

MARYLAND WATER QUALITY STANDARDS – PROPOSED REVISIONS

MDE is reviewing and may amend or revise the State's water quality standards. The Clean Water Act requires that States review their water quality standards every 3 years to incorporate new scientific information, correct omissions, and generally assure that designated and beneficial uses of the State's waters are protected. The last Triennial Review was completed in 2000 and this Review will extend through 2003. Five public informational meetings to describe and discuss the potential revisions are being held. Three were held in January, one is being held today in Hagerstown and another tomorrow in Baltimore (MDE Office).

Comments will be accepted through February 26, 2003 and may be submitted to Richard Eskin, TARSA, Maryland Department of the Environment, 1800 Washington Blvd., Ste 540, Baltimore, MD 21230-1718 or by email to reskin@mde.state.md.us.

The Department has initially identified the following issues as areas for revisions. Other issues may be included in the Triennial Review based on comments received.

New Chesapeake Bay Standards

The Chesapeake Bay water quality standards are still under development and will be the subject of separate public hearings. You can check on the current status at www.chesapeakebay.net/baycriteria.htm. Standards include:

- numeric and/or narrative criteria for chlorophyll, clarity, and dissolved oxygen
- new designated uses for shallow water, open water, deep water, deep channel, spawning and migratory uses
- Use attainability analysis

Protection of threatened and endangered species in mixing zones

In no case shall a mixing zone be granted in water body segments with documented occurrences of any endangered or threatened species listed under section 4 of the federal Endangered Species Act, if that discharge would likely have an adverse effect on those species.

Adoption of implementation procedures for Tier II waters

Where water quality is better than the minimum requirements specified by the water quality standards, that water quality shall be maintained. The Department lists these as "Tier II" waters. Maryland has an antidegradation policy applying to Tier II waters but has not previously provided specific implementation procedures. The planned revision will put into effect regulatory requirements for implementation.

Waters may be listed as Tier II, if they are not impaired, meet existing uses and:

- Measured water quality characteristics for which numeric criteria have been promulgated are significantly better than the water quality criteria specified in COMAR 26.08.02.03 to

26.08.02.03-3G. Significantly better is evaluated statistically to demonstrate at least a 90 percent certainty that the mean of the available data is better than the applicable standard

- biological assessment data indicate water quality is within 20 of the maximum attainable value of the index of biological integrity.

Before submitting an application for a new discharge permit or major modification of an existing discharge permit (i.e., expansion), the discharger or applicant shall determine whether the receiving water body is Tier II or a Tier II determination is pending by consulting the list of Tier II waters. The application shall include an antidegradation review.

Chemical Criteria

Revisions to the numeric water quality criteria respond to new scientific information, revisions by EPA of existing criteria, and gaps in MDE's current list of criteria.

- Mercury/Methylmercury, Arsenic, Selenium, and replacement of recently published criteria based on MCLs with human health criteria
- Adoption of EPA's new streamlined copper water effects ratio; also apply 0.90 conversion factor to acute estuarine copper criterion. The standard was reduced from 6.1 to 5.5 ppm.

New bacterial indicator criteria for beaches made mandatory.

In accordance with the National Beaches Act and Clean Water Act, fecal coliform will be dropped as a bacterial indicator and only *E. coli* and enterococci will be used.

In Use I, III, IV waters (COMAR 26.02.02.03-3): The use of the EPA recommended bacterial indicators of *E. coli* and enterococcus will be expanded from implementation at beaches to all Use I waters that include the recreational use.

Nutrient criteria. A plan for adoption of nutrient criteria is due to EPA.

MDE has provided an initial draft plan for adoption of nutrient criteria. Criteria should be set in relation to the designated use and biological impacts. The first priority, because it is already in development are the estuarine criteria for Chesapeake Bay and tidal tributaries. Although there are significant data gaps, nutrient criteria for rivers and streams will commence next, across ecoregions because significant data are available to begin the analysis.

Biocriteria (biological assessment criteria)

Biocriteria are an essential tool determining aquatic life use attainment status for 303(d) and 305(b) reporting. MDE has worked with a representative stakeholder group to develop a regulation and implementation procedures for biocriteria. Quantitative assessments of biological communities in streams may be used separately or in conjunction with the chemical and physical criteria to assess water quality

Revision and clarification of the current definition of "Intermittent Streams"

The current definition of an intermittent stream as "a nontidal body of flowing water for which the computed design stream flow is zero" is not appropriate for all applications.

Water color

- Color may not exceed levels detrimental to aquatic life
- Color in the surface water resulting from any discharge may not exceed 75 units of the Platinum — Cobalt Scale on a monthly average
- The Department may determine that due to color in the discharge, that this test may not be appropriately applied and substitute alternative methods including professional judgment to make a determination.

Temperature

Temperature outside the applicable mixing zone meets the water quality criteria specified in COMAR [26.08.02.02B] 26.08.02.03-3A(3).

Will Ballard

Nancy RLC

757 444-5153