



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

October 25, 2023

Baltimore-Washington Rapid Rail
6 South Gay Street
Baltimore, MD 21202
Attn. Mr. Neb Sertsu

Via email to: NSertsu@bwrapidrail.com

Re: Agency Interest Number: 170244
Tracking Number: 202061983
Water Quality Certification Number: 23-WQC-0007

Dear Mr. Sertsu:

On February 7, 2023, the Maryland Department of the Environment (Department) received a request for a Clean Water Act, Section 401 Water Quality Certification (Certification or WQC) from Baltimore-Washington Rapid Rail (BWRR) for a dedicated alignment and structures associated with a high-speed superconducting magnetic levitation (SCMAGLEV) transportation system between Washington, DC, and Baltimore, MD. The Department formally requested additional information needed to complete the Certification request on September 8, 2023.

On September 29, 2023, the Department met with BWRR and BWRR's environmental consultant to discuss these comments and the approach to providing the requested information. While the Department appreciates the opportunity to meet and BWRR's willingness to provide complete information, the Department would like to clarify that a formal extension to the requested response date of November 2, 2023 was not granted at this meeting (as stated in your letter dated October 19, 2023).

As you know the Department must take action on the Certification request within one year of the date of receipt (on or before February 7, 2024), which requires the Department to determine whether the associated discharge will comply with Maryland's water quality standards or limitations (COMAR 26.08.02.10). This decision involves significant time and consideration due to the scale and complexity of this project, therefore, the Department still requires a response and any available information at the time of the close of public comments. However, the Department has extended the public comment period an additional two weeks (until November 16, 2023), and will provide BWRR with the additional two weeks as well. The Department would accept

Mr. Neb Sertsu

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additional information as it becomes available after this date provided sufficient time exists for review of new material and a timely WQC decision, and will be available as schedules allow for communication and coordination in this regard. Please note that additional information may also be requested as public comments are received.

If you have any questions or if I can assist you in any way, please do not hesitate to contact me by telephone at (410) 537-4023 or by email at danielle.spendiff1@maryland.gov. Please refer to the above referenced WQC Number when corresponding with this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Spendiff". The signature is written in a cursive, flowing style.

Danielle A. Spendiff, Chief
Regulatory and Customer Service Division

Cc: (via *electronic mail*)
Heather Nelson, MDE
Denise Clearwater, MDE
Pam McNicholas, WSP
Larry Pesesky, WSP