



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029  
5/9/2005

Richard Eskin, Director  
Technical and Regulatory Services Administration  
Maryland Department of the Environment  
1800 Washington Boulevard, Suite 450  
Baltimore, Maryland 21230-1718

Dear Dr. Eskin:

The U.S. Environmental Protection Agency (EPA), Region III has reviewed the Draft Final report entitled, "Water Quality Analyses of Fecal Coliform for Eight Basins in Maryland: Assawoman Bay, Sinepuxent Bay, Newport Bay, and Chincoteague Bay in Worcester County; Monie Bay in Somerset County; Kent Island Bay in Queen Anne's County; Rock Creek in Anne Arundel County; and Langford Creek in Kent County," submitted by the Maryland Department of the Environment (MDE) for final Agency review on September 29, 2004. In response to EPA's comments, MDE submitted revised data tables to EPA on January 18, 2005.

EPA concurs with MDE's determination that the recent data show that a fecal coliform total maximum daily load (TMDL) is not necessary for Assawoman Bay (basin ID 02-13-01-02), Sinepuxent Bay (02-13-01-04), Newport Bay (02-13-01-05), Chincoteague Bay (02-13-01-06), Monie Bay (02-13-03-02), Kent Island Bay (02-13-05-11), Rock Creek (of the Patapsco River Basin) (02-13-09-03), and Langford Creek (02-13-05-06). EPA's rationale is described below.

Assawoman Bay was first identified on Maryland's 1996 Section 303(d) list for dissolved oxygen, nutrients, and fecal coliform / bacteria impairments. The nutrient impairment (for which the former dissolved oxygen impairment is now used as supporting data) will be addressed at a future date. The monitoring data from 1999-2003 provided in the Water Quality Analysis (WQA) report show that the median and 90<sup>th</sup> percentile criteria are being met for this area. If, in the future, evidence suggests that bacteria from the Assawoman Bay watershed are contributing to water quality problems, then action will have to be taken.

Sinepuxent Bay was first identified on the 1996 Section 303(d) list for dissolved oxygen, nutrients and fecal coliform / bacteria impairments. The nutrient impairment (for which the former dissolved oxygen impairment is now used as supporting data) will be addressed at a future date. The monitoring data from 2001-2003 provided in the WQA report show that the median and 90<sup>th</sup> percentile criteria are being met for this area. If, in the future, evidence suggests that bacteria from the Sinepuxent Bay watershed are contributing to water quality problems, then action will have to be taken.



Newport Bay was first identified on the 1996 Section 303(d) list for dissolved oxygen, nutrients and fecal coliform / bacteria impairments. The nutrient impairment (for which the former dissolved oxygen impairment was used as supporting data) was addressed in a TMDL developed by Maryland and approved by EPA in October 2003. The monitoring data from 2000-2003 provided in the WQA report show that the median and 90<sup>th</sup> percentile threshold criteria are being met for this area. If, in the future, evidence suggests that bacteria from the Newport Bay watershed are contributing to water quality problems, then action will have to be taken.

Chincoteague Bay was first identified on the 1996 Section 303(d) list for dissolved oxygen, nutrients and fecal coliform / bacteria impairments. The nutrient impairment (for which the former dissolved oxygen impairment is now used as supporting data) will be addressed at a future date. The monitoring data from 2000-2003 provided in the WQA report show that the median and 90<sup>th</sup> percentile criteria are being met for this area. If, in the future, evidence suggests that bacteria from the Chincoteague Bay watershed are contributing to water quality problems, then action will have to be taken.

Kent Island Bay was first identified on the 1996 Section 303(d) list for nutrients, sediments and fecal coliform / bacteria impairments. The nutrient and sediment impairments will be addressed at a future date. The monitoring data from 2001-2003 provided in the WQA report show that the median and 90<sup>th</sup> percentile criteria are being met for this area. If, in the future, evidence suggests that bacteria from the Kent Island Bay watershed are contributing to water quality problems, then action will have to be taken.

Rock Creek (of the Patapsco River Basin) was first identified in Maryland's 1998 Section 303(d) list for fecal coliform / bacteria impairment. Unlike the other waters described herein, Rock Creek is designated as Use I – Water Contact Recreation and Protection of Aquatic Life. Rock Creek is not a (Use II) designated shellfish harvesting area and is therefore subject to bacteriological criteria associated with the Use I designation. According to MDE, Rock Creek is routinely monitored as part of MDE's Shellfish Monitoring Program, due to the potential impact to approved shellfish waters that are located downstream. These data are used by the Shellfish Program for management decisions, particularly following a sewage spill or other temporary problem that may impact shellfish waters. The monitoring data from 1999-2003 provided in the WQA report show that the fecal coliform criteria are being met for this area. If, in the future, evidence suggests that bacteria from the Rock Creek watershed are contributing to water quality problems, then action will have to be taken.

Langford Creek was first identified on the 1996 Section 303(d) list as impaired by nutrients, suspended sediments and fecal coliform / bacteria. A biological impairment listing was added on the 2002 Section 303(d) list. The nutrient impairment was addressed in a WQA approved by EPA in January 2003, and the sediment and biological impairments will be addressed at a future date. Portions of Langford Creek are classified as either "conditionally approved" or "approved" shellfish harvesting areas. According to Maryland's Section 303(d) listing methodology, conditionally approved waters do not need to be listed. However, the monitoring data from 2001-2003 provided in the WQA report are insufficient to support a determination that the designated use for Langford Creek is being fully supported, because the minimum sample requirement as stated in the Code of Maryland Regulations (COMAR) 26.08.02.03-3C was not met. Further, data from 2004 submitted by the Chester Riverkeeper suggest that one or more areas of Langford Creek are impacted by high levels of bacteria, and



that additional monitoring of Langford Creek is warranted. EPA recommends that MDE evaluate the validity of these data and collect additional data as necessary in order to complete a current assessment. Thus, Langford Creek should be moved to Part 3 of Maryland's 2006 Integrated List until the data requirements are satisfied and the assessment is completed.

Monie Bay is classified as a "conditionally approved" shellfish harvesting area. According to Maryland's Section 303(d) listing methodology, conditionally approved waters do not need to be listed. However, the monitoring data from 2002-2003 presented in the WQA report are not sufficient to demonstrate that the designated use is being fully supported, because the minimum sample requirement as stated in COMAR 26.08.02.03-3C was not met. Thus, Monie Bay should be moved to Part 3 of Maryland's 2006 Integrated List until the data requirements are satisfied and the assessment is completed.

If you have any questions, please contact Mr. Thomas Henry, TMDL Program Manager, at (215) 814-5752.

Sincerely,

*Signed*

Jon M. Capacasa, Director  
Water Protection Division

cc: Melissa Chatham, MDE - TARSA

