Responses to your comments are below:

General Comments:

1) The Critical Area Commission (CAC) is in discussion with DEPS concerning the mitigation proposal to convert uplands to tidal wetlands and open water.
2) A bald eagle's nest is in the vicinity of the proposed tidal waters/wetlands creation mitigation areas. Please confirm the distance of the proposed mitigation locations with regard to the nest are appropriate and will not be detrimental to the birds.
3) There are possible contamination issues with the excavation of shoreline in terms of disturbing existing contaminated areas. The shoreline at the new Baltimore County Sparrows Point Park was not disturbed because of contamination on site and the recreation area was required to be capped.
4) Alternative mitigation measures appear more likely to meet with Critical Area approval.
5) Will SPCT be required to complete all mitigation prior to issuance of USACE permit and MDE license?

MDE RESPONSE: *Mitigation will not be required to be complete prior to issuance of the MDE License. To authorize SPCT, the Department is recommending to the Board of Public Works (BPW) that mitigation is assessed for impacts associated with the in-water fill caused by the container terminal wharf and Coal Pier DMCF. On the attached R&R, Special Condition X requires mitigation. A more detailed response is below following the questions related to mitigation.*

TTT RESPONSE: *(1, 4 and 5) TTT has revised the proposed action and the Coal Pier Channel DMCF is no longer included, eliminating the need for placement of dredged material in tidal waters. This change has reduced the overall impact on tidal waters and reduced the mitigation requirements. TTT is working with MDE to develop a detailed mitigation plan addressing MDE mitigation requirements. TTT is also working with Baltimore County on requirements for the Critical Area Commission. (2) The bald eagle's nest is more than 660 feet from the proposed mitigation projects, the distance required by USFWS to avoid impacts on nesting eagles. (3) With the reduction in impacts to tidal waters, the required mitigation has been reduced. TTT is working with MDE to confirm appropriate mitigation. If shoreline excavation remains in the proposed mitigation, TPA will follow established protocols for slag excavation and onsite reuse. (4) Comment noted. (5) The mitigation schedule will be established as part of the final mitigation plan, with MDE review and approval. With the removal of the Coal Pier Channel DMCF, USACE will not require mitigation for impacts on tidal waters.*

High Head Industrial Basin

1) How will the 1.7 MCY of dredge material (DM) be placed? Hydraulic, watertight truck?
2) What is the capacity of the proposed HHIB? Are there plans for future expansion?
3) What is the duration of the dredging/placement operations?
4) Does the HHIB design allow for OM bulking, typically 3 times the volume of dredge material placed?
5) What is the source of the water used to create a slurry for hydraulic placement of dredge material? What is the volume (gallons/day) that will be withdrawn from the water source?

6) Has the water currently in the High Head Pond been sampled to determine if it is suitable for discharge prior to the construction of the HHIB? Will SPCT be required to obtain a discharge permit or Water Quality Certificate for effluent discharge?
7) Will the dredge material be offloaded in close proximity to the EPA designated Bear Creek Superfund site?
8) What conditions will be imposed to ensure sediment from the Superfund site will not be resuspended?
9) What is the "safe" distance for the water intake from Bear Creek to ensure contaminated sediments from the adjacent superfund site are not resuspended and potentially mixed in the slurry placed at HHIB?
10) Will discharge permits be required for the outfall structure(s) of the HHIB DMCF?
11) What water quality standards will to be met prior to discharge into the Baltimore Harbor watershed (Bear Creek) as some sediment will go through the outfall as well as soluble contaminants?
12) How long will the DM take to dewater?

MDE RESPONSE: *The water within the high head reservoir is subject to a General Discharge Permit under NPDES. Once the DMCF is constructed, that discharge will also be subject to a General Discharge Permit under NPDES. This discharge will not be included in the Water Quality Certification for the project. Conditions to address these questions are included in the attached R&R as Special Condition O and P.*

TTT RESPONSE: (1) *The dredged material will be placed into the High Head DMCF hydraulically. (2) High Head is a single use DMCF. By increasing the exterior dike elevation from +30 feet NAVD 88 to +40 feet NAVD 88, or approximately 33 feet above grade, the estimated capacity would be 1.7 million cubic yards (MCY) of material. There are no plans for future expansion of the facility. (3) Dredged material placement is anticipated to occur over three dredging seasons. (4) The design capacity for High Head allows for bulking of the material. (5) As noted in DEIS (page 28) "Water would be added to the dredged material to facilitate hydraulic pumping. This added water would be recycled back from the DMCF to the unloader, limiting the volume of water needed for pumping, but additional water from the Patapsco River may be needed." The use of surface waters and the volume of water withdrawn from the Patapsco River will comply with conditions of a Water Appropriation and Use Permit issued by MDE. To the extent possible, slurry water from the DMCF will be recirculated and reused in this process to reduce the volume of surface water required for withdrawal. The volume of surface water necessary to slurry the material is estimated to range from 0 to 4.8 million gallons per day during active dredging operations. (6) The water within the basin is currently being sampled and discharged on a regular basis pursuant to the Baltimore City Back River Wastewater Treatment Plant NPDES permit. TTT is currently working with MDE to obtain appropriate permits for discharges of effluent associated with the operation of the DMCF, including a new or modified NPDES permit. (7) Offloading of the dredged material will occur at the shipyard in the Patapsco River, well south of the mouth of Bear Creek and the Superfund site. (8) No activity associated with this project will occur in proximity to the Superfund site. (9) Offloading of dredged material will occur off shore of at the shipyard location, south of the Bear Creek superfund site, so no slurry water will be used from the vicinity of the Superfund site. (10) TTT is currently working with MDE to obtain appropriate permits. Either a new NPDES permit or a modification to the TPA's existing NPDES permit will be required. (11) TTT is currently working with MDE to obtain appropriate permits. Water quality discharge criteria will be developed through the permitting process. (12) The dewatering rate will be established during final design and engineering.*

Coal Pier Channel:

13) Where will the 55,000 CY of contaminated overburden (material) be placed?
14) How long will the placed OM in the CPC take to dewater?
15) What is the duration of the placement operation?

TTT RESPONSE: *(13 – 15) The Coal Pier Channel DMCF is no longer part of the proposed action.*

Ocean Disposal:

16) What is the status of the permit authorizing the transport and disposal at the Norfolk Ocean Disposal site?

TTT RESPONSE: *(16) TTT is working with the USACE and USEPA Region 3 on the timing for issuance of the USEPA concurrence prior to issuance of the USACE Section 103 permit that authorizes the transport and placement of the material at the Norfolk Ocean Disposal Site. Sediment testing requirements under Section 103 of the Marine Protection, Research, and Sanctuaries Act have been completed and have been reported and discussed with USEPA and USACE. It is anticipated that the Section 103 permit will be issued with Clean Water Act Section 404 permit and the Rivers and Harbors Act Section 10 permit.*

Potential Environmental Impacts Sediments

17) Was the DM categorization provided by MDE or SPCT?
18) Will construction and dredging activities impact the Superfund site adjacent?
19) Will construction and dredging resuspend sediment from the adjacent Superfund site? e.g. boat wake, prop wash from tug boats, barges, mooring, anchorage, etc.
20) Has there been any hydrodynamic modeling with regard to sediment transport? Will the effluent from the HHIB outfall result in a change to the hydrodynamics to the adjacent Superfund site that will be remediated and capped?

MDE Response: *The Department has not received any comments from EPA that expressed concern for the superfund site or their upcoming remediation project. The characterization of the dredged material was provided to MDE from the applicant. The Department accepts this analysis.*

TTT RESPONSE:*(17) TTT provided the material characterization to MDE and MDE has reviewed the categorization of the material. (18) No construction or dredging activity is planned near the Superfund site. (19) No construction or dredging activity is planned near the Superfund site. (20) The projected effluent flow from the High Head Industrial Basin DMCF is well within the NPDES permitted flow rates for the existing outfall and significantly below past flow rates. No impacts are expected to the Superfund site.*

Mitigation:

21) Is there a need for "restoration" at the proposed mitigation sites?
22) What are the goals of the mitigation sites?
23) Will any of the DM be use beneficially at the mitigation sites?
24) Are there any historical preservation considerations with regard to the African-American owned marina?
25) Has a JPA been submitted for the mitigation site(s) or are they included with the JPA for dredging?
26) The Southeast Peninsula and Craighill Lighthouse Peninsula are exposed to high energy from waves and storm surge. The fetch at these locations ranges between >3.5 miles from the Sand SW to >16 miles from the SE.
27) How does the tidal open water transition to upland?

28) How will creating open water by the removal of the Southeast Peninsula impact the adjacent Jones Creek navigation channel? The Southeast Peninsula effectively acts as a jetty.
29) Will the removal of the Southeast Peninsula result in siltation of the Jones Creek Channel and loss of channel capacity?
30) The description of the Bethlehem Boulevard mitigation site is vague. The proposed area is adjacent to the superfund site. Best management practices must be employed to ensure construction activities do not resuspend sediment and/or compromise the cap of the Superfund site. Additionally, the site may not be appropriate for "nature-based solutions" and wetland creation due to the high wave energy from the >4 mile fetch from the southwest.
31) How does removing the High Pier Wharf provide mitigation within the Sparrows Point Channel? The proposed mitigation area is in a shipping channel and will be subject to disturbances from the proposed maintenance dredging and on-going port activities.
32) Derelict Fishing Gear - The proposed locations are not in close is proximity to the impacted area and outside the Baltimore Harbor watershed.
33) Creating and/or seeding oyster reefs at the Fort Carroll location will be challenging as the water typically lacks the salinity for long term oyster survival and reproduction.

MDE Response: *At this time, a final mitigation package has not been received. The Department will review the mitigation proposal to ensure that values and functions caused by the proposed impact are replaced. Any requests to change the mitigation requirement will be reviewed in consultation with other regulatory and resource agencies. Any mitigation project that involves filling or dredging State Tidal Wetlands will require its own Joint Permit Application (JPA) and will be subject to a review which includes notice to interested persons, a public comment period, and coordination with other resources agencies that include the Maryland Historic Trust who will review any project for its impacts to historic/cultural resources, and Critical Area Commission. COMAR 26.24.05.01.B.(2) Mitigation projects shall be designed to replace the values and functions associated with the wetlands to be impacted. However, to comply with COMAR, open water creation is encouraged to be a component of the mitigation package.*

TTT RESPONSE: *With respect to required mitigation and proposed projects, with the removal of the Coal Pier Channel DMCF from the preferred alternative, the mitigation requirements have changed. USACE no longer has mitigation requirements for the project, and MDE mitigation requirements have decreased substantially. TTT is currently working with MDE to confirm the extent of impacts and identify suitable mitigation from the suite of proposed projects already offered. Many of the proposed mitigation projects will not be implemented. Responses below address the comments in the event the mitigation project is selected for implementation, however, most of the previously proposed projects will not advance given the reduced impacts to tidal waters. (21) Restoration at these sites is not required. (22) The goals for selected mitigation will be fully described in the final compensatory mitigation plan. (23) TTT will evaluate if any of the on-site materials are suitable for reuse as the design advances. Currently there are no plans to reuse the dredged material. (24) Pleasant Yacht Club, the African-American marina, and North Point Yacht Club are no longer under consideration as a component to any proposed mitigation. (25) A separate JPA will be submitted for the proposed mitigation, if needed, once final design has been completed. (26) The high energy conditions at these sites will be evaluated and taken into consideration during development of the final compensatory mitigation plan, if these sites remain within the final plan. (27) The intent of the design is for tidal open water and low marsh tidal wetlands to be the dominant habitats within these sites, then they will transition to a narrow high marsh zone prior to transitioning to a native shrub upland buffer. Details of the transition will be determined as final design advances, if this site is included within the final plan. (28) Comment noted. This mitigation project is unlikely to be part of the proposed mitigation plan. (29) Siltation will be considered as part of the studies conducted to support the development of the final compensatory mitigation plan, if applicable. (30) The Bethlehem Boulevard site is located*

outside of the proposed project limits for the EPA Superfund site. There will be coordination between the design of both sites as design advances. The current plan will contemplate a stone sill or reef-like structure to protect the site from high wave energy and fetch, if this site is included in the final mitigation plan. (31) Comment noted. TTT is reevaluating this mitigation proposal. (32) MDE has stated that the proposed locations should be within the Patapsco River watershed or the adjoining Middle Chesapeake Bay watershed, as depicted on the map of historic fishing grounds included in the mitigation package. Further studies and coordination with the agencies will occur to finalize the project sites selected. (33) Other agencies have recommended creation of a new reef area at Fort Carroll as part of the mitigation package, based on the success of other reef creation activities at the site, despite the lower salinity in this portion of the watershed. Per MDE's direction, the applicant may consider other sites within the Patapsco or adjoining Middle Chesapeake Bay watershed for oyster reef creation in consultation with the agencies if the mitigation package needs to be expanded to include this option and to provide a diverse package of mitigation strategies.

After reviewing the proposed activities, the Department determined that Tradepoint Atlantic Til Terminals LLC is within its riparian rights to construct the Sparrows Point Container Terminal, which includes dredging, wharf construction, and shoreline stabilization. The Department determined that the activities outlined in the attached R&R are consistent with State law and regulations and are a reasonable exercise of the Licensee's riparian rights. The applicant has demonstrated that alternatives to the proposed methods are not feasible, and they have committed to conducting the dredging and wharf construction using best management practices that protect both the Citizens of the State of Maryland and the marine life of the Chesapeake Bay. The Department has decided to send a favorable report recommending the authorization for the proposed activities to the Maryland Board of Public Works (BPW). Please be aware that this report is only a recommendation to BPW for the issuance of a Wetlands License. The BPW will make the final State decision to issue or deny the Applicant's Wetlands License. If you would like to submit comments to the BPW, please contact the Wetlands Administrator, Bill Morgante, at 410-260-7791 or bill.morgante@maryland.gov. Thank you again for your comments. If you have any questions or if I can assist you in any way, please do not hesitate to contact Matt Wallach at matthew.wallach@maryland.gov or 410-207-0893 with any questions. A copy of the signed Report and Recommendation can be found on the following website:
mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/TPASparrowsPointContainerTerminal.aspx

Sincerely,

Matthew Wallach

Matthew Wallach
Tidal Wetlands Division
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Cc: Bill Morgante, BPW
Marie Teresi, USACE