



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Anthony G. Brown  
Lieutenant Governor

April 27, 2012

Ms. Marie E. Burns, Chief  
Operations Division  
Baltimore District, Corps of Engineers  
P.O. Box 1715  
Baltimore, MD 21203-1715

Dear Ms. Burns:

The Maryland Department of the Environment (MDE) has received your request for the State's Section 401 Water Quality Certification and Section 307 Federal Consistency decisions on the Corps of Engineers (Corps) reissuance of the Nationwide Permits (NWP). MDE has completed its review of the NWPs as published in the Federal Register, Vol. 77, dated February 21, 2012.

Many of the NWPs will be suspended by the Baltimore District to facilitate implementation of the Maryland State Programmatic General Permit (MDSPGP). However, in the event that the MDSPGP is voided, enjoined, suspended, revoked, or removed from effect for any reason, the NWPs may be reinstated for use in Maryland. For this reason, it is necessary for the State to review the proposed NWPs for compliance with Maryland's water quality standards and consistency with Maryland's Coastal Zone Management Program (CZMP).

The following NWPs are consistent with the State's CZMP, as required by Section 307 of the Federal Coastal Zone Management Act of 1972, as amended, and are hereby issued Water Quality Certification as required by Section 401 of the Federal Clean Water Act: 1, 2, 3, 4, 6, 9, 10, 11, 20, 22, 23, 24, 30, 32 and 34.

For the remaining NWPs, which are listed below, Maryland hereby issues Water Quality Certification, subject to the condition that the applicant obtain all necessary State permits, licenses and approvals. This condition provides assurance that the activities authorized by these NWPs will comply with applicable State water quality standards and will be carried out in a manner consistent with the Maryland CZMP.

NWP 5.	Scientific Measurement Devices
NWP 7.	Outfall Structures and Associated Intake Structures
NWP 8.	Oil and Gas Structures on the Outer Continental Shelf
NWP 12.	Utility Line Activities
NWP 13.	Bank Stabilization
NWP 14.	Linear Transportation Projects
NWP 15.	U.S. Coast Guard Approved Bridges
NWP 16.	Return Water from Upland Contained Disposal Areas
NWP 17.	Hydropower Projects



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- NWP 18. Minor Discharges
- NWP 19. Minor Dredging
- NWP 21. Surface Coal Mining Activities
- NWP 25. Structural Discharges
- NWP 27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
- NWP 28. Modification of Existing Marinas
- NWP 29. Residential Developments
- NWP 31. Maintenance of Existing Flood Control Facilities
- NWP 33. Temporary Construction, Access, and Dewatering
- NWP 35. Maintenance Dredging of Existing Basins
- NWP 36. Boat Ramps
- NWP 37. Emergency Watershed Protection and Rehabilitation
- NWP 38. Cleanup of Hazardous and Toxic Waste
- NWP 39. Commercial and Industrial Developments
- NWP 40. Agricultural Activities
- NWP 41. Reshaping Existing Drainage Ditches
- NWP 42. Recreational Facilities
- NWP 43. Stormwater Management Facilities
- NWP 44. Mining Activities
- NWP 45. Repair of Uplands Damaged by Discrete Events
- NWP 46. Discharge in Ditches
- NWP 48. Commercial Shellfish Aquaculture Activities
- NWP 49. Coal Remining Activities
- NWP 50. Underground Coal Mining Activities
- NWP 51. Land-based Renewable Energy Generation Facilities
- NWP 52. Water-based Renewable Energy Generation Pilot Projects

Finally, please note that the State's General Water Quality Certifications (GWQCs) remain in effect for utility lines, bulkheads, riprap, and marsh creation activities. The GWQCs address the majority of the activities permitted under NWPs 12 and 13, and serve the same purpose as Corps regional conditions for these two NWPs.

In closing, we look forward to continuing our work with your office to improve the regulatory process, including the NWP Program, so that we may better serve the citizens of Maryland. If you have any questions, please contact me by email at [gsetzer@mde.state.md.us](mailto:gsetzer@mde.state.md.us) or by telephone at (410) 537-3744 or Mr. Elder Ghigiarelli, Jr. of my staff at [eghigiarelli@mde.state.md.us](mailto:eghigiarelli@mde.state.md.us) or (410) 537-3763.

Sincerely,



Gary T. Setzer, Program Administrator  
Wetlands and Waterways Program

cc: Elder Ghigiarelli, Jr., Deputy Administrator  
Denise Clearwater