



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

October 6, 2021

Josh and Kristy Kaptur  
5829 Loreley Beach Rd  
White Marsh, Maryland 21162  
443-854-3049  
kristykaptur@gmail.com

Re: Agency Interest Number: 161233  
Tracking Number: 202160660  
Tidal Authorization Number: 21-WQC-0324

**Via email:** kristykaptur@gmail.com  
April.E.Sparkman@usace.army.mil

Dear Josh and Kristy Kaptur:

Your project did not qualify for approval under the Maryland State Programmatic General Permit (MDSPGP); therefore, a separate review and issuance of the federal permit will be required by the U.S. Army Corps of Engineers. The federal permit is not attached.

Additionally, your project required a Wetlands License to be approved and issued by the Maryland Board of Public Works (BPW). The Wetlands License will be sent to you by the BPW's Wetlands Administrator.

A project that does not qualify for approval under the MDSPGP requires an individual Water Quality Certification (WQC) to be issued by the Maryland Department of the Environment, which is attached. Please take a moment to read and review your WQC to ensure that you understand the limits of the authorized work and all of the general and special conditions.

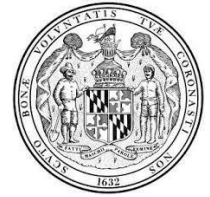
You should not begin any work until you have obtained all necessary State, local, and federal authorizations. Please contact Matt Wallach at [matthew.wallach@maryland.gov](mailto:matthew.wallach@maryland.gov) or 410-537-3527 with any questions.

Sincerely,

Tammy Roberson  
Division Chief  
Tidal Wetlands Division



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



21-WQC-0324

EFFECTIVE DATE:  
CERTIFICATION HOLDER:  
PROJECT LOCATION:

October 6, 2021  
Josh and Kristy Kaptur  
5839 Loreley Beach Rd  
White Marsh, Maryland 21162  
Bird River, Baltimore County

**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 FOR 5829 LORELEY BEACH ROAD, WHITE MARSH, MARYLAND, WILL NOT VIOLATE MARYLAND’S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE CONDITIONS OF THIS CERTIFICATION AND 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 CORPS OF ENGINEERS. THE CERTIFICATION HOLDER SHALL COMPLY WITH THE CONDITIONS LISTED BELOW.

## **PROJECT DESCRIPTION**

- Hydraulically maintenance dredge a 4,375-square foot area to a depth of 3 feet at mean low water and to deposit approximately 486.11 cubic yards of material at the Bird River DMP site, and to provide for periodic maintenance dredging for six years;
- Install one boat lift with associated piles, and three jet ski lifts, all extending a maximum of 130 feet channelward of the mean high water line.

# **GENERAL CONDITIONS**

- A. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.

Statement of Necessity for Condition: The condition is necessary to ensure that water quality standards are met under unique circumstances for discharges which may otherwise qualify under the certified Nationwide Permits.

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 26.08.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.24; COMAR 26.23.02.06

- B. 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.

Statement of Necessity for Condition: The condition is necessary to clarify the scope of this certification to ensure compliance with water quality regulations, without limiting restrictions through other requirements.

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 26.23.02.06; COMAR 26.17.04; COMAR 26.23; COMAR 26.24

- C. 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.

Statement of Necessity for Condition: 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

- D. 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 or is not administratively extended.

Statement of Necessity for Condition: 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

## **SPECIAL CONDITIONS**

- A. Due to the presence of SAV and anadromous fish, the Certificate Holder shall perform no in water work between February 15 and October 15 of any year.

Statement of Necessity for Conditions: This time of year condition is necessary to maintain designated use for support of estuarine and marine aquatic life and shellfish harvesting. Discharges may result in increases in turbidity which may violate water quality standards for clarity needed to support SAV designated uses and uses for aquatic life.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24; COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03-3C(9); COMAR 26.08.02.03-3C(9)(a)

- B. The Certificate Holder shall submit a detailed dredged material disposal plan to and approved by the Maryland Department of the Environment's (MDE) Water and Science Administration, Tidal Wetlands Division, within six months, of the effective date of this license or prior to commencement of any work under the License, whichever comes first. The dredged material disposal plan shall include the Licensee's choice of mechanical or hydraulic dredging. Failure to comply with this condition shall result in automatic suspension of the license.

Statement of Necessity for Conditions: This condition is necessary to ensure that dredged material is removed and placed at a site and in a manner which prevents its re-entry into Waters of the United States, where its release may result in failure to meet turbidity standards and failure to meet designated uses for Turbidity; Discharge of dredged material may interfere with designated uses or support of estuarine and marine aquatic life and shellfish harvesting and may result impacts to water quality, clarity, growth and propagation of fish, other aquatic life, and wildlife.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24; 26.08.02.01B(2); 26.08.02.02B(1) and 26.08.02.02B(3) 26.08.02.03B

- C. The Certificate Holder shall contact the Commander, Fifth Coast Guard District Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705 and obtain approval for the installation of the hydraulic dredge pipe along the proposed route.

Statement of Necessity for Conditions: The condition is necessary to ensure that discharge will not interfere with designed uses for water contact, recreation, and fishing. It is necessary to ensure a nuisance is not created..

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24; COMAR 26.08.02.01B(1) and B(2) COMAR 26.08.02.03B(1)(a); COMAR 26.08.02.03B(2)(d)

- D. If the Certificate Holder does not obtain approval from the U.S. Coast Guard, or the U.S. Coast Guard denies the Certificate Holder's application, The Certificate Holder may only proceed with mechanical dredging or submit an application to MDE for a modification to the State License.

Statement of Necessity for Conditions: The condition is necessary to ensure that discharge will not interfere with designed uses for water contact, recreation, and fishing. It is necessary to ensure a nuisance is not created.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24; COMAR 26.08.02.01B(1) and B(2) COMAR 26.08.02.03B(1)(a); COMAR 26.08.02.03B(2)(d)

- E. The Certificate Holder shall conduct subsequent maintenance dredging within the scope of the State license in terms of authorized dredge area and authorized depths. The Certificate Holder shall:

1. Dredge no more than 500 cubic yards of material at each maintenance dredging.
2. Comply with all applicable conditions of this license.
3. Submit a detailed dredged material disposal plan to be approved by the Water and Science Administration, Tidal Wetlands Division prior to the start of dredging.
4. Notify and receive approval from the Water and Science Administration Compliance Program a minimum of 10 days prior to the start of each maintenance dredging operation.

Statement of Necessity for Conditions: The limits on the scope of maintenance 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 26.08.02.02B(3); COMAR 26.08.02.03B; 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24

- F. The Certificate Holder shall stake the dredge area and receive approval from the Water and Science Administration, Compliance Division prior to the start of dredging.

Statement of Necessity for Conditions: This condition is necessary to ensure that discharges will be conducted in a manner which do not violate water quality criteria nor interfere with designated uses.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24; COMAR 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2)

- G. The Certificate Holder shall conduct a post dredge bathymetric survey and forward to the Water and Science Administration, Tidal Wetlands Division within 45 days after the termination of any phase of dredging.

Statement of Necessity for Conditions: The condition is necessary to ensure that discharges associated with dredging result in water depths which are appropriate to support designated uses of fishing and water contact recreation 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 interferes with designated uses.

Citations: COMAR 26.08.02.01B(2); COMAR 26.08.02.02B(1); 26.08.02.02B(3); COMAR 26.08.02.03B; 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24

- H. The Certificate Holder may dispose of dredged material only at an MDE-approved dredge disposal site.

Statement of Necessity for Conditions: The condition is necessary to ensure that discharges related to installation, maintenance, and removal do not result in additional discharges which would violate water quality standards and designated uses for water clarity, turbidity, growth and propagation of fish, other aquatic life, and wildlife and recreation.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24; COMAR 26.08.02.01B(2); COMAR 26.08.02.02B(1) COMAR 26.08.02.02B(3); COMAR 26.08.02.03B

- I. If the U.S. Coast Guard's approval alters the proposed pipeline route, the certificate holder shall submit an application and revised plans to MDE for a modification to the State license.

Statement of Necessity for Conditions: The condition is necessary to ensure that the discharge will not interfere with designed uses for water contact, recreation, and fishing. The condition is necessary to ensure a nuisance is not created.

Citations: 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,

- J. To ensure navigational safety, the Certificate Holder shall conspicuously mark the location of the pipeline along the entire length of the pipeline route. The Certificate Holder shall verify that the signs/markers on the pipeline remain visible and conspicuous throughout the dredging operations.

Statement of Necessity for Conditions: The condition is necessary to ensure that the discharge will not interfere with designated uses for water contact, recreation, and fishing; nor create a nuisance.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24; COMAR 26.08.02.01B(1) and B(2); COMAR 26.08.02.03B(1)(a); COMAR 26.08.02.03B(2)(d)

- K. The dredge operator shall have a person at the discharge point of the DMP in constant radio communication. If a problem is incurred, the dredging operation shall be immediately shut down until the reason for the problem can be ascertained and rectified. MDE compliance shall be notified.

Statement of Necessity for Conditions: The condition is necessary to ensure that discharges related to installation, maintenance, and removal do not result in additional discharges which would violate water quality standards and designated uses for water clarity, turbidity, growth and propagation of fish, other aquatic life, and wildlife and recreation.

Citations: 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24; COMAR 26.08.02.01B(2); 26.08.02.02B(1) and 26.08.02.02B(3); COMAR 26.08.02.03B

- L. In the event of any inadvertent releases of dredged material into State tidal wetlands from a pipe breakage, all dredging operations shall immediately cease. The Certificate Holder shall take steps to stop all dredged material from entering State tidal wetlands and shall immediately notify MDE's Compliance Program of the pipe breakage. The Certificate Holder shall not resume dredging operations until receiving approval from MDE's Compliance Program.

Statement of Necessity for Conditions: The condition is necessary to ensure that discharges related to installation, maintenance, and removal do not result in additional discharges which would violate water quality standards and designated uses for water clarity, turbidity, growth and propagation of fish, other aquatic life, and wildlife and recreation.

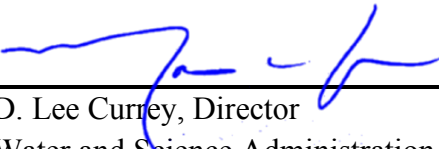
Citations: 33 U.S.C. § 1341(a), (b), & (d); 33 U.S.C. § 1251(b); 33 U.S.C. § 1370; Md. Ann. Code, Env. Article, Title 1, Subtitles 3 and 4; Md. Ann. Code, Md. Ann. Code, Env. Article, Title 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24; COMAR 26.08.02.01B(2); 26.08.02.02B(1) and 26.08.02.02B(3); COMAR 26.08.02.03B

M. The dredged material placement site (DMP) shall be constructed to limit turbidity in the discharge to waters of the State. A turbidity sample of the discharge water shall be performed every hour of active pumping to the DMP or when there is an observed change in the clarity of the water. Turbidity in the discharge may not exceed 150 units at any time or 50 units as a monthly average. Units shall be measured in Nephelometer Turbidity Units. A logbook of all turbidity monitoring shall be kept on site. The dredger shall have a person at the discharge point of the DMP in constant radio communication. If a problem is incurred, the dredging operation shall be immediately shutdown until the reason for the problem can be ascertained and rectified.

Statement of Necessity for Conditions: The condition is necessary to ensure that no dredged material will result in a violation of water quality standards for turbidity and interfere with designated uses.

Citations: COMAR 26.08.02.02B(1)(d); COMAR 26.08.02.02B(3); COMAR 26.08.02.03B; 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 9, Subtitle 3; Md. Ann. Code, Env. Article, Title 16; COMAR 26.08; COMAR 26.08.02.10G(3); COMAR 26.24

#### **CERTIFICATION APPROVED**

  
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D. Lee Currey, Director  
Water and Science Administration

Date 10/8/2021

Tracking Number: 202160660  
Agency Interest Number: 161233

Effective Date: October 6, 2021

cc: WSA Inspection & Compliance Program  
Army Corps of Engineers