



January 11, 2024

MDE/Water and Science Administration
Regulatory Services Section – Attn: WQC
Montgomery Park Business Center – Ste 430
1800 Washington Blvd
Baltimore, MD 21230-1708

RECEIVED
JAN 16 2024
WATER AND SCIENCE ADMIN.
REGULATORY SERVICES COORD.

RE: Request for CWA 401 Water Quality Certification
AI#: 179399/ Permit #s: NAB-2020-60863; 23-WL-0813
US Wind, Inc. Operations & Maintenance Facility – Pier Installation

To Whom it May Concern:

In accordance with 40 C.F.R. § 121.5 and COMAR 26.08.02.10, US Wind, Inc. (US Wind) is providing the following information to request a Water Quality Certification (WQC) for the construction and operation of a commercial-scale offshore wind energy facility (Maryland Offshore Wind Project). As MDE only has jurisdiction over Maryland state waters, the information provided for the WQC focuses on the replacement and upgrade of an existing pier and bulkhead at their Operation and Maintenance (O&M) Facility within the Ocean City Commercial Harbor (Permit #s: 23-WL-0813).

- a. *Identify the project proponent(s) and a point of contact. Name, address, phone number, email address of the applicant and as applicable the authorized agent.*

Project proponent: US Wind
Applicant point of Contact: Jeffrey Grybowski
Address: 401 East Pratt Street, Suite 1810, Baltimore, MD 21202
Phone number: 410-727-4020
Email address: j.grybowski@uswindinc.com

Authorized agent: Megan Welling, McCormick Taylor
Address: 1501 South Clinton Street, Suite 1150, Baltimore, MD 21224
Phone number: 667-219-3914
Email address: mawelling@mccormicktaylor.com

- b. *Identify the applicable federal license or permit.*

The US Army Corps of Engineers (USACE) Section 404/Section 10 permit is one of many federal permits required for the Maryland Offshore Wind Project (Permit # NAB-2020-60863). A copy of the Individual Permit application that was submitted in August 2023 is included in **Attachment 1**. A copy of the original JPA specific to the O&M Facility – Pier Installation that was submitted in August 2023 and a supplemental filing submitted in November 2023 are included as **Attachment 2**

- c. *The project site address, including coordinates in degrees, minutes, seconds, 12 digit HUC no., Watershed name.:*

The pier and bulkhead work associated with the proposed O&M Facility are located at:
Address: 12929 Harbor Road and 12933 Harbor Road, Ocean City, Maryland
Coordinates: 38° 19' 35" N, 75° 6' 9"W
12-digit HUC: 021301040681; Sinepuxent Bay

See Appendix A of **Attachment 1** for location details for the Maryland Offshore Wind Project.

- d. *The name(s) and address(es) of adjacent property owners:* A list of Adjacent Property Owners is included in **Attachment 3**.
- e. *Signed Public Notice Billing Form:* A signed Public Notice Billing Form is included as **Attachment 4**.
- f. *Identify the proposed project. Description of the facility or activity:*

US Wind is constructing an O&M Facility in support of its Maryland Offshore Wind Project. The O&M Facility will be constructed at existing properties along Harbor Road in Ocean City, Maryland (Worcester County). As part of this O&M Facility, US Wind is proposing to replace and upgrade an existing pier and bulkhead within the Ocean City Commercial Harbor (Sinepuxent Bay), to accommodate crew transfer vessels (CTV), which will support the overall project.

The existing timber pier is approximately 560 feet long by 12 feet wide and is in an advanced state of deterioration. The existing bulkhead/quay wall along the overall property is of unknown construction and is also suspected to be in an advanced state of deterioration. These structures will require complete reconstruction in order to support Project vehicles and equipment, and to safely berth CTV's that will be used to support Project operations.

US Wind is proposing to construct an up to 28 foot wide by up to 625-foot-long concrete fixed pier, a 175-foot-long concrete wharf bulkhead, a 2-foot-wide timber fender system along the north side of the pier and bulkhead, and a 2-foot-wide timber fender system and wave screen on the south side of the pier. The bulkhead will extend a maximum of 18 inches (1.5 feet) channelward of the mean high-water line. The pier will extend a maximum of 30 feet channelward of the mean high-water line.

See Section 2.0 of **Attachment 1** for a description of the Maryland Offshore Wind Project.

- g. *A plan showing the proposed activities to scale including:*
- *The location(s) and boundaries of the activities;*
 - *The location(s), dimension(s), and type(s) of any existing and/or proposed structures; and*
 - *The location(s), name(s), identification number(s), and extent of all potentially affected surface water bodies, including wetlands*

Please refer to the latest set of impact plates that were provided in a supplemental filing in November 2023, provided in **Attachment 2b**.

See Appendices C through F of **Attachment 1** for proposed plans for the Maryland Offshore Wind Project

- h. *Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters; A description of any discharge which may result from the conduct of any activity including:*
- i. *Biological, chemical, thermal or other characteristics of the potential discharge;*
- a) *A description of any other aspect of associated with construction and operation of the activity that would affect the chemical composition, temperature, flow, or physical aquatic habitat of the surface water.*

Potential discharge from sediment disturbance that may result from the proposed pier installation work during pile driving, installation, and removal activities. No dredging will occur as part of the pier installation work. Only minor disturbance is anticipated.

- b) *The characteristics of the discharge*
- *Flow rate (cfs) - N/A*
 - *Potential chemical, physical, biological constituents - N/A*
 - *Frequency (e.g., daily, hourly,) - N/A*
 - *Duration – Any potential discharge from the construction of the O&M facility and pier installation would be minor and temporary in nature. The duration of piling for the pier piles and timber fender system piles will be approximately 6 months, and the installation of the sheet pile bulkhead will be approximately 3 months, for a total duration of 9 months.*
 - *Temperature (Celsius) - N/A*

- ii. *The location or locations at which any discharge may enter navigable waters;*
- a) *Latitude and longitude (dd:mm:ss)*

Potential discharge is anticipated to occur along the shoreline of the Ocean City Commerical Fishing Harbor, where the pier installation is proposed.
Lat/long: 38° 19' 35" N, 75° 6' 9"W

- b) *An original or color copy/reproduction of a United States Geological Survey Quadrangle Map that clearly shows the location of the activity and all potential discharge points*

USGS Quadrangle maps showing the general O&M facility/pier location have been provided as **Attachment 5**.

- iii. *Data supporting existing aquatic life use for each waterway; and*

No records of anadromous fish were identified within the vicinity of the O&M facility/pier installation during a review of DNR ERP's Aquatic Resources Pre-Screening Tool.

US Wind consulted with multiple agencies and conducted analyses regarding potential impacts to aquatic resources as part of the Maryland Offshore Wind

Project permitting process. This data is discussed in detail in Sections 5.6, 5.7, 5.8, and 5.9 of **Attachment 1**. Documentation of all agency correspondence is also captured in Table 1.4-1 in Section 1.4 of **Attachment 1**.

iv. Antidegradation alternatives analysis as applicable to Tier II waters.

The O&M Facility/pier installation work does not fall within Tier II waters.

v. The existing and designated use(s) that are potentially affected by the proposed activities.

The Sinepuxent Bay is classified as Use II. None of the designated uses for these waterbodies will be affected due to the proposed activities.

i. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge; A description, if applicable, of the function and operation of any equipment or facilities to treat any discharge and the degree of treatment to be attained. A description of any other aspect of associated with construction and operation of the activity that would affect the chemical composition, temperature, flow, or physical aquatic habitat of the surface water.

US Wind will install silt fencing and hay bales upland of the proposed construction area to avoid and/or minimize discharge into the waterway. In addition, turbidity curtains are anticipated to be used in the water during pile demolition and pile driving activities. Dredging will not be necessary for construction or operation; therefore, no major turbidity is expected. Following construction activities, all approved work areas will be restored and stabilized to preconstruction conditions.

Details on methods and means to monitor discharge for the Maryland Offshore Wind Project are included in Section 5.3.3 of **Attachment 1**.

j. The date on which the activity will begin or end, if known, and the date or dates on which any discharge may occur.

Construction for the Maryland Offshore Wind Project may start as early as Quarter 4 2025, pending all permit approvals. US Wind will notify MDE and USACE prior to construction start.

k. A description, if applicable, of the methods proposed or employed to monitor the quality and characteristics of any discharge.

Details on methods and means to monitor water quality for the Maryland Offshore Wind Project are included in Section 5.3.3 of **Attachment 1**.

l. A specific and detailed mitigation plan as applicable for projects requiring mitigation:

Per MDE, mitigation is not anticipated for impacts associated with the pilings/pier installation.

Details on the mitigation plan for the Maryland Offshore Wind Project are included in Section 6.3 **Attachment 1**.

- m. *Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received; Other related permits issued or required (Individual 404 Permit, Nationwide Permit No., Section 10 Permit, Erosion and Sediment Control Plan Approval, NPDES permit (including Stormwater Permits), Regional Permits.*

A list of all permits required for the Maryland Offshore Wind Project is included in Table 1.4-1 in Section 1.4 of **Attachment 1**.

- n. *Any other information for evaluation of the impact of the activity on water quality. This may include quantitative analysis to demonstrate that the proposed activity may not violate State water quality standards.*

Appropriate BMPs, including turbidity curtains for pile demolition and pile driving activities, will be implemented to minimize impacts to water quality. US Wind anticipates disturbance from the proposed pier installation activities will be minimal.

- o. *Include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request.*

A pre-filing meeting request was submitted via email on December 21, 2023 and a meeting was held on January 5, 2024 with MDE to discuss. The email request is included in **Attachment 6**. During that discussion, MDE waived the formal pre-filing meeting and 30-day wait period requirement.

The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.

If you should have any questions or need additional information, please contact me at (410) 340-9428 or l.jodziewicz@uswindinc.com, Todd Sumner at (443) 240-2824 or t.sumner@uswindinc.com, or Megan Welling at (667) 219-3914 or mawelling@mccormicktaylor.com. We thank you for your consideration concerning this project.

Sincerely,



Laurie Jodziewicz
Senior Director of Environmental Affairs
US Wind, Inc

CC: Miles Simmons, MDE
Todd Sumner, US Wind
Ben Cooper, US Wind
Megan Welling, McCormick Taylor