



April 5, 2022

(Via electronic mail)

Wade B. Chandler
Chief
USACE, Baltimore District
Regulatory Branch
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Baltimore, MD 21201
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Subject: Modified Maryland Water Quality Certification (20-WQC-0050(R2)) and Coastal Zone Management Act Consistency Determination for Nationwide Permit Reissuance

Dear Mr. Chandler:

This correspondence and attachments are submitted in support of the Maryland Department of the Environment (MDE) modification (Modification) to its Clean Water Act Section 401 Water Quality Certification (Section 401 WQC; 20-WQC-0050) issued on December 15, 2020 for the U.S. Army Corps of Engineers (Corps) Nationwide Permits (NWP) for the 16 final 2021 NWP published in the Federal Register (86 FR 2744) on January 13, 2021 (NWP 12, 21, 29, 39, 40, 42, 43,44, 48, 50, 51, 52, 55, 56, 57, and 58). The attached Section 401 WQC Modification addresses only those 16 2021 NWP that took effect on March 15, 2021. The attached signed Section 401 WQC Modification 20-WQC-0050(R2) follows the procedures and regulations as set forth in 40 C.F.R. §121.2(b). On February 14, 2022, the Corps Baltimore and Philadelphia Districts (Districts) provided written concurrence with MDE's February 8, 2022 request to issue a modified WQC. On April 1, 2022, EPA also provided concurrence to MDE's request of March 17, 2022 to issue a modified WQC. Relevant correspondences are attached.

In accordance with the above noted concurrences, Maryland is submitting its Section 401 WQC Modification for the Corps Districts to complete the Section 401 WQC modification procedural requirements. This Section 401 WQC Modification is deemed to supersede the original action MDE took on the Section 401 WQC request for these 16 final 2021 NWP on December 15, 2020. As you may recall from our recent coordination on the modified Section 401 WQC, MDE incorporated NWP-specific Special Conditions, as well as Special Conditions related to hydraulic directional drilling practices as may be associated with the 16 NWP. For consistency, all the general conditions of this Section 401 WQC have been updated to reflect the general conditions contained in the WQC (20-WQC-0050(R1)) for the 41 NWP issued on October 15, 2021 which were reissued by the Corps on December 27, 2021, and became effective on February 25, 2022. It is our expectation

that all WQC conditions satisfying the requirements of Corps regulations will be incorporated as regional conditions of the 16 final 2021 NWP's for the Districts.

This Water Quality Certification 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, 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.

Please contact me if you have any questions. I can be reached at 410-537-3528 or by email at hnelson@maryland.gov

Sincerely,



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

Attachment(s)

(Via Electronic Mail)

cc: Todd Schaible, USACE, Philadelphia
Beth Bachur, USACE, Baltimore
Jeff Lapp, EPA
Danielle Spendiff, MDE