Attachment B

Maryland
Department of the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary
Adam Ortiz, Deputy Secretary

COMMENTS RESPONSE

May 30, 2025

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 (TPA), 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. Comments were received during both hearings and during the public notice period and were grouped according to relevance. Those comments received specific to the subject application are outlined below with the following responses:

1) **Water Quality and Contamination Concerns Due to Dredging:**
    a. Commenters had the following concerns: release of existing legacy contamination within the substrate, turbidity resulting from mechanical dredging operation, how long sediments will remain resuspended during/after dredging, the effectiveness of an 'environmental bucket' to contain dredged material, method of dredging, and how far sediments/contaminated sediments may travel.
    b. Commenters had the following requests: use of a turbidity curtain during dredging, use of hydraulic dredging instead of mechanical, testing results (known contaminants) of substrate material, definition of 'hazardous material' with an explanation as to why the dredged material is not considered hazardous, monitoring during dredging activities (both at the location of the dredging and in adjacent residential areas), removal of sediments if found to reach residential areas, monitoring of the DMCF discharge locations, and additional risk assessments.

MDE RESPONSE: *The Department received geotechnical investigations from the applicant that characterize the sediments and identify the known contaminants present in the substrate that will be removed during the dredging process. The applicant also provided data on potential turbidity and the risk of sediments traveling from the dredging area. Based on these data, the Department is in agreement with the proposed method of mechanical dredging using an 'environmental bucket' where appropriate and logistically feasible; an environmental bucket was used previously at this site during maintenance dredging activities and was shown to be successful at that time. Further, while the use of a turbidity curtain will not be required for dredging, MDE will require that appropriate erosion and sediment control measures be in place for the excavation of uplands, and these will be addressed as part of the erosion and sediment control approval issued by MDE. Monitoring for the DMCF discharges is required as part of the separate discharge permits that TTT will be required to have. Conditions to address these concerns are included in the attached R&R as Special Condition F and Q.*

TTT RESPONSE: *TTT conducted a comprehensive evaluation of the sediments in the proposed dredging areas in accordance with Sampling and Analysis Plans (SAPs) that were approved by regulatory agencies prior to the start of the investigations. The ocean placement SAP was approved by the USEPA and included 15 dredging units (separate distinct areas) in the southern portion of the channel that were tested in accordance with requirements under Section 103 of the Marine Protection Research and Sanctuaries Act (MPRSA). The upland placement SAP was approved by the MDE and the MPA and included a total of 28 dredging units (15 in the southern portion of the channel and 13 in the northern portion of the channel). A total of 97 locations (sample cores) throughout the channel dredging footprint were sampled. For each location, the entire core of material proposed for dredging (to a maximum elevation of -52 feet MLLW) was characterized with respect to physical and chemical attributes; ecotoxicological tests (water column toxicity, sediment toxicity, and bioaccumulation exposures) were also conducted for ocean placement for the 15 southern dredging units. Data for both the ocean and upland testing programs were posted on SPCT's website (https://www.spctmd.com/) and have been available for public review since October 2024 (ocean placement) and January 2025 (upland placement). In addition, TTT proactively presented the technical approach and results of the ocean and upland sediment evaluations to multiple community groups prior to the DEIS public hearings and during the DEIS comment period.*

Results of the ocean placement evaluation indicated that material from 14 of the 15 southern dredging units met the requirements for ocean placement under Section 103 of the MPRSA. These dredging units may not require the use of an environmental bucket, as the quality of the material is consistent with material that is maintenance dredged in the adjacent federal navigation channel (Brewerton

Channel). Results of the upland placement evaluation indicated that five dredging units were classified as MDE Reuse Category 1 (Residential - Unrestricted Use), 21 dredging units were classified as Category 2 (Nonresidential - Restricted Use – Nonresidential), and two dredging units were classified as Category 3 (Restricted Use – Cap Required). A human health risk evaluation was used to determine the MDE reuse classification for each dredging unit; this evaluation considered the dose, exposure pathway, and duration of exposures for chemicals that were present in the sediments in each dredging unit. Each of the 28 dredging units was also tested to determine if the materials exceeded the Toxicity Characteristic Leaching Procedure (TCLP) thresholds that are used to categorize material as Resource Conservation and Recovery Act (RCRA) hazardous waste as defined in 40 Code of Federal Regulations (CFR) 261.24. None of the material exceeded TCLP threshold concentrations (i.e., none of the dredge units are considered RCRA hazardous waste). Based on the MDE reuse classifications of the material and the results of the TCLP testing, the materials from each channel dredging unit are suitable for onsite or offsite upland placement.

Additional comparisons of the channel sediment chemical data to the MPA's Baseline Control Limits (numerical screening values that have been established for the MPA's DMCFs) indicated that the chemical concentrations in the two dredging units classified as MDE Reuse Category 3 were dissimilar to material previously placed at the MPA DMCFs; therefore, material from these two dredging units will not be placed at an MPA DMCF but will be placed in the High Head Industrial Basin DMCF on TPA property and will be capped by Category 1 or 2 materials within the DMCF.

Hydraulic dredging is not proposed for the SPCT project due to the volume of water that would require management in the onsite DMCF. Hydraulic dredging does not allow for the recirculation and reuse of the water from within the DMCF for slurry water/pumping and therefore requires DMCF containment capacity of approximately three times higher than the design capacity of the High Head Industrial Basin DMCF. The required DMCF capacity, the increased settling and consolidation time for the sediments in the DMCF, and the volume of water requiring management (and subsequent effluent discharge) precludes the use of hydraulic dredging for this project.

Mechanical dredging with use of an environmental bucket has shown to be effective for controlling turbidity and is commonly used within the dredging industry in areas with known contaminants. Studies conducted by multiple entities have documented that fine-grained sediments resuspended from mechanical dredging operations settle within several hundred feet of the point of dredging. TPA has conducted monitoring of turbidity during maintenance dredging with an environmental bucket in the existing Sparrows Point Channel. The results of these studies indicated the highest turbidity was localized to the upper portion of the water column in the immediate vicinity of the dredge and dissipated to background concentrations at a distance of approximately 300 feet from the point of dredging. Based on results of plume studies and based on the low current velocity in the north channel/turning basin area (approximately 0.02 knots), any suspended sediments resulting from dredging in the north channel area would be expected to remain localized within the turning basin. The northern portion of the channel is located within the turning basin. The turning basin acts as a confined space for a turbidity plume; the confined space contains and restricts movement of the plume.

Many studies have documented the behavior and movement of Total Suspended Solids (TSS) and turbidity associated with clamshell dredging operations. National Marine Fisheries Service has estimated TSS concentrations associated with mechanical dredging of fine-grained material to be several hundred milligrams per liter (mg/L) above background near the bucket (point of dredging), with rapid settlement within a 2,400-foot radius of the dredge location. Dredge point monitoring studies of clamshell dredging in the Baltimore Harbor by the US Army Corps of Engineers (USACE) indicated that TSS concentrations were similar to background concentrations within approximately 240 feet from the point of dredging. Studies conducted by the USACE for dredging activities in

Newark Bay and the Kill Van Kull indicated that turbidity plumes in the upper water column reached background levels within 600 feet of the point of dredging. The MDE regulation COMAR 26.24.02.06 provides a presumptive safe dredging distance of 1,500 feet from shellfish areas during seasonal prohibition periods. Each of these studies provides weight-of-evidence that the movement of suspended sediment from mechanical dredging operations in the south portion of the Sparrows Point Channel would be limited to a maximum of 0.5 miles from the point of dredging. This distance is located within the roughly two-mile extent of the southern shoreline of Sparrows Point and is far-removed from the nearest residential properties that are located several miles away.

2) <u>Dredge Material Containment</u>

a. Commenters had the following concerns: potential for contamination to be released from the DMCFs, the in-water DMCF is too small and does not cap enough legacy contamination in the substrate. Commenters believe that the larger DMCF should be the preferred alternative because it would function to cap more legacy contamination than the smaller in-water DMCF. They believe that the smaller DMCF will result in more aquatic life exposed to existing contamination.
b. Commenters had the following requests: a larger High Head Reservoir DMCF to hold more dredged material on land, a larger in-water DMCF (in order to serve as a cap for existing contamination). Commenters requested capping of existing offshore contaminants to the maximum extent possible.

<u>MDE RESPONSE:</u> *MDE Land Restoration Program (LRP) will be reviewing the plan for the DMCF at High Head Industrial Basin. The proposed High Head Industrial Basin DMCF is under Controlled Hazardous Substances (CHS)/Voluntary Cleanup Program (VCP) oversight, as well as EPA Resource Conservation and Recovery Act (RCRA) oversight. The High Head DMCF dike walls will be required to be capped because TTT plans to construct them out of slag, which is permissible with capping and land use restrictions. The DMCF will also need to be capped once dewatering activities are completed. Conditions to address these concerns are included in the attached R&R as Special Condition O, P, U and V.*

Regarding the request to cap contamination with a DMCF, the Department acknowledges the ongoing concern that areas offshore with known contamination pose a risk to both aquatic life and people. However, it is the Department's opinion that there is a chance that at some point in the future this contamination will be cleaned up. If a DMCF is placed on top of this contamination, it will result in a conversion of tidal open water to uplands, causing the resource to be permanently lost. The Department recognizes that these contaminated locations are a source of exposure for fish and other aquatic life, which then in turn pass contamination up the food web, but the Department supports remedial efforts to address contamination that do not convert tidal open water to uplands.

<u>TTT RESPONSE:</u> *The High Head Industrial Basin DMCF is designed to contain dredged material while ensuring the quality of the effluent discharged from the dewatering of the DMCF complies with project-specific discharge permit requirements (NPDES permit limits). The High Head Industrial Basin DMCF will be constructed with a berm that runs the entire circumference of the existing basin.*

The design criteria include the following:

- *An impermeable subgrade slurry wall. The slurry wall will be embedded into a lean clay strata.*
- *An impermeable clay core located at the center of the embankment berm. The clay core will be embedded into the slurry wall to provide a continuous watertight system.*

This containment system shall be impermeable. Once filled, the DMCF will be capped. The High Head Industrial Basin DMCF will receive all categories of material generated during the container terminal project.

The High Head Industrial Basin DMCF design will be reviewed and approved by the Land Restoration Program of the MDE Land and Materials Administration. The effluent discharge permit (NPDES permit) will be issued by the MDE Wastewater Pollution Prevention & Reclamation Program.

TTT is currently evaluating the expected permeability of the dredged material following placement and consolidation in the onsite DMCF. Laboratory permeability test results show the dredged material permeability to be 1 x 10^{-8} cm/sec. Once consolidated, this material will limit vertical and lateral movement of aqueous media within the DMCF. The DMCF will be capped once filled.

While TTT initially considered a larger offshore DMCF footprint and also considered a smaller DMCF in the footprint of the Coal Pier Basin, the federal and state regulatory agencies required an evaluation of additional dredged material placement alternatives in the DEIS to reduce the loss of aquatic habitat/tidal open water that would occur as a result of the offshore DMCF option. While it is acknowledged that capping offshore sediments and sediment within the Coal Pier Basin would reduce exposure of contaminants to aquatic life, the preferred alternative uses a combination of placement options that eliminates the loss of tidal open water habitat while addressing the dredged material placement needs of the project.

3) **Increased Truck and Train Traffic:**
   a. Commenters had the following concerns: (Trucks) Increased trucks driving through residential streets, lack of signage directing trucks away from residential streets, increased noise, emissions, unsafe conditions, and traffic. (Trains) Increased trains through residential communities where the infrastructure may not support the quantity of trains, creating a safety risk at crossing locations.
   b. Commenters had the following requests: (Trucks) Clarifying information regarding the quantity of expected trucks (daily trucks), a traffic analysis to confirm truck routes/locations, and if the existing infrastructure can support the quantity of trucks, additional signage or other measures to ensure trucks are not driving down residential neighborhoods. (Trains) TTT should pursue automated crossings and address potential noise and safety concerns related to increased train traffic.

MDE RESPONSE: *The Department is reviewing the proposed SPCT in relation to its impact to State Tidal Wetlands. While the Department recognizes these concerns, these comments are outside the scope of the Tidal Wetlands review.*

TTT RESPONSE: *TTT recognizes the concern of increased truck and train traffic. Recent traffic studies indicate that terminal traffic from the SPCT within and around the industrial footprint of Sparrows Point Peninsula will be at levels within acceptable limits for area roadways. Traffic levels will also be at or below expected previously modeled traffic counts which contemplated the redevelopment of the Coke Point Peninsula entirely as distribution centers. Recent roadway improvements made along Bethlehem Blvd. which facilitate direct access from the SPCT terminal to I-695 show that the roadway infrastructure will perform at a "good" level of service with expected traffic below the built capacity of these roadways. Additionally, terminal traffic routing and truck queuing will be kept within the industrial footprint of Tradepoint Atlantic. The planned terminal traffic pattern routes vehicular traffic from and to the terminal along what is today known as Riverside Drive (future Bethlehem Blvd. extended). Riverside drive follows the western*

shoreline of Sparrows Point to Bethlehem Blvd. to the I-695 interchange at Peninsula Expressway. It is also expected that current tenants within Tradepoint Atlantic may opt to use the new terminal, thus potentially reducing truck drayage traffic within the region that currently uses local roadways. TTT agrees that improved directional signage along roadways will help better orient any errant and unintentional traffic impacting local communities back to main roadways and intended truck routes, however, TTT does not have the authority to create new signage on public roads but is working with MDOT and MD SHA on this concern. Only state and local authorities can erect signs on state and local roadways.

Similarly, with respect to the rail crossings, those improvements fall outside the jurisdiction of TTT and the SPCT project. TTT will be coordinating with both CSX & Norfolk Southern, Class I railroads that currently serve Tradepoint Atlantic to evaluate any needed infrastructure upgrades to accommodate train volumes (including at-grade rail crossings) outside the Sparrows Point peninsula. Anticipated rail traffic volumes once the terminal reaches capacity (year 2038) will be consistent with past 2006 volumes experienced during steel mill operations.

4) **Pleasant and North Point Yacht Clubs.**
    a. Numerous commenters requested to keep the Pleasant and North Point Yacht Clubs. They brought up the history of these yacht clubs, the community benefit, the cultural/historic value of these, particularly the African American Yacht club. They believe that the removal of the Pleasant Yacht club will erase a historical and cultural landmark.

MDE RESPONSE: *The proposed mitigation is independent of any lease decision between TPA and the yacht clubs. The Department does not require the removal of any yacht club. The removal or preservation of the yacht clubs are outside the scope of a Tidal Wetlands Review.*

TTT RESPONSE: *By eliminating the proposed Coal Pier Channel DMCF from the preferred alternative in the Final EIS, TTT has avoided the majority of in-water impacts thereby reducing the amount of mitigation required. As a result, no changes will be made to either yacht club as part of the SPCT project.*

5) **Mitigation (Open Water Creation Proposal)**
    a. Commenters had the following concerns: numerous opposition to the removal of the land along Jones Creek and Old Road Bay, potential historical value of the land at the locations of the yacht clubs and Craighill peninsula, the southwest peninsula serves as a breakwater protecting Old Road Bay, while large amount of Tradepoint Atlantic's property was constructed through filling, the actual land beneath most of the North Point Yacht Club and Craighill Peninsula is original, virgin land; not historic fill. Commenters questioned whether this removal of these land features will affect tidal flow and erosion within Jones Creek.
    b. Commenters had the following requests: studies that demonstrate the removal of land will not have a negative effect on tidal flow or increase erosion in Jones Creek, a community benefit. While mitigation is intended to address the environment, community members request that mitigation also provides a community benefit and believe that removal of land will hurt local communities. Finally, they requested that open water creation be replaced with other forms of mitigation (listed below) that they think will be superior in habitat uplift and community benefit.

MDE RESPONSE: *The Department response on this topic is addressed after the following section.*

TTT RESPONSE: *TTT's response on this topic is addressed after the following section.*

6) **Mitigation (Alternative options):**
   a. Commenters requested consideration of the following to meet the mitigation requirement: protection/preservation of Black Marsh Wildlands, removal of marine debris, oyster habitat creation, and removal of derelict/abandoned vessels.
   b. Commenters requested a reduction in mitigation requirements (in order to preserve existing land) due to the following reasons: encapsulation of the coal pier channel should count for mitigation; the construction of the DMCF over known contamination will have a net benefit, improve habitat, eliminate exposure pathways, thus not requiring mitigation. Others believe that this project is self-mitigating.
   c. Numerous commenters requested "algal turf scrubbers, oyster biohuts, living shorelines, and a community monitoring program".

MDE RESPONSE (for both #s 5 and 6): *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. On the attached R&R, Special Condition X requires mitigation.*

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. 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.

TTT RESPONSE: *By eliminating the proposed Coal Pier Channel DMCF from the preferred alternative in the Final EIS, TTT has avoided the majority of in-water impacts thereby reducing the amount of mitigation required. Mitigation will be required by MDE for impacts associated with the in-water fill caused by the construction of the container terminal wharf. If the final mitigation package involves filling or dredging of State Tidal Wetlands, the mitigation package will undergo a full review through the JPA process (as noted in MDE's response above). With the elimination of the Coal Pier Channel DMCF, USACE will not require tidal waters mitigation.*

7) **BMPs During Construction.**
   a. Commenters requested the following BMPs and monitoring: BMPs for pile driving and for dredging, including monitoring for underwater noise, turbidity, and intake screening needed for hydraulically placing material. They also requested BMPs for Sediment and Erosion Control and requested the recycling of slurry water.

MDE RESPONSE: *In consultation with Maryland Department of Natural Resources (DNR), the Department recommends to BPW a time of year restriction for dredging and DMCF construction of all in-water work from April 1 through October 1 of any year to protect anadromous fish and aquatic species. Time-of-year restriction waivers for in-water activities may be granted after review and further consultation with DNR. The Department also recommends to BPW that the Licensee is required to submit Erosion and Sediment Control Plan(s), which address protecting*

water quality, maintenance of stream flow, and dewatering. Conditions to address these concerns are included in the attached R&R as Special Condition E. F, K, M and Q.

8) Electrification of SPCT:

a. Commenters had concerns about the increased carbon footprint of the facility and requested electrification of the entire facility.

MDE RESPONSE: *The Department is reviewing the proposed SPCT in relation to its impact to State Tidal Wetlands. While the Department recognizes these concerns, these comments are outside the scope of Tidal Wetlands review.*

TTT RESPONSE: *TTT is committed to developing the greenest port terminal on the East Coast. Towards this goal, the terminal will include ship-to-shore power, making SPCT the only terminal on the East Coast with this provision. Ship-to-shore power connects vessels to the port's electricity grid, which eliminates the need for ships to run their engines to generate electricity when at port. Furthermore, while the proposed terminal is only partially electrified, all ship-to-shore cranes and gantry cranes will be 100% electric, and the terminal has been designed to include infrastructure to easily accommodate electrification of mobile equipment in the future when practicable.*

9) Air Quality:

a. Commenters had concerns about asbestos particularly in Turner Station.

MDE RESPONSE: *The Department is reviewing the proposed SPCT in relation to its impact to State Tidal Wetlands. While the Department recognizes these concerns, these comments are outside the scope of Tidal Wetlands review.*

TTT RESPONSE: *While asbestos was not specifically tested for in the sediments from each of the dredging units, sediment cores collected at each of the 97 sampling locations were visually inspected, geologically logged, and photographed. The core logs included visual descriptions of sediment type and color, odor, and observations regarding debris or unusual characteristics. These records are included as an appendix to the upland sediment report.*

The normal procedure for identification of Asbestos Containing Material (ACM) would be to "inspect" a representative sample of the sediment for suspect ACM and send a sub-sample of suspect ACM identified for analysis of asbestos content. Visual identification of fibrous material or suspect ACM was not noted in sediments for any of the cores. If suspect ACM was identified during the processing of the cores, it would have been sampled and submitted for identification of asbestos content via laboratory analysis. It should be noted that asbestos is an inhalation hazard and that asbestos fibers within wet sediments would not become airborne and would not be a human health risk. Because suspect ACM was not visually identified in any of the cores, ACM would not be expected to be present in dredged material placed in onsite or offsite DMCFs.

10) Community Outreach/Coordination:

a. Commenters expressed a desire to be included in the process and the importance of transparency and public involvement.

MDE RESPONSE: *The Department required the public notice for the SPCT be sent to all riparian property owners within 3 miles of the project site, jointly hosted two public hearings, and is including all attendees and commenters as interested persons. These people will be notified during the review and issuance of any subsequent major modifications or, new applications for mitigation. The Department also provides information related to the project on the following MDE webpage: mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/TPASparrowsPointContainerTerminal.aspx*

TTT RESPONSE: *TTT values our relationship and partnership with our local communities that has been achieved through long-standing community outreach and engagement efforts of Tradepoint Atlantic. As noted on page 6 of the Draft EIS, "TPA and TTT's corporate affairs team developed a robust outreach program to increase public awareness and participation in this process. The program includes the regular engagement of the Tradepoint Atlantic Community Advisory Board, which consists of two dozen representative members of nearby stakeholder communities of Tradepoint Atlantic. Since September 2023, TTT's corporate affairs team has also held and attended more than 50 in-person community stakeholder meetings to present and discuss the project. Public engagement materials are developed in English and Spanish to better engage with and serve the diverse populations within local communities, ensuring that residents have the opportunity to be informed and involved. TTT has also developed a website to provide project information to the public: https://www.spctmd.com /." TTT and Tradepoint Atlantic remain committed to continued engagement with public stakeholders throughout this process as we build upon long-term relationships that reflect, respect, and support the communities of which we are a part.*

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
Maryland Department of the Environment

Cc: Bill Morgante, BPW
Maria Teresi, USACE