



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



25-WQC-0011

EFFECTIVE DATE: **December 3, 2025**

CERTIFICATION HOLDER: **U.S. Army Corps of Engineers, Baltimore District  
2 Hopkins Plaza, Baltimore, MD 21201**

PROJECT LOCATION: **Waters of the United States, including wetlands and navigable waters, within the State of Maryland except: Back Creek (of the Chesapeake and Delaware Canal), east of a line extending from Welch Point to Courthouse Point to the Delaware line and to the Second Street Bridge to the south; Herring Creek east of the line extending from Welch Point to Courthouse Point to the dam that crosses Herring Creek; and Long Branch to the Boat Yard Road Bridge to the north, including adjacent and contiguous jurisdictional wetlands to these tidal waterways.**

**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 ACTIVITIES DESCRIBED IN THE APRIL 15, 2025 REQUEST FOR CERTIFICATION FOR DRAFT MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-7 (MDSPGP-7), DATED DECEMBER 12, 2024, WILL NOT VIOLATE MARYLAND’S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF MDSPGP-7 AND WITH ALL TERMS AND CONDITIONS OF THIS CERTIFICATION.**

THIS CERTIFICATION IS HEREBY GRANTED WITH CONDITIONS. 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 ANY 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**

Maryland State Programmatic General Permit-7, NAB-2024-00009, SPN-24-38

Tracking Number: 202462002

Agency Interest Number: 168223

This Maryland State Programmatic General Permit-7 (MDSPGP-7) applies to the discharge of dredged or fill material and/or the placement of structures into waters of the United States as regulated by Section 404 of the CWA and/or Section 10 of the Rivers and Harbors Act of 1899. Activities authorized by the MDSPGP-7 must be components of a single and complete project, including all attendant features, both temporary and permanent, which individually and cumulatively result in no more than minimal adverse environmental impacts. Activities authorized under the MDSPGP-7 require compliance with all terms and conditions of the MDSPGP-7, including general conditions, activity-specific impact thresholds, and descriptions set out further herein. In addition, the Corps may add project-specific conditions to ensure that the adverse environmental effects are no more than minimal. These can include permit conditions such as time-of-year restrictions, use of best management practices, or compensatory mitigation requirements to offset authorized losses of waters of the United States so that the net adverse environmental effects are no more than minimal.

The Administration satisfied statutory and regulatory public notice requirements by placing this WQC on Public Notice from May 1, 2025 to May 30, 2025 on the Maryland Department of the Environment's Public Notice webpage and publication in the Maryland Register on May 16, 2025.

This Water Quality Certification (Certification) is issued under the 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 (MDE or 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 and water quality requirements, provided that the following conditions are satisfied. This Certification does not relieve any person conducting activities under this Certification and the MDSPGP-7 (Certification Holder) from the responsibility to obtain any other approvals, licenses, or permits in accordance with federal, State, or local requirements.

The Certification Holder subject to this Certification shall comply with the following conditions:

## **SPECIAL CONDITIONS**

1. Discharges being authorized by the MDSPGP-7 associated with c(3) Utility Access Roads, e(9) Residential, Commercial, Institutional Development Activities and Recreational Facilities, and e(10) Stormwater Management Facilities, resulting in losses or permanent impacts exceeding the thresholds below, require an individual Water Quality Certification:

- a. 1,000 linear feet or  $\frac{1}{2}$  acre, whichever is less, of stream bed or stream bank of perennial or intermittent streams and tidal ditches that are considered permanent impacts and do not qualify as temporary impacts (as defined in COMAR 26.17.04.08 and COMAR 26.17.04.11B(5) ; or
  - b.  $\frac{1}{2}$  acre total of tidal wetland loss (as defined in COMAR 26.24.01.02B(18)) and nontidal wetland loss (as defined in COMAR 26.23.01.01B(56)).
2. The Certification Holder conducting activities under e(10) Stormwater Management Facilities or j(1) Retrofits of Existing Stormwater Management Facilities shall obtain and comply with the appropriate stormwater management approval authority authorization to ensure that discharges from the constructed facility do not:
- a. Violate water quality standards; and
  - b. Result in erosive flows downstream;

The Certification Holder shall submit a plan to take actions within 60 days of violations, or an earlier time frame as specified by MDE in writing, to correct violations of (a) and (b) to MDE. Upon approval of the plan by MDE, the Certification Holder shall implement the corrective actions within the time period required by MDE.

3. Discharges exceeding the Category A Impact Limits associated with f(1) Tidal Revetment and Other Tidal Shoreline Erosion Control Structures and f(3) New Bulkheads, Including Stone Toe Protection, require an Individual Water Quality Certification unless a waiver from the requirement to use a non-structural shoreline stabilization method of shoreline protection is approved by the Department under COMAR 26.24.04.01. Shorelines where automatic waivers are granted for traditional hardened erosion control structures may be identified using the Maryland Shoreline Stabilization Mapper (<https://cmap22.vims.edu/MSSMTool/>).
4. Discharges associated with g) Return Water from Upland Contained Disposal Areas require an individual Water Quality Certification.
5. The Certification Holder of category j(1) Retrofits of Existing Stormwater Management Facilities may not alter approved existing compensatory mitigation within facilities, unless a new mitigation plan is approved by MDE and implemented by the Certification Holder.
6. Discharges being authorized by the MDSPGP-7 associated with j(2) Nontidal Stream And Wetland Restoration And Enhancement Activities Associated With An Acceptable TMDL/MS4 Watershed Strategy exceeding any of the thresholds below require an individual Water Quality Certification:
  - a.  $\frac{1}{2}$  acre of conversion of forested wetland (excluding loblolly pine plantations and areas having significant plant or wildlife value as defined in COMAR 26.23.01B(80) which do not require a predominantly forested community) to another wetland type;

- b. 1 acre of tidal wetland loss (as defined in COMAR 26.24.01.02B(18)) or nontidal wetland loss (as defined in COMAR 26.23.01.01B(56)); or
  - c. 1,000 linear feet of permanent impact of stream bed or bank of perennial or intermittent streams and tidal ditches (as defined in COMAR 26.17.04.11(B)(5)).
7. The Certification Holder shall implement compensatory mitigation approved by the Department when new activities authorized under MDSPGP-7 result in wetland losses of acreage and function at existing compensatory mitigation sites.
8. The Certification Holder conducting activities, not covered under a Corps Nationwide authorization applicable to Removal of Lowhead Dams or impoundments, that otherwise qualify for authorization or mitigation under the MDSPGP-7 and involve the removal of the lowhead dam or structure shall:
- a. Submit to the Corps documentation that the Certification Holder has consulted with the Department to determine if a sediment sampling and testing work plan is necessary;
  - b. If the Department has determined that sampling and testing of sediment is required:
    - i. Submit to the Corps a copy of the Department's decision documenting that a sediment sampling plan has been reviewed and approved prior to commencing work, and a copy of the sediment sampling plan; and
    - ii. Implement the sediment sampling plan approved by the Department and any subsequent requirements of the Department, based on the sampling results, including monitoring or other measures deemed necessary by the Department to meet water quality standards to protect water quality based on the sampling results. Testing of sediment size, distribution, and potential pollutants based on past upstream land uses and discharges shall be conducted as appropriate.
  - c. Based on the sampling results, the Department may require the Certification Holder to submit an additional implementation and monitoring plan for review and approval that includes, at a minimum:
    - i. Monitoring of the site of the impoundment and downstream areas during and post-removal of the lowhead dam; and
    - ii. Additional sediment and or water quality testing, a sediment removal plan, or other measures deemed necessary by the Department to meet water quality standards; and
  - d. The Certification Holder shall implement the approved plan in Condition 8(c) as approved and required by the Department.

9. The Certification Holder shall use a screen having a nominal mesh size of 1mm and an intake velocity not to exceed 0.5 ft/sec. during the Time of Year Restriction specified in the applicable MDE authorization when operating an intake structure.
10. The Certification Holder may not conduct blasting for utility line installation unless authorized by the Department.
11. The drilling fluid used in trenchless technology operations shall consist of water and bentonite clay. No additives are permitted without prior approval from the Department. The Certification Holder may submit to the Department for pre-approval a list of thickening additives to be stored on site in order to prevent delays in the drilling operation. Any additive must be certified in conformance with ANSI/NSF Standard 60 (Drinking Water Treatment Chemicals - Health Effects) and used in the manner indicated in the certification of the additive.
12. The Certification Holder shall notify the Department within 24 hours of any inadvertent returns from trenchless technology use and shall:
  - a. Cease operations; and
  - b. Implement an inadvertent return contingency plan approved by the Department.
13. The Certification Holder shall implement any plans and other requirements of the Department in the event of inadvertent return of drilling fluids or discharges of material transported by the utility line into waters of the United States.

## **GENERAL CONDITIONS**

1. The Certification Holder shall meet all water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands, nontidal waterways, their 100-year floodplains, nontidal wetlands, nontidal wetland 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 other water quality requirements of state law or regulation.
2. The Certification Holder conducting activities that result in the loss of tidal or nontidal wetlands or waterways shall implement compensatory mitigation in accordance with state issued authorizations and COMAR 26.23.04 or COMAR 26.24.05.
3. The Certification Holder conducting activities with temporary impacts to nontidal and tidal wetlands shall ensure that such nontidal and tidal wetlands are restored to pre-existing contours and elevations and previous conditions with at least the same nontidal and tidal wetland acreage and equivalent function as indicated by a return to the same wetland type and in accordance with state issued authorizations.

4. The Certification Holder shall comply with monitoring required by any Department authorization to ensure that water quality standards and water quality requirements for waters of this State are met, in addition to monitoring required in the MDSPGP-7. The Department may require additional monitoring if there is potential that in-progress or completed activities under this Certification may result in a failure to meet water quality standards. Monitoring required by the Department shall be implemented as required or according to a plan approved by the Department within time frames specified by the Department.
5. Activities which result in an earth disturbance subject to the requirements in Annotated Code of Maryland, Environment Article, Title 4 and COMAR 26.17.01 shall have an erosion and sediment control plan approved by the appropriate approval authority, including following the stabilization requirements set forth in COMAR 26.17.01.07 and “2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control,” as may be amended.
6. The disturbance of the bottom of the water and sediment transport into adjacent waters shall be minimized.
7. The Certification Holder shall adhere to the time of year restrictions, unless waived or amended by the Department, as identified in a state authorization.
8. The regulated activity shall be conducted so as not to restrict or impede the:
  - a. Movement of wildlife indigenous to the nontidal wetlands or adjacent waters; or
  - b. Passage of normal or expected high water flows.
9. The Certification Holder shall design and implement stream crossings to meet, at a minimum, the following performance criteria:
  - a. If practicable, a structure (for example, bridge or arched culvert) shall span the bank full wetted width and have additional headroom to provide semi-aquatic and terrestrial wildlife passage for species capable of movement through the pre-disturbance channel;
  - b. If a bridge span in accordance with item a. is not feasible due to site constraints, then culvert bottoms, including footers, shall be embedded below the streambed a minimum of 2 feet and below the vertical adjustment potential of the streambed. Pipe culverts should be embedded at least 25%, or 2 feet, whichever is less;
  - c. Water velocity and depth within the crossing structure shall match those observed at reference conditions within the stream under a variety of flows. Low-flow conditions may not result in reduced fish passage within the culvert, compared to upstream and downstream conditions;
  - d. Substrate shall be placed within the structure, including both fine and coarse substrate, and should match the natural substrate found upstream and downstream of the crossing during

normal flow conditions. Bank and other key bed structural elements and characteristics should be resilient to high-flow events and may require additional channel manipulation upstream and downstream of the structure (e.g., stream restoration, stabilization, etc.). Scour protection may not result in reduced fish passage and shall be avoided where possible;

- e. Culverts shall be aligned with the natural stream channel and skew should be minimized, not exceeding 30 degrees. The structure gradient shall be no steeper than the streambed gradient at either end of the crossing and should match the overall streambed gradient based on reference reach conditions. The culvert shall be designed and installed to retain transport rock and sediment to mimic natural bed conditions. When possible, crossing structures should be located at a pool feature; and
- f. Structures shall be designed and placed to avoid entanglement of other fish, aquatic life, and wildlife.

10. The Certification Holder shall adhere to the following conditions:

- a. Prevent sidecasting of excavated material into a water of the United States. Excavated or other fill material shall be placed in a location and manner that does not adversely impact surface or subsurface water flow into or out of nontidal wetlands, tidal wetlands, or nontidal waterways;
- b. Excavated material as backfill shall not be placed in the waters of the United States if it contains waste metal products, unsightly debris, toxic material, or any other deleterious substance. If additional backfill is required, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance;
- c. All stabilization in the nontidal wetland and nontidal wetland buffer shall consist of the following species, unless otherwise approved or required by MDE: Perennial Ryegrass (*Lolium perenne*), Millet (*Setaria italica*), Barley (*Hordeum* sp.), Oats (*Avena* sp.), and/or Rye (*Secale cereale*). These species will allow for the stabilization of the site while also allowing for the voluntary revegetation of natural wetland species. Other non-persistent vegetation may be acceptable, but must be approved by the Administration's Nontidal Wetlands Division. Kentucky 31 fescue shall not be utilized in wetland or buffer areas. The area should be seeded and mulched to reduce erosion after construction activities have been completed in accordance with Annotated Code of Maryland, Environment Article, Title 4 and COMAR 26.17.01, the Certification Holder shall have an erosion and sediment control plan approved by the appropriate approval authority, including following the stabilization requirements set forth in COMAR 26.17.01.07 and "2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control," as may be amended.

11. The Certification Holder shall follow remedial measures required by the Department to ensure that the project is in compliance with water quality standards when:

- a. Conditions or performance standards required under this Certification or any Departmental authorizations are not met; or
  - b. The Department determines that water quality standards may not be met at the project site.
12. The Certification Holder shall obtain and comply with all required state authorizations or approvals, including self-certifying General Permits issued by MDE, and shall comply with all conditions of such authorizations.
13. This Certification does not obviate the need to obtain and comply with required authorizations or approvals from State, federal, or local agencies as required by law.
14. 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 Corps, and its approved revisions.
15. All fill and construction materials not used in the project shall be removed and disposed of in a manner that will prevent their entry into waters of the United States.
16. 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.
17. 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.
18. This Certification is valid for the MDSPGP-7 identified herein until such time that the MDSPGP-7 expires and is not modified or administratively extended.

### **STATEMENTS OF NECESSITY AND CITATIONS**

1. Statement of Necessity for Special Condition 2: Construction of stormwater facilities in waters of the United States typically results in alteration of existing waters as these facilities are designed to receive pollutants. Discharges from a facility may contribute additional concentrated pollutants, heated waters, and erosion to downstream waters without proper design of the facility. Effects may result in waters failing to meet designated uses and/or water quality criteria.

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 5, Subtitles 5 and 9; Md. Ann. Code, Env. Article, Title 9, Subtitle 3; COMAR 26.23.02.06; COMAR 26.23; COMAR 26.17; COMAR 26.08.02.03B

2. Statement of Necessity for Special Conditions 5 and 7: The condition is required to ensure that waters continue to meet designated uses, as losses of wetlands or waterways in a location, if not addressed through compensatory mitigation in the same watershed, may result in water quality degradation in another water of the United States. Wetlands provide essential habitat, water quality, food, and movement corridors for wildlife. Losses exceeding these limits may result in discharges which interfere with designated uses in other waters, including growth and propagation of fish, other aquatic life, and wildlife through loss of stream channel habitat and wetlands. Required mitigation and loss limits will maintain the designated uses.

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 5, Subtitles 5 and 9; Md. Code Ann., Env. Article, Title 9, Subtitle 3; Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.17.04; COMAR 26.23; COMAR 26.24; COMAR 26.08; COMAR 26.08.02.01B(2)(c); COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(2)(a); COMAR 26.08.02.02B(5); COMAR 26.08.02.02B(6)(a); COMAR 26.08.02.02B(7); COMAR 26.08.02.02B(8); COMAR 26.08.02.07 E(1)-(3); COMAR 26.23.02.06

3. Statement of Necessity for Special Condition 8: Removal of material or other remediation may be required prior to removal of a dam to address potential releases of toxic materials in toxic amounts which may adversely impact designated uses and result in violations of downstream 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; 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 26.17.04; COMAR 26.23; COMAR 26.24; COMAR 26.08, COMAR 26.08.02.03-3A(5), 26.08.02.03-3B(1); 26.08.02.03-3D(5); COMAR 26.08.02.03-3E(2); COMAR 26.08.02.03-3F(5); COMAR 26.08.02.02B(1); COMAR 26.08.02.03-3G(1); COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2)(e); COMAR 26.08.02.02B(4); COMAR 26.08.02.03B(2); COMAR 26.08.02.03-3C(7); COMAR 26.08.02.03B(5); COMAR 26.08.02.03A(1); COMAR 26.23.02.06

4. Statement of Necessity for Special Condition 9: Movement of aquatic life and passage of flows is essential for growth and propagation of aquatic life, fish, and other wildlife to meet these designated uses.

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 26.08.02.10E;

COMAR 26.08.02.02B(1); 26.08.02.03B(1)(b); 26.08.02.03B(2)(e); COMAR 26.17.01; COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24; COMAR 26.17.04

5. Statement of Necessity for Special Condition 10: The condition is necessary to ensure that water quality standards are met under unique circumstances for discharges which may otherwise qualify under the MDSPGP-7 and that designated uses of waters are maintained. Blasted materials may enter waters of the United States or waters of the State and interfere with designated uses, including surface and groundwater flows necessary for support of drinking waters and growth and propagation of fish, other aquatic life, and wildlife.

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)

6. Statement of Necessity for Special Conditions 11, 12, and 13: The condition is necessary to ensure that water quality standards are met under unique circumstances for inadvertent discharges which may otherwise qualify under the MDSPGP-7 and that designated uses of waters are maintained. Releases of significant amounts of bentonite, similar to sediment, can impact aquatic environments and if unchecked can alter them to an uninhabitable state. Discharges must be managed to protect drinking water supplies.

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)

7. Statement of Necessity for Special Conditions 1, 3, 4, and 6, and General Condition 1: The condition is necessary to ensure that water quality standards and water quality-related requirements are met under unique circumstances for discharges which may otherwise qualify under the MDSPGP-7 and that 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; 33 U.S.C. § 1344, 33 U.S.C. § 1413, 33 U.S.C. § 401, 33 C.F.R. 320.3 (a), 33 C.F.R. 320.4 (d), 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 26.08.02.03; COMAR 26.08.02.02; 26.08.02.01; COMAR 26.08.01.02; 26.08.02.03-1; 26.08.02.03-2; 26.08.10; COMAR 26.08.02.10G(3); COMAR 26.17.04; COMAR 26.23; COMAR 26.24; COMAR 26.08.02.10E; COMAR 26.23.02.06

8. Statement of Necessity for General Conditions 2 and 3: The above condition is required to ensure that waters continue to meet designated uses. Wetlands provide essential habitat, water quality, food, and movement corridors for wildlife. Losses exceeding these limits may result in discharges which interfere with designated uses, including growth and propagation of fish, other aquatic life, and wildlife through loss of stream channel habitat and wetlands. Required mitigation and loss limits will maintain the designated uses.
  - a. Losses of wetlands or waterways in a location, if not addressed through compensatory mitigation in the same watershed, may result in water quality degradation in another water of the United States. Required mitigation and loss limits will maintain the designated uses.

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 5, Subtitles 5 and 9; Md. Code Ann., Env. Article, Title 9, Subtitle 3; Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.17.04; COMAR 26.23; COMAR 26.24; COMAR 26.08; COMAR 26.08.02.01B(2)(c); COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(2)(a); COMAR 26.08.02.02B(5); COMAR 26.08.02.02B(6)(a); COMAR 26.08.02.02B(7); COMAR 26.08.02.02B(8); COMAR 26.08.02.07E(1)-(3); COMAR 26.23.02.06

9. Statement of Necessity for General Condition 4: Activities which discharge into regulated waters must be conducted according to certain procedures to maintain water quality and meet designated uses. Monitoring the quality, characteristics, effects, and compensatory offsets may be necessary to ensure that water quality standards are met. In addition, oversight of mitigation and rectification of temporary impacts to meet performance standards may require monitoring to ensure that regulated water quality is established, enhanced, or restored to meet designated uses and other water quality standards.

Citation: State laws that authorize this condition include but are not limited to: COMAR 26.08.02.10B(1)(f); COMAR 26.08.02.10B(1)(g); COMAR 26.02.02B(1); COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2)(e); COMAR 26.24; COMAR 26.17.04; COMAR 26.23

10. Statement of Necessity for General Condition 5: Earth disturbance within or adjacent to regulated resources or other earth disturbance may result in discharges that result in impacts to water quality,

clarity, growth and propagation of fish, other aquatic life, wildlife, potable water; and other designated uses.

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 26.08.02.10E; COMAR 26.08.02.02B(1); 26.08.02.03B(1)(b); 26.08.02.03B(2)(e); COMAR 26.17.01; COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24

11. Statement of Necessity for General Conditions 6 and 10: The above conditions are required to ensure that waters continue to meet designated uses. Sidecasting of material within or adjacent to regulated resources may result in discharges that result in impacts to water quality and designated uses, including growth and propagation of fish, other aquatic life, and wildlife. Discharges of toxic materials in toxic amounts violate 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; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Env. Article, Title 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 26.08.02.03A(1)(a)(i); COMAR 26.08.02.03A(1)(b)(i); COMAR 26.23.02.06; 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 26.08.02.02B(1); COMAR 26.08.02.03B(2)(e); COMAR 26.23.02.06 COMAR 26.17.01, 26.17.01.07

Federal and state laws that authorize this condition include but are not limited to: 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 26.08.02.02B(1)(d); COMAR 26.08.02.03.03B(2); COMAR 26.08.02.01B(2)(c); COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(2)(a); COMAR 26.08 .02.02B(5); COMAR 26.08.02.02 B(6)(a); COMAR 26.08.02.02 B(7); COMAR 26.08.02.02B(8); COMAR 26.23.04; COMAR 26.24.05

12. Statement of Necessity for General Condition 7: Restrictions on instream construction are necessary to protect designated uses for propagation and growth of fish, other aquatic life, and wildlife.

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 26.08.02.03.03B(1)(b); 26.08.02.03.03B(2); COMAR 26.23.02.06

13. Statement of Necessity for General Conditions 8 and 9: Movement of aquatic life and passage of flows is essential for growth and propagation of aquatic life, fish, and other wildlife to meet these designated uses.

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 26.08.02.10E; COMAR 26.08.02.02B(1); 26.08.02.03B(1)(b); 26.08.02.03B(2)(e); COMAR 26.17.01; COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24; COMAR 26.17.04

14. Statement of Necessity for General Condition 11: Discharges may be found to violate or potentially violate water quality standards during and after the discharge. Compensatory actions which fail to meet performance criteria may also result in a failure of the water to meet designated uses. Remedial measures are necessary to ensure that water quality standards and water quality-related requirements are met.

Citation: State laws that authorize this condition include but are not limited to: Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; COMAR 26.02.02B(1); COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2)(e); COMAR 26.24; COMAR 26.17.04; COMAR 26.23; COMAR 26.08.02.09A

15. Statement of Necessity for General Conditions 12, 13, and 14: The condition is necessary to ensure that water quality standards are met and designated uses are maintained under unique circumstances for discharges which may otherwise qualify under the certified MDSPGP-7 and to maintain designated uses of waters.

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 26.08.02.06; COMAR 26.08.02.10G(3); COMAR 26.08.02.02B(1); 26.08.02.03B(1)(b); 26.08.02.03B(2)(e); COMAR 26.23.02.06; COMAR 26.17.01; COMAR 26.17.04; COMAR 26.23; COMAR 26.24; COMAR 26.23.02.06

16. Statement of Necessity for General Condition 15: Fill and construction material within or adjacent to regulated resources may result in discharges that result in impacts to water quality and designated uses. The condition is necessary to ensure that water quality standards are met under unique circumstances for discharges which may otherwise qualify under the MDSPGP-7 including growth and propagation of fish, other aquatic life, and wildlife, and meets water quality standards for turbidity.

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,

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Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.08.02.03.03B(1)(b); COMAR 26.08.02.03.03B(2); COMAR 26.08.02.03-3 A(5); COMAR 26.08.02.03-3B(1); COMAR 26.08.02.03-3D(5); COMAR 26.08.02.03-3E(2); COMAR 26.08.02.03-3F(5); COMAR 26.08.02.03-3G(1); COMAR 26.08.02.02B(1); COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2)(e); COMAR 26.08.02.03-3C(5) COMAR 26.08.02.03-3A(5); COMAR 26.23.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

17. Statement of Necessity for General Condition 16: 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 26.17.04; COMAR 26.23; COMAR 26.24

18. Statement of Necessity for General Condition 17: 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 26.23; COMAR 26.24; COMAR 26.17.04

19. Statement of Necessity for General Condition 18: 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 26.23; COMAR 26.24; COMAR 26.17.04

Failure to comply with these conditions shall constitute reason for MDE to suspend or revoke the Certification Holder's authorization to conduct activities under this Certification may subject the Certification Holder to criminal and/or civil penalties or other enforcement action in accordance with applicable law.

CERTIFICATION APPROVED:



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Heather Nelson, Manager  
Wetlands and Waterways Protection Program