



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

July 2, 2024

US Wind Inc
c/o Megan Welling
McCormick Taylor, Inc
1501 S Clinton St, Ste 1150
Baltimore, MD 21224

Via email: mawelling@mccormicktaylor.com

Re: Agency Interest Number: 179399
Tracking Number: 202361274
Tidal Authorization Number: 24-WQC-0004

Dear US Wind Inc:

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 Robert M Simmons at robertm.simmons@maryland.gov or 410-901-4044 with any questions.

Sincerely,

for Jonathan Stewart, Chief
Eastern Region
Tidal Wetlands Division



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



24-WQC-0004

EFFECTIVE DATE: **July 2, 2024**
CERTIFICATION HOLDER: **US Wind Inc**
ADDRESS: **Attn: Jeffrey Grybowski**
401 E Pratt St, Ste 1810
Baltimore, MD 21202
PROJECT LOCATION: **12929 & 12933 Harbor Rd**
Ocean City, MD 21842

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 US WIND PIER AND BULKHEAD REPLACEMENT AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED JULY 2, 2024 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. Construct a 353 foot long by 30 foot wide concrete pier with associated timber fenders, all within a maximum of 30 feet channelward of the mean high water line
2. Construct 383 linear feet of replacement steel bulkhead a maximum of 18 inches channelward of the mean high water line.

The Administration satisfied statutory and regulatory public notice requirements by placing the WQC on Public Notice from February 15, 2024 to March 15, 2024 on the Maryland Department of the Environment's

Public Notice webpage and in the Worcester County Times on February 22, 2024. A Public Informational Hearing was held on March 25, 2024 at Wor Wic Community College and the public comment period was extended until June 7, 2024.

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. The issuance of this Certification 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 Certification Holder of the obligation to resolve any existing noncompliant structures and activities within tidal wetlands.
6. 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.
7. 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.
8. 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.
9. No stockpiles of any material shall be placed in Waters of the U.S. or State or private tidal wetlands.
10. 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.
11. This Certification is valid for the project identified herein and the associated U.S. Army Corps of Engineers authorization NAB-2020-60863 (US Wind, Inc.) until such time that it expires or is administratively extended.

SPECIAL CONDITIONS

1. The Certification Holder shall remove an existing pier and associated structures prior to the commencement of the construction of a new pier.
2. The Certification Holder shall deploy a turbidity curtain around the entire area of demolition to contain any fine materials that may be generated during the process of demolition prior to the commencement of work.
3. All Critical Area requirements shall be followed and all necessary authorizations from the Critical Area Commission (“Commission”) shall be obtained. This Certificate 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 or 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.
4. All work performed under this Water Quality Certification 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 or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
5. The Certification Holder shall submit a Stormwater Pollution Prevention Plan (SWPPP) for the proposed Operations and Maintenance facility to the Water and Science Administration, Tidal Wetlands Division, for review and approval prior to commencement of operations at the facility. The Certificate Holder shall send confirmation of the MDE, Tidal Wetlands Division, approved SWPPP to the U.S. Army Corps of Engineers.
6. The Certification Holder shall submit an application to the Water and Science Administration, Industrial Discharge Permits Division for review and approval, as determined necessary, prior to the commencement of work at the facility.
7. The Certification 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.
8. The Certification Holder shall perform all works in accordance with the required Soil Erosion and Sediment Control Plan as approved by the County Soil Conservation District for the County in which the works are performed.
9. The Certification 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.
10. The Certification 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. The Certification Holder shall employ measures to prevent and control spills of fuels or lubricants from entering the waters of this State.

11. The Certification Holder shall assure that all boat maintenance at the pier shall be restricted to those activities that can be performed without materials entering the waterway.
12. The Certification Holder shall assure that trash and garbage containers will be conveniently located and the facility owner/operator shall be responsible for adequate disposal of collected materials. Such waste shall not be discharged to the waterway.

CITATIONS AND STATEMENTS OF NECESSITY

1. Statement of Necessity for General Conditions 1, 2, 3, 4, 5 and Special Conditions 1, 3, 5, 6, 9, 10, 11, 12: 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 6, 9, 10 and Special Conditions 2, 7, 8: 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 7: 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 8: 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

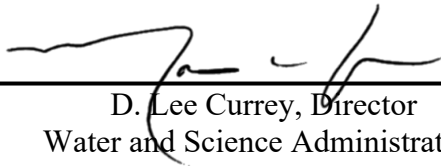
5. Statement of Necessity for General Condition 11: This condition is necessary to qualify the period of applicability of the terms and conditions of this Certification to be protective of Maryland water quality standards.

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 4: 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

CERTIFICATION APPROVED



D. Lee Currey, Director
Water and Science Administration

7/8/2024

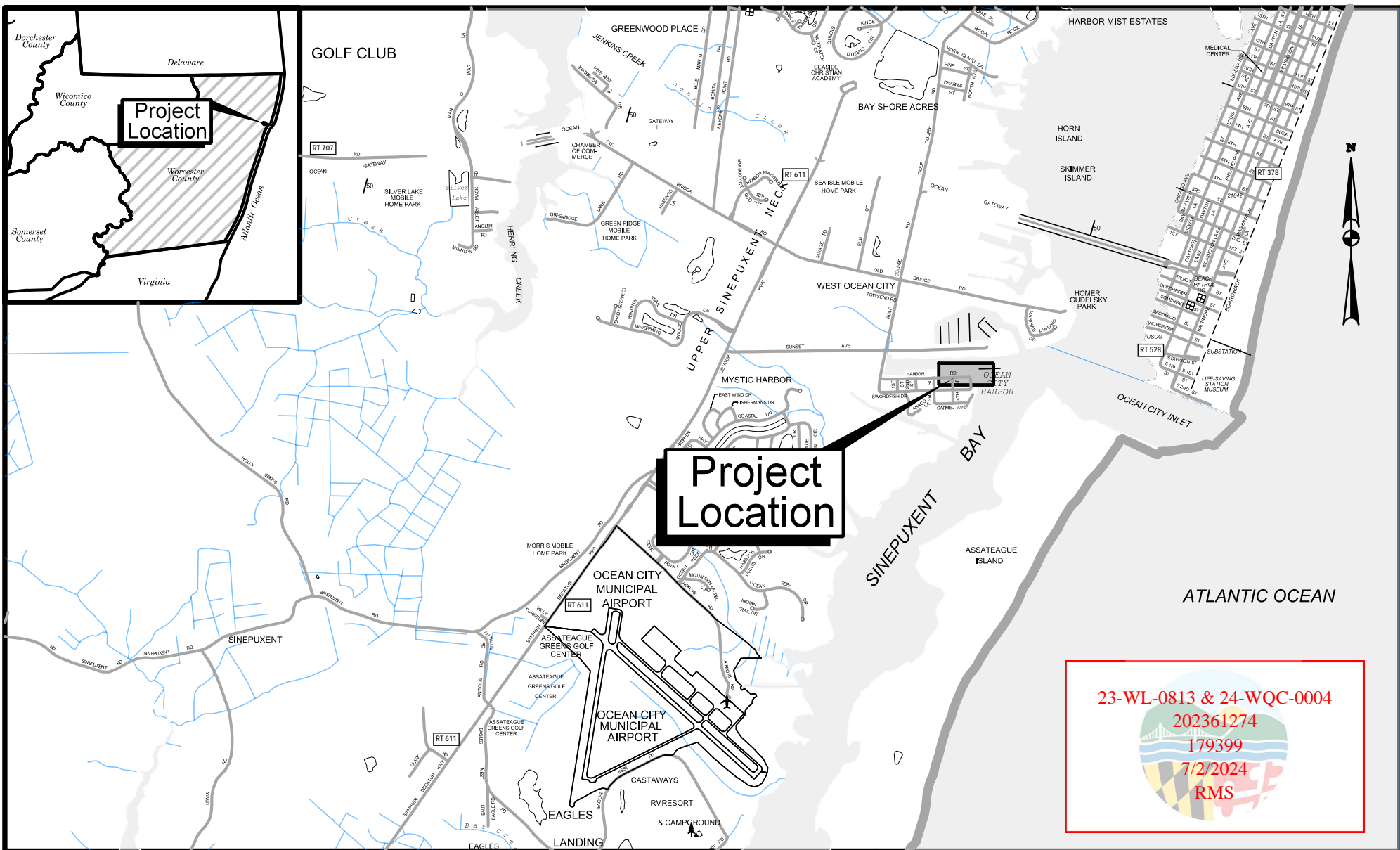
Date

Tracking Number: 202361274
Agency Interest Number: 179399

Effective Date: July 2, 2024

Enclosure: Plan Sheets dated **July 2, 2024**

cc: WSA Inspection & Compliance Program
Army Corps of Engineers



23-WL-0813 & 24-WQC-0004
 202361274
 179399
 7/2/2024
 RMS

US Wind
 US WIND, INC.
 401 EAST PRATT STREET, SUITE 1810
 BALTIMORE, MD 21202

McCORMICK TAYLOR

Revisions	
Revision 1:	Update to Pier Length and Associated Impacts (3/2024)
Revision 2:	Updated Wharf dimensions and impacts (4/30/2024)
Revision 3:	Revised Existing Conditions - Bulkhead (6/03/2024)











WORCESTER COUNTY

**OPERATIONS AND MAINTENANCE FACILITY
 PIER INSTALLATION**

LOCATION MAP

SCALE: 1" = 2,500'	DATE: JUNE 2024	PLATE 01 of 06
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LEGEND

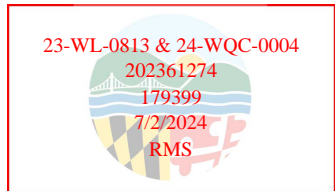
-  Mean High Water Elevation (0.84' NAVD88 per Spencer Rowe Inc Report, August 2022)
-  Mean Low Water Elevation (-1.58' NAVD88 per Spencer Rowe Inc Report, August 2022)
-  Approximate Mean High Water Elevation (Northern Boundary)
-  Approximate Mean Low Water Elevation (Northern Boundary)
-  18 inch Bulkhead Repair
-  New Timber Fender System
-  New Cleat
-  Estuarine Subtidal Unconsolidated Bottom (E1UBL) - Permanent Impact
-  Limit of Federal Channel
-  Property Line

Operations & Maintenance Facility

Plate Number	Name	Permanent Impact (SF)		
		Bulkhead	Pier	TOTAL
04	Estuarine Subtidal Unconsolidated Bottom (E1UBL), Section B-B	306	3,811	4,117
	Estuarine Subtidal Unconsolidated Bottom (E1UBL), Section A-A	268.5	4,951.5	5,220
Totals		574.5	8,762.5	9,337

NOTES

- No dredging is proposed for construction or operation of the pier as shown herein.
- Existing concrete wharf (B-B) is approximately 21 ft wide by 180 ft long (approximately 3,780 SF).
- Bulkhead repairs will be performed by placing sheet piling a maximum of 18 inches beyond the existing face and filling the void between the two before being capped.
- New straight and uniform steel sheet pile bulkhead will be placed 18 inches beyond current deteriorating and multi-material bulkhead under the concrete wharf in Section B-B. New fixed concrete wharf will replace existing fixed concrete wharf in Section B-B.
- The MHW and the MLW on the northern boundary of the channel is approximate based upon aerial imagery.
- Spot elevations in the channel shown on Plate 03 with an 'x' are based on bathymetric survey (May 2023).
- Tiebacks, if necessary, will be installed utilizing standard installation procedures and best management practices.
- Notional Crew Transfer Vessels (CTVs) shown on Plate 4 are approximately 100' x 33' x 5'.
- Support Steel Piles: Approximately 185, spacing of 10', diameter 12-18"
- Timber Fender Piles: Approximately 72, spacing of 5', diameter 12-18"
- Sheet Pile: 383 linear feet



US WIND, INC.
401 EAST PRATT
STREET, SUITE 1810
BALTIMORE, MD
21202

Revisions

- Revision 1: 3/24
- Revision 2: 4/30/24
- Revision 3: 6/03/24

WORCESTER COUNTY

**OPERATIONS AND MAINTENANCE FACILITY
PIER INSTALLATION**

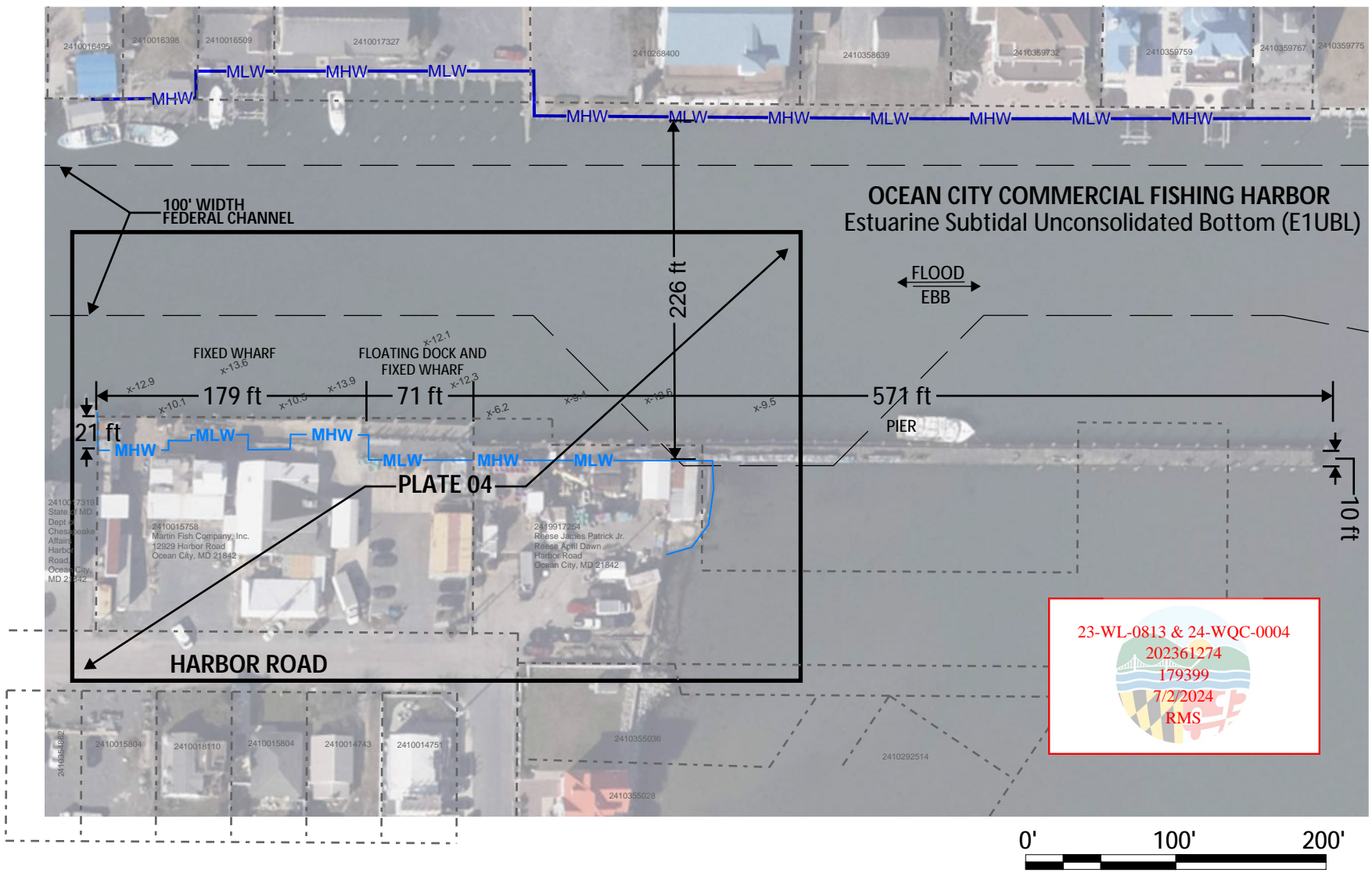
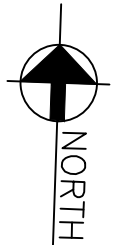
LEGEND AND NOTES

NOT TO SCALE

DATE: JUNE 2024

PLATE 02 of 06



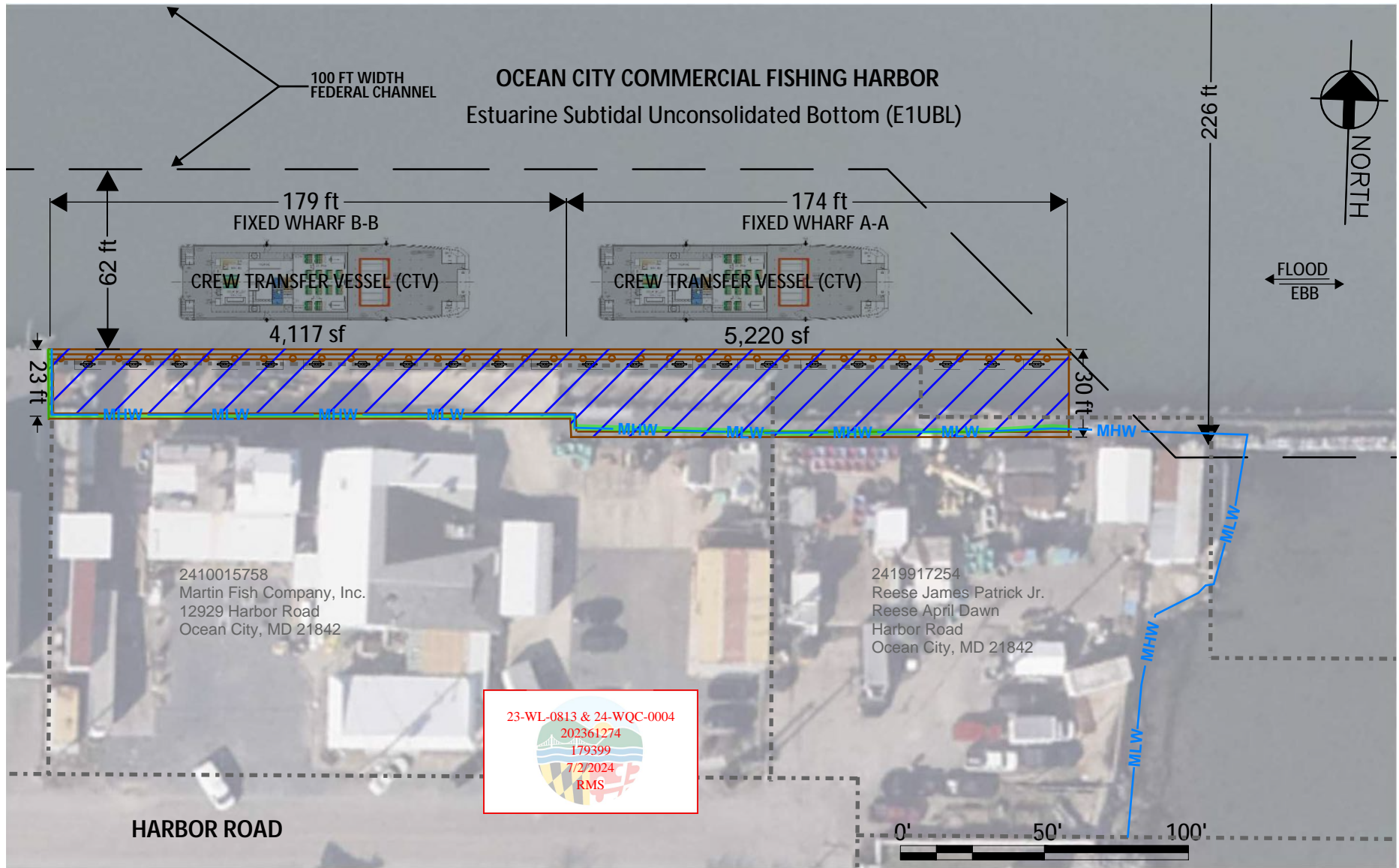


US Wind
 US WIND, INC.
 401 EAST PRATT STREET, SUITE 1810
 BALTIMORE, MD 21202

McCORMICK TAYLOR

Revisions
Revision 1: Update to Pier Length and Associated Impacts (3/2024)
Revision 2: Updated Wharf dimensions and impacts (4/30/2024)
Revision 3: Revised Existing Conditions - Bulkhead (6/03/2024)

WORCESTER COUNTY		
OPERATIONS AND MAINTENANCE FACILITY PIER INSTALLATION		
EXISTING CONDITIONS		
SCALE: 1" = 100'	DATE: JUNE 2024	PLATE 03 of 06



US WIND, INC.
 401 EAST PRATT
 STREET, SUITE 1810
 BALTIMORE, MD
 21202

Revisions

- Revision 1: Update to Pier Length and Associated Impacts (3/2024)
- Revision 2: Updated Wharf dimensions and impacts (4/30/2024)
- Revision 3: Revised Existing Conditions - Bulkhead (6/03/2024)

WORCESTER COUNTY

**OPERATIONS AND MAINTENANCE FACILITY
 PIER INSTALLATION**



WETLAND IMPACTS

SCALE: 1" = 50'

DATE: JUNE 2024

PLATE 04 of 06

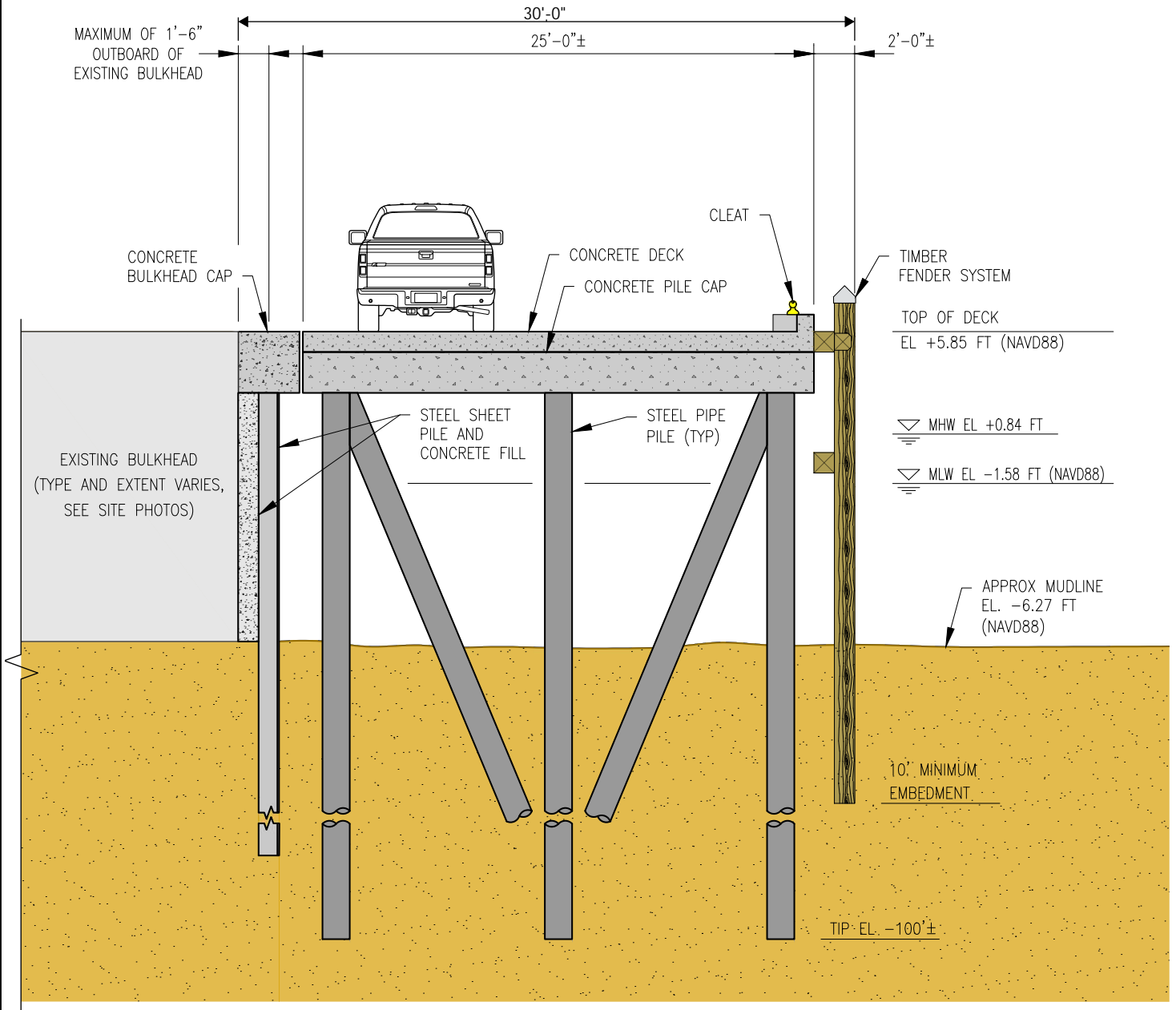
23-WL-0813 & 24-WQC-0004

202361274

179399

7/2/2024

RMS



NOTE: MHW LINE BASED ON
 STUDY PERFORMED BY
 SPENCER ROWE, INC., IN A
 REPORT DATED AUGUST 2022.

CONCEPTUAL FIXED WHARF SECTION A-A



US WIND, INC.
 401 EAST PRATT
 STREET, SUITE 1810
 BALTIMORE, MD
 21202

Revisions

Revision 1: 3/24
 Revision 2: 4/30/24
 Revision 3: 6/03/24

WORCESTER COUNTY

**OPERATIONS AND MAINTENANCE FACILITY
 PIER INSTALLATION**



NOT TO SCALE

DATE: JUNE 2024

PLATE 05 of 06

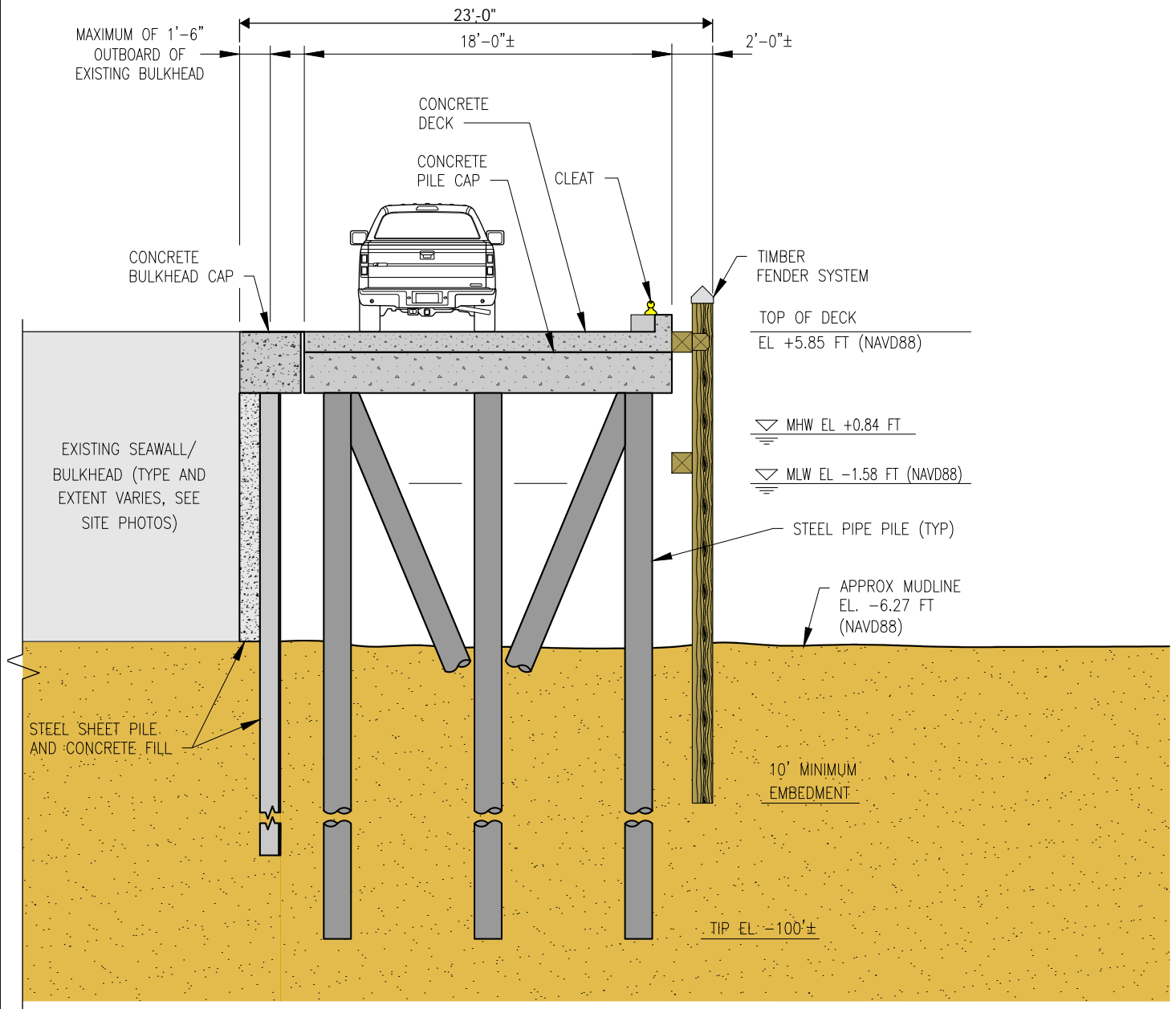
23-WL-0813 & 24-WQC-0004

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7/2/2024

RMS



NOTE: MHW LINE BASED ON STUDY PERFORMED BY SPENCER ROWE, INC., IN A REPORT DATED AUGUST 2022.

CONCEPTUAL FIXED WHARF SECTION B-B



US WIND, INC.
401 EAST PRATT STREET, SUITE 1810
BALTIMORE, MD 21202

Revision 1: 3/24
Revision 2: 4/30/24
Revision 3: 6/03/24

WORCESTER COUNTY

**OPERATIONS AND MAINTENANCE FACILITY
PIER INSTALLATION**



NOT TO SCALE

DATE: JUNE 2024

PLATE 06 of 06