



Maryland
Department of
the Environment

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

Ben Grumbles, Secretary
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Notice of Triennial Review of Water Quality Standards – 2019

2019 - TRIENNIAL REVIEW OF WATER QUALITY STANDARDS

The Clean Water Act (CWA) requires that States review their water quality standards every three years (Triennial Review) and revise the standards as necessary. A water quality standard consists of three components:

1. **Designated Uses** that set goals for a water body. Examples are support of aquatic life, drinking water supply or a coldwater fishery such as trout.
2. **Criteria** that support the designated uses. There are numerous criteria for chemical substances, bacteria, acidity and physical characteristics (e.g., temperature). Examples include dissolved oxygen sufficient to support aquatic life or metals in sufficiently low concentrations that they will not interfere with aquatic life.
3. **Antidegradation policy**. Maryland has a policy in place, and updates the list of high quality waters each triennium if needed.

The Maryland water quality standards are found in the Code of Maryland regulations (COMAR) at 26.08.01 – 26.08.02. Maryland regulations may be accessed online at the Division of State Documents web site: www.dsd.state.md.us. Click on COMAR Online and enter the appropriate regulatory reference.

Prior to initiating any formal rule-making process, MDE is providing stakeholders an opportunity to present recommendations, voice concerns, and provide input on the State's water quality standards for MDE to consider for amendment and addition.

With this announcement, the Water and Science Administration (WSA) at MDE is soliciting public input on its current review of the Water Quality Standards. Topics currently being reviewed by WSA are presented below. WSA invites stakeholder comments and suggestions and will consider them if the necessary data are available to make the appropriate determination(s). A subsequent promulgation of new water quality standards may include topics not included in this proposal.

Comments on the following topics and on additional issues that the public thinks should be addressed during this Triennial Review period should be submitted to Timothy Fox (phone: 410-537-3958) at tim.fox@maryland.gov, by fax at 410-537-3998, or by mail to Mr. Timothy Fox, Water and Science Administration, Maryland Department of the Environment, 1800 Washington Blvd, Baltimore MD 21230.

Schedule

Depending on the comments received in response to this notice, MDE plans to formally propose new and/or revised regulations by fall of 2019, and submit a final notice on these regulations by the end of the year.

PROPOSED WATER QUALITY STANDARDS AMENDMENTS

DESIGNATED USES

MDE has gathered and analyzed data showing that certain surface waters support both cold water obligate species and the Use Class III temperature criterion (68°F). MDE is considering updating the Use Class of these surface waters to protect the cold water species they support.

Additionally, COMAR 26.08.02.08B (1) defines the boundaries between Use Class I-P and Use Class II-P in the Susquehanna River. MDE is proposing to correct the description of this boundary to better reflect the actual head of tidal conditions.

Finally, USEPA plans to update the restoration variances for certain sections of the Chesapeake Bay based on updated modeling results. MDE will consider these revisions to restoration variances and plans to include them as part of the 2019 Triennial Review.

WATER QUALITY CRITERIA

Updated Ammonia Criteria for the Protection of Aquatic Life

The United States Environmental Protection Agency published final revised national recommended Clean Water Act 304(a) aquatic life water quality criteria for ammonia in fresh water in the Federal Register on August 22, 2013. The revised criteria incorporate up-to-date toxicity data reflecting freshwater unionid mussel and non-pulmonate (gill-bearing) snail sensitivity. MDE is considering these updated national criteria for adoption into state regulations.

Updated Cadmium Criteria for the Protection of Aquatic Life

The United States Environmental Protection Agency published final revised national recommended Clean Water Act 304(a) aquatic life water quality criteria for cadmium in fresh and salt/estuarine water in the Federal Register on April 4, 2016. The revised criteria incorporate up-to-date toxicity data. The magnitudes of the updated freshwater criteria are a function of water hardness. MDE is considering these updated national criteria for adoption into state regulations.

Updated Ambient Water Quality Criteria for the Protection of Human Health

The United States Environmental Protection Agency published final updated ambient water quality criteria for the protection of human health for 94 chemical pollutants in June of 2015. These updated recommendations reflect the latest scientific information and USEPA policies, including updated body weight, drinking water consumption rate, fish consumption rate, bioaccumulation factors, health toxicity values, and relative source contributions. MDE is considering these updated national criteria for adoption into state regulations.

ANTIDEGRADATION

Modifications to List of Tier II Waters (COMAR 26.08.04-1 O)

Based on recently collected and analysis of historical Maryland Biological Stream Survey data, several Maryland streams have been identified as high quality and will be proposed in Maryland regulations as Tier II waters. The names and locations of these streams will be presented after the data analysis has been completed.

Clarification of Antidegradation Regulatory Language as related to Protection of Tier I Existing Uses

Both the Code of Federal Regulations (40 CFR § 131.3(e)) and Code of Maryland Regulations (COMAR 26.08.1.01) define existing uses as “...*Those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards*”. In addition, both CFR and COMAR require the protection and maintenance of existing uses as part of antidegradation policy.

The Department is considering adding language to the antidegradation implementation regulations to clarify the concept of Tier I existing use protection.