



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



25-WQC-0021

Nationwide Permit Reissuance, SPN-25-30

EFFECTIVE DATE: December 18, 2025

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

PROJECT LOCATION: State of Maryland

THIS CERTIFICATION IS ISSUED FOR ALL ACTIVE NATIONWIDE PERMITS IN MARYLAND, REGARDLESS OF SUSPENSIONS PROPOSED.

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 JUNE 20, 2025 REQUEST FOR CERTIFICATION TO REISSUE THE NATIONWIDE PERMITS (NWPs), WILL NOT VIOLATE MARYLAND'S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF NWPs 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

Tracking Number: 202560688

Agency Interest Number: 168223

Nationwide Permits (NWPs) are general permits issued on a nationwide basis to streamline the authorization of activities that result in discharges of dredged or fill material into waters of the United States with no more than

minimal individual and cumulative adverse environmental effects. Many of the Proposed NWP's require notification to the District Engineer before commencing those activities, to ensure that the activities authorized by those NWP's cause no more than minimal individual and cumulative adverse environmental effects.

On June 18, 2025, the U.S. Army Corps of Engineers (Corps) published in the Federal Register its proposal to reissue 56 existing NWP's with modification and issue one new Nationwide Permit (A. Activities to Improve Passage of Fish and Other Aquatic Organisms). One NWP is not proposed for reissuance. The WQC request is for reissuance of NWP activities and one new NWP that may result in a discharge of dredged and/or fill material in waters of the United States, including wetlands and navigable waters, within the State of Maryland under the jurisdiction of the Baltimore District. A federal consistency determination has also been requested in accordance with the Coastal Zone Management Act (CZMA) for this activity and will be sent under separate cover. On June 20, 2025, the U.S. Army Corps of Engineers, Baltimore District, requested a Water Quality Certification (Certification) for the proposed NWP's, with specific regionally applicable conditions and proposed suspensions.

MDE satisfied statutory and regulatory public notice requirements by placing this WQC on Public Notice from July 15, 2025 to August 15, 2025 on the Maryland Department of the Environment's Public Notice webpage and publishing in the Maryland Register on July 25, 2025.

This 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) 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 NWP's (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 for any Nationwide Permit, excluding Nationwide Permit 27 and Nationwide Permit 54, resulting in losses or permanent impacts exceeding the thresholds below, require an individual Water Quality Certification:
 - a. 1,000 linear feet or ½ 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 NWP 7 Outfall Structures and Associated Intake Structures shall not:
 - a. Violate water quality standards; or
 - b. Cause erosive flows downstream.
3. Discharges being authorized by Nationwide Permit 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities exceeding any of the thresholds below require an individual Water Quality Certification:
 - a. Any loss of nontidal wetlands having significant plant or wildlife value (as defined in COMAR 26.23.01B(80)) as identified by the Certification Holder via the Maryland Watershed Resources Registry at the link: <https://watershedresourcesregistry.org/states/maryland.html>; or
 - b. $\frac{1}{2}$ 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; and
 - c. Any loss of tidal wetlands that support threatened or endangered species, or species in need of conservation (as listed in COMAR 08.03.08); are contiguous to nontidal wetlands having significant plant or wildlife value (as defined in COMAR 26.23.01.01B(80)) as identified by the Certification Holder via the Maryland Watershed Resources Registry at the link: <https://watershedresourcesregistry.org/states/maryland.html>; or support communities with bald cypress (*Taxodium distichum*) or Atlantic white cedar (*Chamaecyparis thyoides*) and that contain at least 20 percent of these species in any strata as determined by the 1987 Corps of Engineers Wetland Delineation Manual and applicable regional supplements.
4. For discharges being authorized by Nationwide Permit 27 Aquatic Habitat Restoration, Establishment, and Enhancement Activities resulting in the release of sediments from impounded waters, the Certification Holder shall:
 - a. Conduct all sediment testing required by MDE;
 - b. Implement subsequent requirements of MDE, based on the sampling results, including monitoring or other measures deemed necessary by MDE to meet water quality standards to protect water quality based on the sampling results; and
 - c. Submit documentation to the Corps that the Certification Holder has satisfied the requirements of MDE.

5. The Certification Holder conducting activities under NWP 43 Stormwater Management Facilities shall ensure that discharges from the constructed facility do not:
 - a. Violate water quality standards; and
 - b. Result in erosive flows downstream.
6. The Certification Holder conducting activities under Nationwide Permit 53, Removal of Low-Head Dams shall:
 - a. Conduct all sediment testing required by MDE;
 - b. Implement subsequent requirements of MDE, based on the sampling results, including monitoring or other measures deemed necessary by MDE to meet water quality standards to protect water quality based on the sampling results; and
 - c. Submit documentation to the Corps that the Certification Holder has satisfied the requirements of MDE.
7. The drilling fluid used in trenchless technology operations shall consist of water and bentonite clay. No additives are permitted without prior approval from MDE. The Certification Holder may submit to MDE 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.
8. The Certification Holder shall notify MDE 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 MDE.
9. The Certification Holder shall implement any plans and other requirements of MDE in the event of inadvertent return of drilling fluids or discharges of material transported by the utility line into waters of the United States.
10. The Certification Holder may not conduct blasting for utility line installation unless authorized by MDE.

GENERAL CONDITIONS

1. The Certification Holder shall meet all water quality-related performance standards and conditions required by MDE 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 MDE 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 NWP. MDE 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 MDE shall be implemented as required or according to a plan approved by MDE within time frames specified by MDE.
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 MDE, 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 sidcasting 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 MDE'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 MDE to ensure that the project is in compliance with water quality standards when:
 - a. Conditions or performance standards required under this Certification or any MDE authorizations are not met; or
 - b. MDE 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 MDE, or, if MDE 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 MDE 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 NWP's identified herein until such time that they expire and are not modified or administratively extended.

STATEMENTS OF NECESSITY AND CITATIONS

1. 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 a NWP 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; 26.08.02.03-02; 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

2. Statement of Necessity for Special Condition 2: 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

3. Statement of Necessity for Special Condition 5: 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

4. Statement of Necessity for Special Condition 6: 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, 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

5. Statement of Necessity for Special Conditions 7, 8, and 9: The condition is necessary to ensure that water quality standards are met under unique circumstances for inadvertent discharges which may otherwise qualify under a NWP 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)

6. 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 a NWP 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)

7. 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

8. 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

9. 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

10. 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

11. 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

12. 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

13. 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

14. 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 NWP 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

15. 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 a NWP 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, 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

16. 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

17. 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

18. 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



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

cc: WSA Inspection & Compliance Program
U.S. Army Corps of Engineers