



**Maryland**  
Department of  
the Environment

Wes Moore, Governor  
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary  
Suzanne E. Dorsey, Deputy Secretary

March 09, 2023

Somerset County-Solid Waste and Drainage  
C/o Charles Cavanaugh  
11916 Somerset Avenue  
Princess Anne, Maryland 21853

Re: Agency Interest Number: 169327  
Tracking Number: 202061429  
Tidal Authorization Number: 22-WQC-0047

Dear Charles Cavanaugh:

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 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 Mary Phipps-Dickerson at [Mary.Phipps-Dickerson@maryland.gov](mailto:Mary.Phipps-Dickerson@maryland.gov) or (443) 509-0797 with any questions.

Sincerely,

FOR Tammy K. Roberson  
Chief  
Tidal Wetlands Division



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



22-WQC-0047

EFFECTIVE DATE: **March 9, 2023**  
CERTIFICATION HOLDER: **Somerset County – Solid Waste and Drainage**  
ADDRESS: **Attn: Charles Cavanaugh**  
**11916 Somerset Ave, Rm 201**  
**Princess Anne, MD 21853**  
PROJECT LOCATION: **Deal Island Rd (24601-24689 MD-363)**  
**38°11'18.551"N 75°54'17.995"W**  
**Dames Quarter, MD 21821**

**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 MARYLAND DEPARTMENT OF THE ENVIRONMENT, WATER AND SCIENCE ADMINISTRATION HAS DETERMINED THAT THE REGULATED ACTIVITIES DESCRIBED IN THE REQUEST FOR CERTIFICATION FOR THE PROPOSED DEAL ISLAND-HODSON WHITE ROAD – TIDE GATE AND AS DESCRIBED IN THE ATTACHED PLAN SHEETS DATED AUGUST 13, 2020 AND ANY SUBSEQUENT MODIFICATIONS APPROVED BY THE DEPARTMENT WILL NOT VIOLATE MARYLAND'S WATER QUALITY STANDARDS, IF CONDUCTED IN ACCORDANCE WITH THE 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**

*Remove an existing concrete culvert and install a 40-foot long by 36-inch diameter culvert with a tide gate within an existing roadside drainage ditch, backfill with approximately 40 cubic yards of select clay, and place stone around the pipe ends.*

## **GENERAL CONDITIONS**

1. All water quality-related performance standards and conditions required by the Department in any state issued authorization for activities in tidal wetlands, nontidal wetlands, their 100-year floodplains, nontidal wetlands 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 any other water quality requirements of state law or regulation shall be met.

2. This Certification does not obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
3. All additional authorizations or approvals, including self-certifying General Permits issued by the Department, shall be obtained and all conditions shall be completed in compliance with such authorizations.
4. The proposed project shall be constructed in accordance with the approved final plan by the Department, or, if Department approval is not required, the plan approved by the U.S. Army Corps of Engineers, and its approved revisions.
5. All fill and construction materials not used in the project shall be removed and disposed of in a manner which will prevent their entry into waters of this State.
6. 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.
7. Authorized representatives of the Department shall be provided 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.
8. No stockpiles of any material shall be placed in Waters of the U.S. or state or private tidal wetlands.
9. Temporary construction trailers or structures, staging areas and stockpiles shall not be located within tidal wetlands, nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.
10. This Certification is valid for the project identified herein and the associated U.S. Army Corps of Engineers NAB-2020-61429 Somerset County – Deal Island Road Tide Gate, until such time as that federal approval expires or is not administratively extended.

## **SPECIAL CONDITIONS**

1. The Licensee shall comply with all Critical Area requirements and obtain all necessary authorizations from local jurisdiction. This License does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. “Disturbance” in the Buffer means clearing, grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land disturbing activity, from local jurisdiction in the form of a Buffer Management Plan.
2. If the authorized work is not performed by the property owner, all work performed under this Tidal Wetlands License shall be conducted by a marine contractor licensed by the Marine Contractors Licensing Board (MCLB) in accordance with Title 17 of the Environment Article of Annotated Code of Maryland. A list of licensed marine contractors may be obtained by contacting the MCLB at 410-537- 3249, by e-mail at [MDE.MCLB@maryland.gov](mailto:MDE.MCLB@maryland.gov) or by accessing the Maryland Department of the Environment, Environmental Boards webpage.
3. The Licensee shall not enlarge or change the length, width, or shape of the existing ditch from its original design dimensions and configurations.

4. The Licensee ensure that the installation does not cause a sedimentation problem, adversely impact the function of the natural floodplain, and prevents the loss of material to waters of the State of Maryland.

## **CITATIONS AND STATEMENTS OF NECESSITY**

1. Statement of Necessity for General Conditions 1, 2, 3, 4, and Special Condition 1: These conditions are necessary to ensure that water quality standards are met, and designated uses are maintained.

Citations: Federal and state laws which 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 26.23.02.06; COMAR 26.17.01; COMAR 26.23; COMAR 26.24

2. Statement of Necessity for General Conditions 5, 8, 9: Fill or construction material within or adjacent to regulated resources may cause discharges resulting in turbidity in excess of water quality standards and interfere with designated uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citation: 26.08.02.03B(1)-B(2); COMAR 26.23; COMAR 26.24; COMAR 26.17.04

3. Statement of Necessity for General Condition 6: This 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 which 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

4. Statement of Necessity for General Condition 7: 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. These conditions are necessary to ensure that the activity was conducted, and project completed according to terms of the authorization/certification, while allowing for review of in-field modifications which may have resulted in discharges to ensure that water quality standards were met. Designated uses include support of estuarine and marine aquatic life and shellfish harvesting and for growth and propagation of fish, other aquatic life, and wildlife

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 26.08.02.03B(1)(b); COMAR 26.08.02.03B(2); COMAR 26.23.02.06; COMAR 26.23; COMAR 26.24; COMAR 26.17.04

5. Statement of Necessity for General Condition 10: 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 which 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 26.17.04; COMAR 26.23; COMAR 26.24

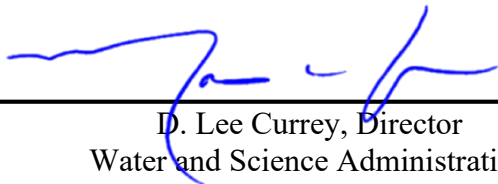
6. Statement of Necessity for Special Condition 2: Expertise for conducting certain activities is required to ensure that there is no violation of water quality standards nor interference with designated uses. This condition is necessary to ensure that discharges will be conducted in a manner which does not violate water quality criteria nor interfere with designated uses.

Citation: COMAR 26.08.02.02B(2)- B(4); COMAR 26.08 02.03B(2)(d) – (e); COMAR 26.08.02.03B(1)(b); 26.08.02.03B(2); COMAR 23.02.04.04

7. Statement of Necessity for Special Conditions 3 and 4: Unauthorized discharges may enter regulated waters as result of activity or structural failure. A plan to address inadvertent discharges will prevent or address further violations of water quality standards and failure of water to meet designated uses, including uses of growth and propagation of fish, other aquatic life, wildlife; and other designated uses; and fail to meet general water quality criteria that waters not be polluted by substances in amounts sufficient to be unsightly or create a nuisance.

Citation COMAR 26.08.02.02B(1)d; COMAR 26.08.02.02B(3); COMAR 26.08.02.03B(1) and B(2); 26.08.02.01B(2); 26.08.02.02B(1)

## CERTIFICATION APPROVED



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D. Lee Currey, Director  
Water and Science Administration

3/9/2023

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Date

Tracking Number: 202061429

Agency Interest Number: 169327

Effective Date: March 9, 2023

Enclosure: Plan Sheets dated August 13, 2020

cc: WSA Inspection & Compliance Program  
Army Corps of Engineers









22-WQC-0047  
20-WL-0958  
202061429  
160327  
8/13/2020  
Sheet 2 of 7

INSTALL 1-36" FLAP STYLE TIDE GATE AND 1-40' HDPE CORRUGATED PIPE

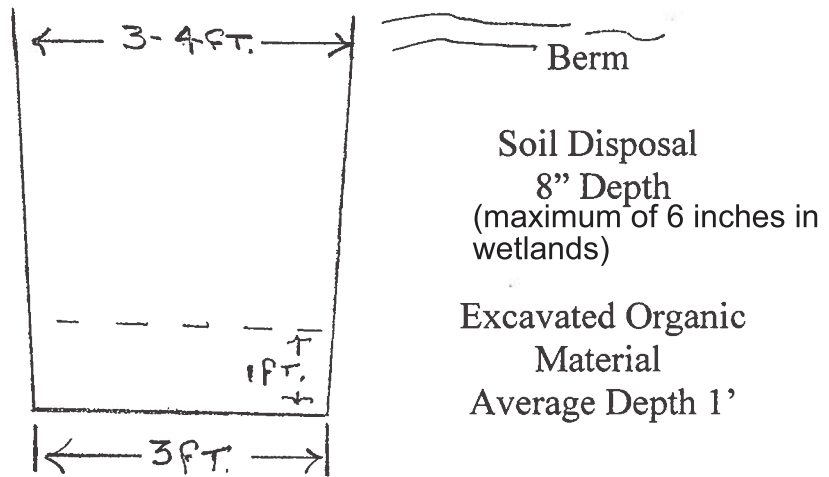
YELLOW LINE INDICATES RECENT MAINTENANCE DREDGING OF 1,578' NON-TIDAL DITCH

SOMERSET COUNTY TAX MAP 20  
DEAL ISLAND ROAD TIDE GATE PROJECT  
DEAL ISLAND, MARYLAND  
INSTALLATION OF 1-36" TIDE GATE & 1-40' PIPE



# Ditch Cross Section

Scale  
 $\frac{1}{2}'' = 1''$

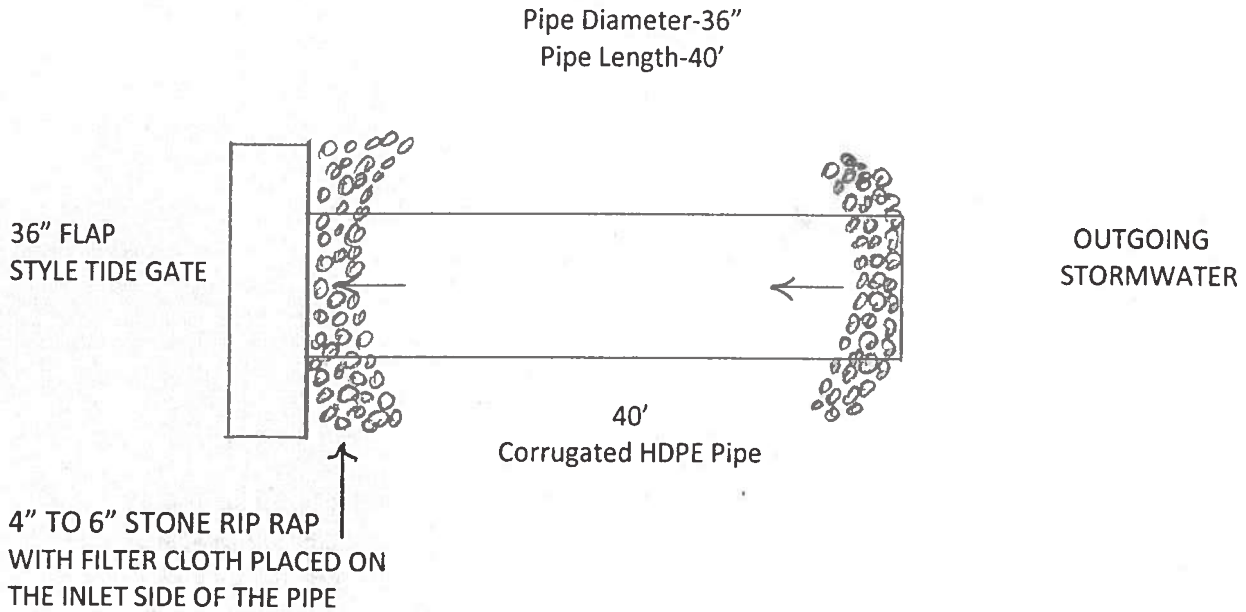


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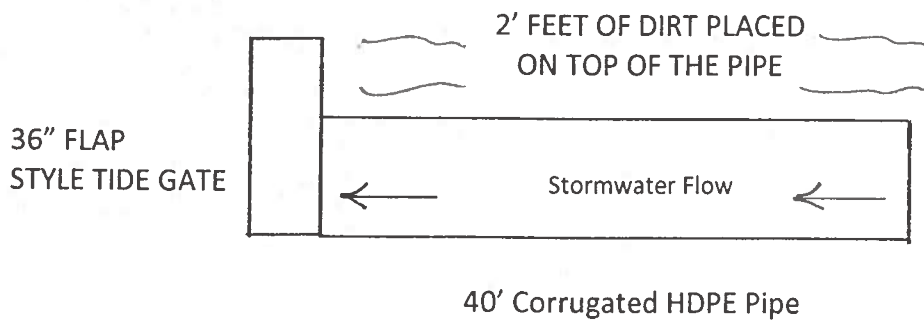
# DEAL ISLAND ROAD TIDE GATE PROJECT

## TOP VIEW



22-WQC-0047  
20-WL-0958  
202061429  
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8/13/2020  
Sheet 4 of 7

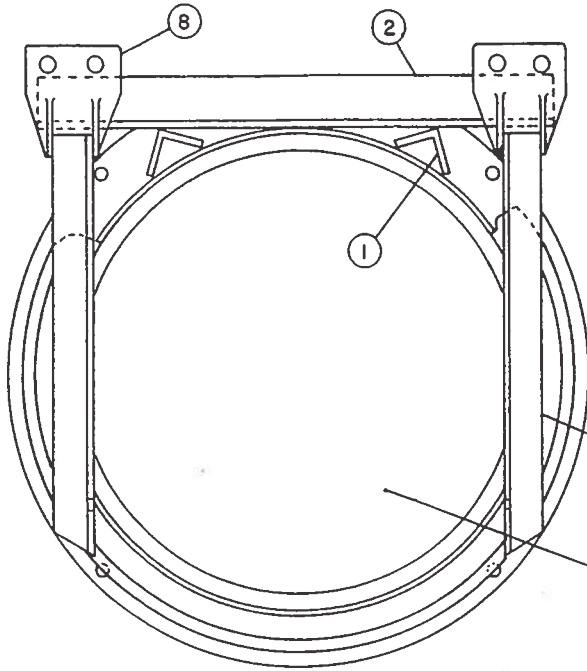
## SIDE VIEW



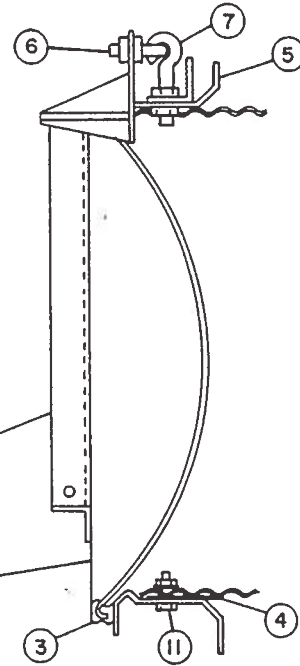
PIPE-CORRUGATED HDPE – 40 Ft.  
TIDE GATE-STAINLESS 36' DIAMETER

PIPE & TIDE GATE INSTALLED  
IN EXISTING DITCH

# GATOR GA-40 FLAP GATE NOMENCLATURE DRAWING



**FRONT ELEVATION**



**SPIGOT BACK**

22-WQC-0047

20-WL-0958

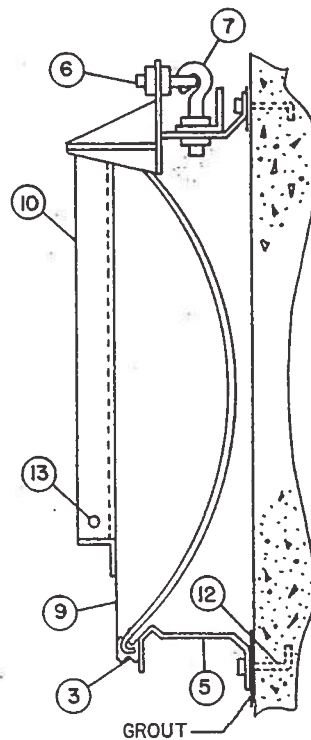
202061429

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8/13/2020

Sheet 5 of 7

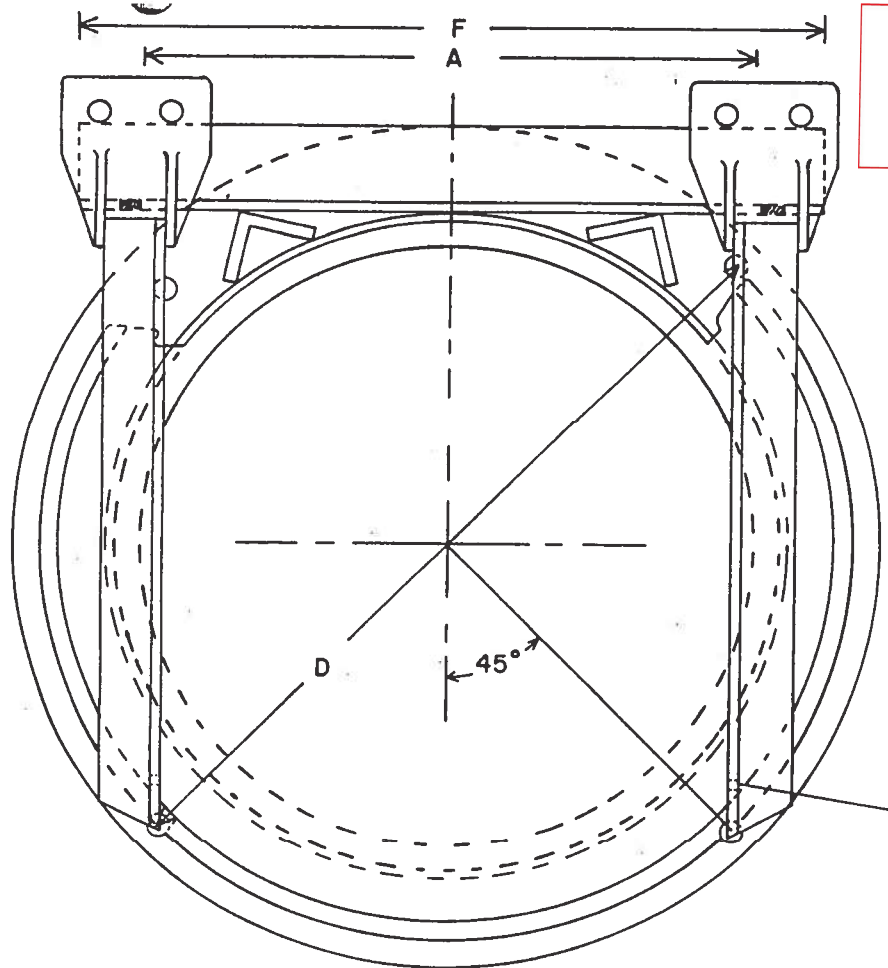
- ① HINGE SUPPORT BRACE
- ② HINGE SUPPORT BAR
- ③ SEAL
- ④ GASKET
- ⑤ RING
- ⑥ HORIZONTAL HINGE ADJUSTMENT ASSEMBLY
- ⑦ VERTICAL HINGE ADJUSTMENT ASSEMBLY
- ⑧ HINGE MOUNT
- ⑨ HEAD
- ⑩ HEAD SUPPORT BAR
- ⑪ HEX HEAD BOLT
- ⑫ ANCHOR BOLT
- ⑬ LIFTING HOLE



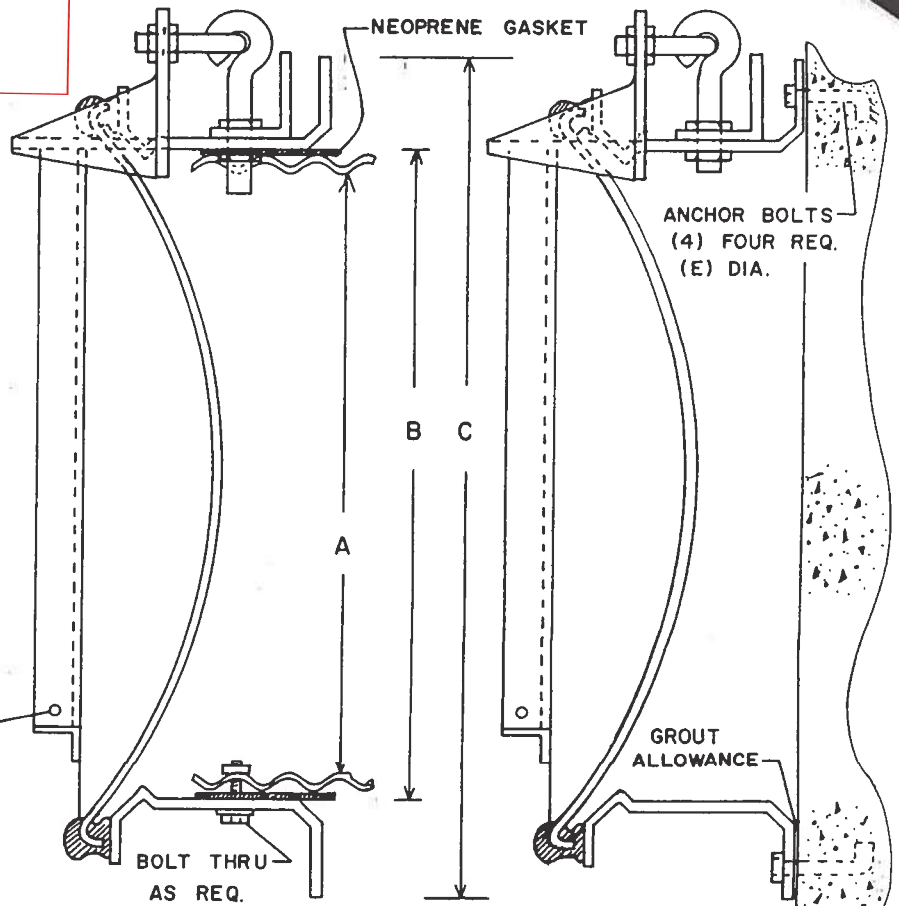
**FLAT BACK**



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 Sheet 6 of 7



**FRONT ELEVATION**



**SPIGOT BACK**

**FLATBACK**

**SCHEDULE OF DIMENSIONS (INCHES)**

A	NOMINAL PIPE SIZE	12.00	15.00	18.00	24.00	30.00	36.00
B	RING INSIDE DIAMETER	13.38	16.38	19.38	25.38	31.44	37.44
C	RING OUTSIDE DIAMETER	17.87	20.87	23.87	29.87	36.44	42.44
D	BOLT CIRCLE DIAMETER	15.90	18.90	21.90	27.90	34.40	40.40
E	ANCHOR BOLT DIAMETER	5/8	5/8	5/8	5/8	3/4	3/4
F	HINGE SUPPORT BAR	15.25	17.72	18.83	20.83	22.71	24.47
G	OVERALL DEPTH	5.63	5.63	5.63	5.63	5.63	5.63

<b>GATOR GATES®</b>			
GATOR FLAP GATE GA-40, (12 THRU 36")			DATE DRAWN 5-14-82
DRAWN BY: M.W.MOSSER	APPROVED BY:	SCALE: NTS	DRAWING NO. GA-002

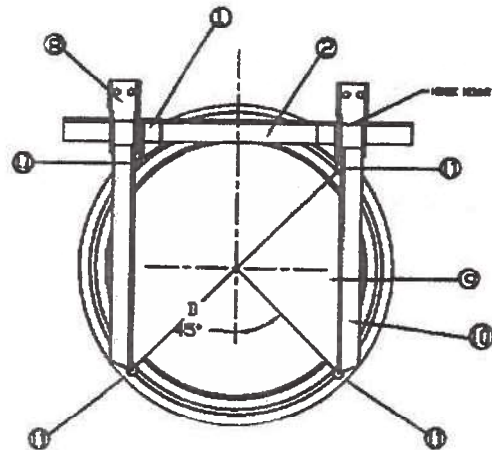
PAGE 4

# GATOR GA-40 FLAP GATE

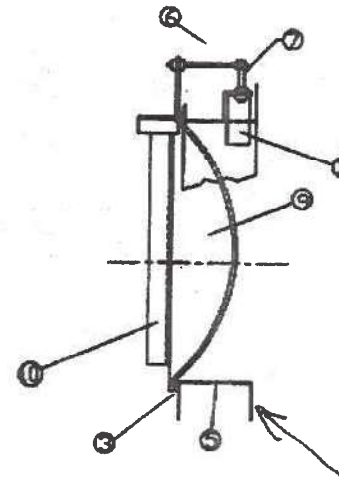
GATES AVAILABLE IN SIZES 12' - 72'

FLATBACK

## NOMENCLATURE DRAWING



FRONT ELEVATION



SPIGOT BACK

- ① HINGE SUPPORT BRACKET
- ② HINGE SUPPORT BAR
- ③ SEAL
- ④ GASKET
- ⑤ RING
- ⑥ HORIZONTAL HINGE ADJUSTMENT ASSEMBLY
- ⑦ VERTICAL HINGE ADJUSTMENT ASSEMBLY
- ⑧ HINGE MOUNT
- ⑨ HEAD
- ⑩ HEAD SUPPORT BAR
- ⑪ WALL-MOUNTING BOLT HOLES

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 AI-169327  
 8/13/2020  
 Sheet 7 of 7

		REVISION DRAWN BY JV APPROVED BY
2880 HELLONVILLE AVE SANFORD, FL 32773		PHN 407-323-0190 FAX 407-328-6574
PROJECT NAME GA-40 FLAP GATE FLATBACK		
FILE DATE REVISED 7/1/2006	SCALE NONE	REF: GA-40 FLAP-GING SHEET 07