



**Maryland**  
Department of  
the Environment

Wes Moore, Governor  
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary  
Suzanne E. Dorsey, Deputy Secretary

February 24, 2025

Geo-Technology Associates, Inc  
c/o Kimberley McNew  
Geo-Technology Associates, Inc  
3445-A Box Hill Corporate Center Dr  
Abingdon, MD 21009

Via email: KMcNew@gteng.com

Re: Agency Interest Number: 180115  
Tracking Number: 202361726  
Tidal Authorization Number: 24-WQC-0034

Dear Maryland Dept of Natural Resources:

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 Godbey at Matt.Godbey@maryland.gov or 410-901-4033 with any questions.

Sincerely,

Jonathan Stewart, Chief  
Eastern Region  
Tidal Wetlands Division



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



24-WQC-0034

EFFECTIVE DATE: **February 24, 2025**  
CERTIFICATION HOLDER: **Maryland Dept of Natural Resources**  
ADDRESS: **Tawes State Office Bldg.**  
**580 Taylor Ave.**  
**Annapolis, MD 21401**  
PROJECT LOCATION: **NorthBay**  
**11 Horseshoe Pt Ln to North East Beach**  
**4395 Turkey Pt Rd**  
**North East, MD 21901**

**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 ELK NECK STATE PARK NORTHBAY AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED February 21, 2025, 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.

*The Maryland Department of the Environment satisfied the statutory and regulatory public notice requirements by placing the WQC on Public Notice from November 15<sup>th</sup>, 2024 to December 15<sup>th</sup>, 2024 on Maryland Department of the Environment's Public Notice webpage and advertising in Kent City News on November 24<sup>th</sup>, 2024.*

## **PROJECT DESCRIPTION**

1. Remove 12,640 square feet of stone breakwaters.
2. Emplace 3,639 square feet of stone creating a single breakwater.
3. Construct a 241-foot long by 33-foot-wide groin.
4. Construct a 180-foot long by 12-foot-wide stone revetment.
5. Hydraulically dredge 30,390 square feet to a depth of 3.5 at mean low water.
6. Hydraulically dredge 31,985 square feet to a depth of 0.0 at mean low water.
7. Restore 110,797 square feet of historic beach using dredge material.
8. Restore 107,933 square feet of SAV's; all actives within a maximum of 552 feet channelward of the mean high water line.

## **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. 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.
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 authorization NAB- 2023-61726 until such time that it 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 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.

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 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 design and construct the stone revetment to prevent the loss of fill material to waters of the State of Maryland.
5. The Certificate Holder shall not use asphalt rubble in the revetment. Filter cloth shall be placed between the riprap and the soil. Prior to emplacement of the revetment, all re bar is to be cut off flush with the concrete. After emplacement of the revetment, any re bar exposed as a result of the concrete breaking during the emplacement 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 emplacement so that random sized interlocking pieces are formed.
6. If the Certificate Holder transports dredged material in watertight trucks or barges. No dredged material shall be discharged onto the roadways or into waters of the State.
7. The Certificate Holder shall conduct subsequent maintenance dredging within the scope of this license in terms of authorized dredge area and authorized depths. The licensee shall:
  1. Dredge no more than 500 cubic yards of material at each maintenance dredging.
  2. Comply with all applicable conditions of this license.
  3. Submit a detailed dredged material disposal plan to be approved by the Water and Science Administration, Tidal Wetlands Division prior to the start of dredging.
  4. 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.
8. 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.
9. 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.
10. If hydraulic dredging is performed, the dredged material placement site (DMP) shall be constructed to limit turbidity in the discharge to waters of the State. A turbidity sample of the discharge water shall be performed every hour of active pumping to the DMP or when there is an observed change in the clarity of the water. Turbidity in the discharge may not exceed 150 units at any time or 50 units as a monthly average. Units shall be measured in Nephelometer Turbidity Units. A logbook of all turbidity monitoring shall be kept on site. The dredger shall have a person at the discharge point of the DMP in constant radio communication. If a problem is incurred, the dredging operation shall be immediately shut down until the reason for the problem can be ascertained and rectified.

11. The Certificate Holder shall install, mark, and maintain all dredged material pipelines in accordance with all U.S. Coast Guard requirements for navigational safety. Dredge material pipelines and associated equipment shall be removed as soon as practicable, upon completion of activities authorized under this License.
12. If Certificate Holder does not obtain approval from the U.S. Coast Guard, or the U.S. Coast Guard denies Licensee's application, the Licensee may only proceed with mechanical dredging or submit an application to MDE for a modification to this License.
13. The Certificate Holder shall submit an application and revised plans to MDE for a modification to this License, if the U.S. Coast Guard's approval alters the proposed pipeline route.
14. The dredge operator shall have a person at the discharge point of the DMP in constant radio communication. If a problem is incurred, the dredging operation shall be immediately shut down until the reason for the problem can be ascertained and rectified. MDE compliance shall be notified.
15. In the event of any inadvertent releases of dredged material into State tidal wetlands from a pipe breakage, all dredging operations shall immediately cease. Licensee shall take steps to stop all dredged material from entering State tidal wetlands and shall immediately notify MDE's Compliance Program of the pipe breakage. Licensee shall not resume dredging operations until receiving approval from MDE's Compliance Program.
16. The Certificate Holder shall construct the beach nourishment area in accordance with the following conditions:
  1. The Licensee shall use clean substrate fill material, no more than 10% of which shall pass through a standard number 100 sieve.
  2. If the fill is graded hydraulically, the licensee shall use a turbidity curtain around the perimeter of the instream work.
  3. If the existing bank is to be cleared or graded:
    - a. The Licensee shall perform all work under and in accordance with an approved Soil Erosion and Sediment Control Plan from the applicable sediment and erosion control agency; and
    - b. The Licensee shall perform all work under and in accordance with the Critical Area requirements of the local jurisdiction in the form of an approved Buffer Management Plan.
17. The Certificate Holder shall not stockpile any material in State or private tidal wetlands.
18. The Certificate Holder shall deploy and maintain a turbidity curtain tightly around and channelward of the project area prior to the commencement of any excavation and backfilling along the shoreline through completion of any excavation and backfilling along the shoreline.
19. The Certificate Holder shall have all work proposed above the mean high water line reviewed and authorized by Cecil County Department of Planning and Zoning.
20. The Certificate Holder shall not perform dredging, breakwater removal, or sand placement from February 15<sup>th</sup> through October 15<sup>th</sup> of any year due to submerged aquatic vegetation and spawning anadromous fish, including yellow perch.
21. The Licensee shall restore the SAV as outlined in the SAV Mitigation Plan on pages 20 and 21 of the plans dated February 21, 2025.
22. The Licensee shall provide annual SAV monitoring reports as outlined in the SAV Mitigation Plan on pages 20 and 21 of the plans dated February 21, 2025.

# **STATEMENT OF NECESSITY & CITATIONS**

1. Statement of Necessity for General Conditions 1, 2, 3, 4, and Special Conditions 1, 3, 4, and 5: 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 Condition 16: 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 6, 7, 9, 10, 11, 12, 13, 14, 15, and 17: Unauthorized discharges may enter regulated waters as result of activity or structural failure. A plan to address inadvertent discharges will prevent or address further violations of water quality standards and failure of water to meet designated uses, including 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 COMAR 26.08.02.02B(1)d; COMAR 26.08.02.02B(3); COMAR 26.08.02.03B(1) and B(2);26.08.02.01B(2); 26.08.02.02B(1)

8. Statement of Necessity for Special Condition 8: The condition is necessary to ensure that the dredging results 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: COMAR 26.08.02.01B(2); COMAR 26.08.02.02B(1); 26.08.02.02B(3); COMAR 26.08.02.03B

9. Statement of Necessity for Special Conditions 18: The discharge and deposition of material within or adjacent to regulated resources may result in discharges that result in impacts to water quality and designated uses.

Citation: Federal and state laws which authorize this condition include but are not limited to: COMAR: 26.08.02.02.B.(3); 26.08.02.03-3.C.(2)d.(5).

10. Statement of Necessity for Special Condition 19: A time of year restriction condition is necessary to maintain designated use for support of estuarine and marine aquatic life and shellfish harvesting. Discharges may result in increases in turbidity which may violate water quality standards for clarity needed to support SAV designated uses and uses for aquatic life.

Citation: Federal and state laws which authorize this condition include but are not limited to:

COMAR: 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; COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03-3C(9); COMAR 26.08.02.03-3C(9)(a)

11. Statement of Necessity for Special Condition 20: A time of year restriction condition is necessary to maintain the designated use for support of estuarine and marine aquatic life.

Citation: Federal and state laws which authorize this condition include but are not limited to:  
COMAR: 26.08.02.02B(1)(d); 26.08.02.02B(3); COMAR 26.08.02.02-16.

12. Statement of Necessity for Special Conditions 21 and 22: Stabilization of the site with vegetation is required to ensure that waters continue to meet designated uses. Loss of substrate fill material may result in discharges which reduce water quality and interfere with designated uses, including the support of estuarine and marine aquatic life, and the protection of shellfish harvesting, shallow water submerged aquatic vegetation, and migratory fish spawning and nurseries in tidal wetlands. Loss limits will maintain the designated use.

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

## **CERTIFICATION APPROVED**



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D. Lee Currey, Director  
Water and Science Administration

**Feb 26, 2025**

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Date

Tracking Number: 202361726  
Agency Interest Number: 180115

Effective Date:

Enclosure: Plan Sheets dated February 21, 2025

cc: WSA Inspection & Compliance Program  
Army Corps of Engineers









# 24-WQC-0034

Final Audit Report

2025-02-26

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## "24-WQC-0034" History

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