



**Maryland**  
Department of  
the Environment

Wes Moore, Governor  
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary  
Suzanne E. Dorsey, Deputy Secretary

March 17, 2023

Tradepoint Atlantic (TPA)  
C/o NMP Engineering Consultants, Inc.  
Attn: Paul Nevenglosky  
11350 McCormick Rd, Exec Plz I, 6th Fl  
Hunt Valley, MD 21031

[pnevenglosky@nmpengineering.com](mailto:pnevenglosky@nmpengineering.com)

Re: Agency Interest Number: 141713  
Tracking Number: 201361758  
Tidal Authorization Number: 23-WQC-0006

Dear Tradepoint Atlantic:

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 Matt Wallach at 410-207-0893 or [matthew.wallach@maryland.gov](mailto:matthew.wallach@maryland.gov) with any questions.

Sincerely,

Tammy Roberson  
Division Chief  
Tidal Wetlands Division



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



23-WQC-0006

EFFECTIVE DATE: **March 17, 2023**  
CERTIFICATION HOLDER: **Tradepoint Atlantic (TPA)**  
ADDRESS: **6995 Bethlehem Boulevard, Sparrows Point,  
Maryland 21219**  
PROJECT LOCATION: **6995 Bethlehem Boulevard, Sparrows Point,  
Maryland 21219**

**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 MAINTENANCE DREDGING AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED May 08, 2019 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**

- 1. Obtain up to 100 offshore sediment borings within the approach channels, turning basin, berthing area and adjacent areas for geotechnical investigation and material analysis.*
- 2. Mechanically maintenance dredge an irregularly shaped access channel and berthing area measuring 53.6 acres to a depth of 47 feet below mean low water.*
- 3. Maintenance dredge an irregularly shaped approach channel measuring 29.6 acres to a depth of 42 feet below mean low water, and irregularly shaped turning basin measuring 48.1 acres to a depth of 42 feet below mean low water.*
- 4. Transport via barge approximately 800,000 cubic yards of dredged material to the Masonville or Cox Creek Dredged Material Containment Facility.*
- 5. Provide periodic maintenance dredging over a six-year period.*

## **GENERAL CONDITIONS**

1. All water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands, nontidal wetlands, their 100-year floodplains, nontidal wetlands buffers, or nontidal wetland expanded buffers to ensure that any discharges will not result in a failure to comply with water quality standards in COMAR 26.08.02 or any other water quality requirements of state law or regulation shall be met.
2. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
3. All additional authorizations or approvals, including self-certifying General Permits issued by the Department, shall be obtained and all conditions shall be completed in compliance with such authorizations.
4. The proposed project shall be constructed in accordance with the approved final plan by the Department, or, if Department approval is not required, the plan approved by the U.S. Army Corps of Engineers, and its approved revisions.
5. 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.
6. 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.
7. Authorized representatives of the Department shall be provided 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.
8. No stockpiles of any material shall be placed in Waters of the U.S. or state or private tidal wetlands.
9. Temporary construction trailers or structures, staging areas and stockpiles shall not be located within tidal wetlands, nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
10. This Certification is valid for the project identified herein and the associated U.S. Army Corps of Engineers NAB-2013-61758, until such time as that federal approval expires or is not administratively extended.

## **SPECIAL CONDITIONS**

1. All Critical Area requirements shall be followed and all necessary authorizations from the Critical Area Commission (“Commission”) shall be obtained. This Certification does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. “Disturbance” in the Buffer means clearing, grading, construction activities, or removal of any size of tree vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.
2. All work performed under this Water Quality Certificate shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. Licensing by MCLB shall occur prior to the beginning of construction activities. A list of licensed marine contractors may be obtained by

contacting the MCLB at 410-537-3249, by e-mail at [MDE.MCLB@maryland.gov](mailto:MDE.MCLB@maryland.gov) or by accessing the Maryland Department of the Environment, Environmental Boards webpage.

3. The issuance of this Certificate is not a validation or authorization by the Department for any of the existing structures depicted on the plan sheets on the subject property that is not part of the authorized work description, nor does it relieve the Certificate Holder of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
4. The Certificate Holder shall not perform any dredging during the period of February 15th through June 15th of any year due to migrating yellow perch in the area.
5. The Certificate Holder shall obtain sediment core samples (not to exceed 100 total) from locations and depths representative of the entire dredge project area, upon consultation with Maryland Department of the Environment (MDE). The Certificate Holder shall have dredged material samples analyzed by an independent, National Environmental Laboratory Accreditation Program (NELAP)-certified lab. Samples shall be analyzed using the following standard US EPA methods:
  - a. All samples shall be field screened for VOCs with a photoionization detector, and if VOCs are detected, samples shall be analyzed via method 8260D.
  - b. Metals - method 6010C
  - c. PCBs 8082
  - d. SVOCs via 8270D
  - e. Total Petroleum Hydrocarbons 8015B
  - f. Oil and Grease 9071B
  - g. Mercury 7471A, 7470a
  - h. Cyanide 9012A
  - i. Hexavalent Chromium 7196A
6. The Certificate Holder shall submit a scientific summary report of core samples to MDE and The Maryland Port Administration (MPA) for review.
7. The Certificate Holder shall provide MPA acceptance letter to MDE that includes the amount of material that they will accept. The Certificate Holder shall dispose of dredged material only at an MDE-approved dredge disposal site.
8. The Certificate Holder may proceed with dredging, subject to all other terms and conditions of this License, only after obtaining MPA approval of the submitted sediment analysis and MDE's approval of same  
or if MDE fails to respond in 14 days.
9. The Certificate Holder shall receive approval from the Water and Science Administration's, Compliance Division prior to the start of dredging.
10. The Certificate Holder shall use a sealed "environmental" bucket to minimize sediment release into the water column, during all dredging operations.
11. The Certificate Holder shall transport all dredged material in watertight barges. No dredged material shall be discharged into the waters of the State.
12. The Certificate Holder shall conduct subsequent maintenance dredging within the scope of this license in terms of authorized dredge area and authorized depths. The Certificate Holder shall:
  - a. Dredge no more than 500 cubic yards of material at each maintenance dredging.
  - b. Comply with all applicable conditions of this license.

- c. Submit a detailed dredged material disposal plan to be approved by the Water Management Administration, Tidal Wetlands Division prior to the start of dredging.
  - d. Notify and receive approval from the Water and Science Administration Compliance Program a minimum of 10 days prior to the start of each maintenance dredging operation.
13. The Certificate Holder shall conduct a post dredge bathymetric survey and forward to the Water and Science Administration, Tidal Wetlands Division within 45 days after the termination of any phase of dredging.

## **CITATIONS AND STATEMENTS OF NECESSITY**

1. Statement of Necessity for General Conditions 1, 2, 3, 4, and Special Conditions 1, 3, 4: These conditions are necessary to ensure that water quality standards are met, and designated uses are maintained.

Citations: Federal and state laws which 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 26.23.02.06; COMAR 26.17.01; COMAR 26.23; COMAR 26.24

2. Statement of Necessity for General Conditions 5, 8, 9 and Special Conditions 4: Fill or construction material within or adjacent to regulated resources may cause discharges resulting in turbidity in excess of water quality standards and interfere with designated uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citation: 26.08.02.03B(1)-B(2); COMAR 26.23; COMAR 26.24; COMAR 26.17.04

3. Statement of Necessity for General Condition 6: This 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 which 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 26.17.04; COMAR 26.23; COMAR 26.24

4. Statement of Necessity for General Condition 7: 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. These conditions are necessary to ensure that the activity was conducted, and project completed according to terms of the authorization/certification, while allowing for review of in-field modifications which may have resulted in discharges to ensure that water quality standards were met. Designated uses include support of estuarine and marine aquatic life and shellfish harvesting and for growth and propagation of fish, other aquatic life, and wildlife

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

26.08.02.03B(1)(b); COMAR 26.08.02.03B(2); COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24; COMAR 26.17.04

5. Statement of Necessity for General Condition 10: 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 which 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 26.17.04; COMAR 26.23; COMAR 26.24

6. Statement of Necessity for Special Condition 2: Expertise for conducting certain activities is required to ensure that there is no violation of water quality standards nor interference with designated uses. This condition is necessary to ensure that discharges will be conducted in a manner which does not violate water quality criteria nor interfere with designated uses.

Citation: COMAR 26.08.02.02B(2)- B(4); COMAR 26.08 02.03B(2)(d) – (e ); COMAR 26.08.02.03B(1)(b); 26.08.02.03B(2); COMAR 23.02.04.04

7. Statement of Necessity for Special Conditions 4: A time of year restriction is necessary to allow for yellow perch to migrate between February 15 and June 15 to find suitable spawning habitat. Access to the upper reaches of rivers and tributaries to habitat suitable for spawning is essential to support yellow perch populations. Disturbance during the closure period would interfere directly or indirectly with designated uses.

Citation: 1) COMAR 26.08.02.02.B.(3) 2) COMAR 26.08.02.03-3.C.(2)d.(5); 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. Statement of Necessity for Special Conditions 5, 6: This condition is necessary to ensure that dredged material has been tested for various contaminants and toxicants that may be present. A discharge, release, or remobilization of the contaminants 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: Federal and state laws which 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 26.23.02.06; COMAR 26.17.01; COMAR 26.23; COMAR 26.24

9. Statement of Necessity for Special Conditions 7, 8, 9: 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.

Citation: 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; 26.08.02.01B(2); 26.08.02.02B(1) and 26.08.02.02B(3) 26.08.02.03B

10. Statement of Necessity for Special Condition 10: 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.

Citation: 26.08.02.01B(2); 26.08.02.02B(1) and 26.08.02.02B(3) 26.08.02.03B

11. Statement of Necessity for Special Condition 11: The condition is necessary to ensure that no dredged material enters waters of the United States or State and will not result in a violation of water quality standards for turbidity and interfere with designated uses.

Citation: COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B

12. Statement of Necessity for Special Condition 12: The limits on the scope of maintenance dredging are necessary to ensure that no discharges would violate water quality standards and designated uses for water clarity, turbidity, growth and propagation of fish, other aquatic life, and wildlife; and water contact recreation.

Citation: COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B; 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

13. Statement of Necessity for Special Condition 13: 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.

Citation: COMAR 26.08.02.01B(2); COMAR 26.08.02.02B(1); 26.08.02.02B(3); COMAR 26.08.02.03B

## CERTIFICATION APPROVED



D. Lee Currey, Director  
Water and Science Administration

3/21/2023

Date

Tracking Number: 201361758  
Agency Interest Number: 141713

Effective Date: **March 17, 2023**

Enclosure: Plan Sheets dated January 24, 2023

cc: WSA Inspection & Compliance Program  
Army Corps of Engineers