



Maryland

Department of the Environment

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Suzanne E. Dorsey, Deputy Secretary
Adam Ortiz, Deputy Secretary

November 20, 2025

U.S. Army Corps of Engineers
Baltimore District
Attn: Ms. Kristina May
2 Hopkins Plaza
Baltimore, MD 21201
Via email: Kristina.K.May@usace.army.mil

Re: Agency Interest Number: 175659
Tracking Number: 202561509
Water Quality Certification Number: 25-WQC-0039

Dear Kristina May:

After examination and consideration of the documents received and evidence in the file and record for dredging of the Ocean City Inlet, the Water and Science Administration has determined that the project meets the statutory and regulatory criteria necessary to grant with conditions an individual Water Quality Certification (WQC).

The individual WQC for this project issued by the Maryland Department of the Environment (Department) is attached. Please read and review the WQC for this project to ensure that you understand the limits of the certified project and all of the special and general conditions. The attached WQC is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such a decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision in the Maryland Register and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

You should not begin any work until you have obtained all necessary State, local, and federal authorizations. Please do not hesitate to contact me at danielle.spendiff1@maryland.gov or 410-537-4023 with any questions.

Sincerely,

Danielle A. Spendiff, Chief
Regulatory and Customer Service Division



STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION



WATER QUALITY CERTIFICATION

25-WQC-0039

EFFECTIVE DATE: November 20, 2025

CERTIFICATION HOLDER: U.S. Army Corps of Engineers
Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201
Attn: Ms. Kristina May

PROJECT LOCATION: Ocean City Inlet
(38° 19' 32.3328" N, 75° 5' 33.8928" W)
Ocean City, MD 21622
(Worcester County, Maryland)

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 WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") HAS DETERMINED THAT THE REGULATED ACTIVITY DESCRIBED IN THE REQUEST FOR CERTIFICATION OF DREDGING AT THE US COAST GUARD YARD WILL NOT VIOLATE MARYLAND'S WATER QUALITY STANDARDS IF CONDUCTED IN ACCORDANCE WITH ALL TERMS AND 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 US ARMY CORPS OF ENGINEERS (CORPS). THE CERTIFICATION HOLDER SHALL COMPLY WITH THE CONDITIONS LISTED BELOW.

PROJECT DESCRIPTION

Tracking Number: 202561509

Agency Interest Number: 175659

The U.S. Army Corps of Engineers, Baltimore District (USACE) proposes maintenance dredging of navigational channels of the Ocean City Inlet and associated waterways and placement of

dredged sand in the surf zone off Assateague Island. Each dredging cycle is expected to remove an average of 6,000 cubic yards (four events per year amounting to 24,000 cubic yards) of material consisting primarily of sand with some gravel and shell, using a shallow-draft hopper dredge. The sand will be transported between approximately 3.75 and 5.25 miles south of the inlet to Assateague for beach nourishment. Dredging will be performed continuously for five to ten days during each cycle. The USACE proposes maintenance dredging of the Ocean City Inlet, the Isle of Wight Bay Channel, the Ocean City Harbor Channel, and the Sinepuxent Bay Channel to the authorized dimensions:

Ocean City Inlet: 16 feet mean lower low water (MLLW) with up to two feet of allowable overdepth; Width of 300 feet from the 16-foot contour in the Atlantic Ocean to the Isle of Wight Bay Channel, narrowing to 150-200 feet toward Ocean City Harbor. Currently maintained at 10 feet.

Harbor Channel: Depth of 16 feet with two feet of allowable overdepth; Width of 100-150 feet, including two turning basins. Currently maintained at 10 feet.

Isle of Wight Bay Channel: Depth of six feet; Width of 125 feet from the inlet to North 8th Street, then 75 feet into the Isle of Wight Bay.

Sinepuxent Bay Channel: Depth of six feet; Width of 150 feet from the inlet to Green Point, then 100 feet in Chincoteague Bay.

This Water Quality Certification (Certification) is issued under authority of Section 401 of the Federal Water Pollution Control Act and its Amendments, Title 9, Subtitle 3 of the Environment Article, and Code of Maryland Regulations (COMAR) 26.08.02.10. The Maryland Department of the Environment (Department) has determined from a review of the request application file that the project activities described in the above will not violate Maryland's water quality standards, provided that the following conditions are satisfied.

The Certification Holder shall comply with the following conditions:

SPECIAL CONDITIONS

1. Dredging may not exceed the scope of this Certification in terms of authorized dredge area, volume of material, and authorized depths. The Certification Holder shall submit an application for modification of the Certification to MDE for approval of any deviations not authorized within this Certification.
2. To minimize impacts from the proposed dredging and/or dredged material placement to spawning horseshoe crabs, summer flounder and American eels, no dredging should be performed during the period 15 December through 30 June.
3. Dredged material shall only be placed at the Assateague site approved by this Certification. The Certification Holder shall submit an application for modification of the Certification to MDE for approval of any dredge disposal site not authorized within this Certification.
4. In the event of any inadvertent returns resulting from failure of any dredge equipment, the Certification Holder shall cease operations immediately and shall:

- a. Take steps to stop all dredged material from entering State waters; and
 - b. Notify the Compliance Program immediately at 410-537-3510.
5. If work is not conducted by the Certification Holder, 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 dredging 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.

GENERAL CONDITIONS

1. Avoid conducting activities that interfere with the movement of aquatic life, fish, or other wildlife.
2. Implement and comply with all final approved plans, permits, and modifications that are approved by the State and/or the Corps, as applicable. The approved plans, permits and modifications by MDE and/or the Corps are incorporated by reference into this Certification.
3. Limit any disturbance of the substrate to the authorized area and prevent sediment transport into adjacent State waters.
4. Avoid placing stockpiles of any material in Waters of the U.S. or waters of the state, unless otherwise authorized by the approving authority.
5. Obtain any other authorizations or approvals that the Department requires, including General Permits, and comply with all conditions of such authorizations or approvals.
6. Obtain any required authorizations or approvals from other State, federal, or local agencies.
7. Refrain from causing any injury to private property, invasion of rights, or infringement of federal, State, or local laws or regulations.
8. Inspection and entry. The Certification Holder shall allow the Department, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the Certification Holder's premises where a certified activity or operation is located or conducted, or where records must be kept under the conditions of this Certification;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and

- d. Sample or monitor at reasonable times, for the purposes of assuring compliance or as otherwise authorized by the Department, any substances or parameters at any location.
- e. Allow the Department's authorized representatives access to the Project during normal business hours to conduct inspections and evaluations of operations and records to verify compliance with this Certification.

STATEMENTS OF NECESSITY AND CITATIONS

1. Statement of Necessity for Special Condition 1: The condition is necessary to ensure that water depths and limits on the scope of dredging are appropriate post-dredging to support designated uses of fishing and water contact recreation and growth 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 interfere with designated uses or would violate water quality standards for water clarity and turbidity.

The limits on the scope of 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

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

2. Statement of Necessity for Special Condition 2: The condition is necessary to protect protected aquatic life, and to prevent impacts to water quality, clarity, growth and propagation of fish, other aquatic life, wildlife; and will maintain designated uses for support of estuarine and marine aquatic life and shellfish harvesting.

Sand beach habitat in the Coastal Bays and the ocean side beach on Assateague Island are documented horseshoe spawning sites which spawn from early-March through the end of June. In addition, American eels in the glass eel lifestage are entering the Coastal Bays from the Atlantic from mid-December through March and would be vulnerable during this time to entrainment from the dredging activity.

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

3. Statement of Necessity for Special Condition 3: The condition is necessary to ensure that placement does not interfere with navigational safety and designated uses for water contact recreation and fishing, nor create a nuisance.

Citation: COMAR 26.08.02.01B(1) and B(2); COMAR 26.08.02.03B(1)(a); COMAR 26.08.02.03B(2)(d)

4. Statement of Necessity for Special Condition 4: Unauthorized discharges may enter regulated waters as result of activity or structural failure. The condition is necessary to ensure that water quality standards are met under unique circumstances for inadvertent discharges and designated uses of waters are maintained.

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 & 4; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; 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 26.17.04; COMAR 26.23; COMAR 26.24; COMAR 26.23.02.06, COMAR 26.08, COMAR 26.08.02.10E; COMAR 26.08.02.09C(3); COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2); COMAR 26.08.02.03-3; COMAR 26.08.02.02B(2); COMAR 26.08.02.02B(4); COMAR 26.08.02.02B(6); COMAR 26.08.02.02B(8)

5. Statement of Necessity for Special Condition 5: 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.

Citations: COMAR 26.08.02.02B(2); 26.08.02.02 B(3) and B(4); COMAR 26.08 02.03B(2)(d)-(e); 26.08.02.03B(1)(b); 26.08.02.03B(2); COMAR 23.02.04.04

6. Statement of Necessity for General Conditions 1, 2, 3, 4: The condition is 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

7. Statement of Necessity for General Conditions 5, 6: 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.

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

8. Statement of Necessity for General Condition 7, 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.

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, 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 26.23; COMAR 26.24; COMAR 26.17.04

This Certification is valid for the Project identified herein and the associated U.S. Army Corps of Engineers authorization until such time that it expires. Failure to comply with these conditions may subject the Certification Holder to criminal and/or civil penalties or other enforcement action in accordance with applicable law.

CERTIFICATION APPROVED:

Tammy Roberson for

Heather Nelson, Program Manager
Wetlands and Waterways Protection Program
Water and Science Administration

Effective Date: November 20, 2025

cc: WSA Inspection & Compliance Program