



# Maryland

## Department of the Environment

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

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

October 7, 2021

Cambridge Shipyard Facility, Inc.  
C/o John Tyszkiewicz  
Whitney, Bailey, Cox & Magnani, LLC  
300 East Joppa Road, Suite 200  
Baltimore, Maryland 21286  
Via Email: [jtyzkiewicz@wbcm.com](mailto:jtyzkiewicz@wbcm.com)

Re: Agency Interest Number: AI # 72048  
Tracking Number: Tracking # 201760327  
Tidal Authorization Number: WQC # 21-WQC-0130

Dear George Robinson:

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 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 Mary Phipps-Dickerson at (410) 901-4033 or [Mary.Phipps-Dickerson@Maryland.gov](mailto:Mary.Phipps-Dickerson@Maryland.gov) with any questions.

Sincerely,

Tammy K. Roberson  
Division Chief  
Tidal Wetlands Division



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



**21-WQC-0130**

EFFECTIVE DATE: **October 7, 2021**  
CERTIFICATION HOLDER: **Cambridge Shipyard Facility, Inc.**  
ADDRESS: **101 Hayward Street**  
**Cambridge, Maryland**  
PROJECT LOCATION: **101 Hayward Street**  
**Cambridge, Maryland**  
**Cambridge Creek in Dorchester County**

**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 MARYLAND DEPARTMENT OF THE ENVIRONMENT, WATER AND SCIENCE ADMINISTRATION HAS DETERMINED THAT THE REGULATED ACTIVITIES DESCRIBED IN THE REQUEST FOR CERTIFICATION FOR THE PROPOSED Cambridge Shipyard Facility, Inc. AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED October 28, 2020 AND ANY SUBSEQUENT MODIFICATIONS APPROVED BY THE DEPARTMENT WILL NOT VIOLATE MARYLAND'S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE 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**

- Install an 820-ton travel lift as depicted in plans dated October 28, 2021 and described below:
1. Construct a 197-foot long by 78 foot wide 820-ton travel lift, 2 associated 197-foot long by 11-foot wide piers all within a maximum of 197 feet channelward of the mean high water line.
  2. Construct two 19-pile dolphins within a maximum of 270 feet channelward of the mean high water line.
  3. Construct approximately 289 linear feet of replacement steel sheet pile bulkhead all within a maximum of 1.5 inches channelward of the existing bulkhead.
  4. Excavate 2,517square feet of uplands a maximum of 46 feet landward of existing mean high water line to create a travel lift slip.

5. Replace 55 linear feet of timber wavebreak with timber or vinyl wavebreak within a maximum of 55 feet channelward of the mean high water line.
6. Remove an area of existing revetment at the lift location and replace it with 242 linear feet of steel sheet pile bulkhead at new or existing mean high water line.
7. Place 32 linear feet stone revetment within a maximum of 32 feet channelward of the mean high water line.
8. Dredge by mechanical method a 13,368 square foot area to a maximum of 20 feet deep at mean low water and dispose of the approximate 4,726 cubic yards of dredged material and 2,236 cubic yards of excavated uplands at the Beulah Landfill located off of Beulah Pit Road, Hurlock, Maryland.
9. Extend a 24-inch diameter outfall pipe through the new bulkhead.

## **GENERAL CONDITIONS**

1. 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.

Citation: 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 26.24; COMAR 26.23.02.06

2. 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.

Citation: 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 26.24

3. 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.

Citation: 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 26.24;

4. This Certification is valid for the project identified herein and the associated U.S. Army Corps of Engineers authorization **NAB-2017-60327** 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 26.24

## **SPECIAL CONDITIONS**

1. The Certificate Holder shall ensure that no dredging be conducted from December 16 through March 14 and June 1 through September 30 of any year to minimize impacts to shellfish resources.

Statement of Necessity: A time of year restriction is necessary to minimize impacts from turbidity from dredging which can interfere with the ability of spat to attach and feed. Disturbance during the closure period would interfere directly or indirectly with oyster and other shellfish resources.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

2. The Certificate Holder shall complete construction of the bulkhead prior to filling behind the bulkhead. The bulkhead shall be designed and constructed to prevent the loss of fill material to waters of the State of Maryland. Only clean fill, which is free of organic, toxic, contaminated, or deleterious materials, shall be used.

Statement of Necessity: Loss of fill material may result in violations of water quality due to turbidity and other alterations which interfere with designated uses as well as designated use class for support of estuarine and marine aquatic life, and support of designated uses for growth and propagation of fish, shallow water submerged vegetation, other aquatic life and wildlife. Loss limits will maintain the designation use.

Citations: 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 26.24; COMAR 26.08; COMAR 26.08.02.10G (3); COMAR 26.08.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.23.02.06; 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

3. The Certificate Holder shall submit a detailed dredged material disposal plan to and approved by the Water and Science Administration, Tidal Wetlands Division within six months of the effective date of this Certification or prior to commencement of any work under the Certification, whichever comes first. Failure to comply with this condition shall result in automatic suspension of the Certification.

Statement of Necessity: This condition is necessary to ensure that dredged material is removed and placed at a site and in a manner which prevents its re-entry into Waters of the United States, where its release may result in failure to meet turbidity standards and failure to meet designated uses for Turbidity; Discharge of dredged material may interfere with designated uses or support of estuarine and marine aquatic life and shellfish harvesting and may result impacts to water quality, clarity, growth and propagation of fish, other aquatic life, and wildlife.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

4. The Certificate Holder may dispose of dredged material only at an MDE-approved dredge disposal site.

Statement of Necessity: This condition is necessary to ensure that dredged material is removed which prevents its re-entry into Waters of the United States, where its release may result in failure to meet turbidity standards and failure to meet designated uses for Turbidity; Discharge of dredged material may interfere with designated uses or support of estuarine and marine aquatic life and shellfish harvesting and may result impacts to water quality, clarity, growth and propagation of fish, other aquatic life, and wildlife.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

5. The Certificate Holder shall transport all dredged material in watertight trucks. No dredged material shall be discharged onto the roadways of the State.

Statement of Necessity: Transportation of dredged materials in watertight trucks prevents the unintended release of sediment laden water as the material is transported to the disposal or placement site.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

6. The Certificate Holder shall assure that there is no discharge of sanitary wastewater from any boat or vessel moored, berthed, or docked at this mooring or docking facility, except as prescribed by federal or State regulations.

Statement of Necessity: 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: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

7. The Certificate Holder shall assure that the storage and handling of petroleum products shall be in strict accordance with the Oil Pollution Regulations of the Maryland Department of the Environment. Licensee shall employ measures to prevent and control spills of fuels or lubricants from entering the waters of this State.

Statement of Necessity: This 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: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

8. The Certificate Holder shall assure that boat maintenance areas on dry land shall be designed and operated so that residues from bottom scraping, painting, or other discharges and spills associated with required boat maintenance do not enter the waters of the State. Toxic materials shall be properly stored and handled.

Statement of Necessity: 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: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

9. The Certificate Holder shall not use asphalt rubble in the revetment. Filter cloth shall be placed between the riprap and the soil. If concrete is used, all rebar is to be cut off flush with the concrete prior to placement of the revetment. After placement of the revetment, any rebar exposed as a result of the concrete breaking during the placement is to be cut flush with the concrete. Except for the larger material placed along the leading edge of the revetment, the concrete shall be broken prior to placement so that random-sized interlocking pieces are formed.

Statement of Necessity: Proper placement and alignment of the discharge material will maintain habitat and maintain designated uses for support of estuarine and marine aquatic life and support of designated uses for growth and propagation of fish, other aquatic life, and wildlife.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.24; COMAR 26.24; COMAR 26.08; COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.02B(2); COMAR 26.08.02.10E.(2); COMAR 26.24

10. The Certificate Holder shall design and construct the stone revetment to prevent the loss of fill material to waters of the State of Maryland.

Statement of Necessity: Loss of fill material may result in violations of water quality due to turbidity and other alterations which interfere with designated uses as well as a designated use

class for support of estuarine and marine aquatic life, and support of designated uses for growth and propagation of fish, shallow water submerged vegetation, other aquatic life, and wildlife. Loss limits will maintain the designation use.

Citations: 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, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; Ann. Code, Md. Ann. Code, Env. Article, Title 5, Subtitles 5 and 9; Md. Ann.; COMAR 26.24; COMAR 26.08; COMAR 26.08.02.10G (3); COMAR 26.08.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.23.02.06

11. The Certificate Holder shall stake the dredge area and receive approve from the Water and Science Administration's, Compliance Program prior to the start of dredging.

Statement of Necessity: This condition is necessary to ensure that discharges will be conducted in a manner which do not violate water quality criteria nor interfere with designated uses. Staking the area to be dredged and receiving approval of the staked area ensures that the contractor is aware of the area authorized to be dredged and will minimize accidental dredging in unauthorized areas.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

12. The Certificate Holder shall dispose of dredged material only at the dredge disposal site(s) approved by this Wetland License. The Licensee shall submit an application for modification of the License to MDE for approval of any dredge disposal site not authorized within this License.

Statement of Necessity: This condition is necessary to ensure that dredged material is removed which prevents its re-entry into Waters of the United States, where its release may result in failure to meet turbidity standards and failure to meet designated uses for Turbidity; Discharge of dredged material may interfere with designated uses or support of estuarine and marine aquatic life and shellfish harvesting and may result impacts to water quality, clarity, growth and propagation of fish, other aquatic life, and wildlife. Requiring prior approval of the dredge material placement site ensures that the dredged material is placed in an acceptable area with appropriate best management practices and authorizations.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.24

13. The Certificate Holder shall conduct a post dredge bathymetric survey after the termination of any phase of dredging. The survey shall be provided to the Water and Science Administration, Tidal Wetlands Division within 45 days after the termination of dredging.

Statement of Necessity: The condition is necessary to ensure that discharges associated with dredging result in water depths which are appropriate to support designated uses of fishing and water contact recreation and propagation of fish, other aquatic life and wildlife; and ensure that no discharges are unsightly, create a nuisance, change to an objectionable color or interferes with designated uses.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08.02.01B (2); COMAR 26.08.02.02B (1); 26.08.02.02B (3); COMAR; 26.08.02.03B; COMAR 26.24

14. 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 violate water quality standards and result in erosive flows downstream.

Statement of Necessity: 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.

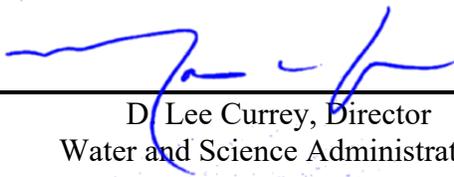
Citations: COMAR 26.08.02.02B(1); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B; COMAR 26.08.02.03-3A; COMAR 26.08.02.03-3C.

15. The Certification Holder shall meet all water quality-related performance standards and condition 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 COMAR26.08.02. or other water quality requirements of state law or regulation.

Statement of Necessity: The condition is necessary to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR26.08.02. 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.

## CERTIFICATION APPROVED



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D Lee Currey, Director  
Water and Science Administration

10/8/2021

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Date

Tracking Number: 201760327  
Agency Interest Number: 74048

Effective Date: October 7, 2021

Enclosure: Plan Sheets dated October 28, 2020

cc: WSA Inspection & Compliance Program  
Army Corps of Engineers