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MEMORANDUM

TO: Angie Garcia, US Environmental Protection Agency Region III
FROM: Jeff White, Maryland Department of the Environment – Science Services Administration
RE: Review of the Approval Letter and Decision Rationale for the Baltimore Harbor, Curtis Creek/Bay, and Bear Creek Portions of the Patapsco River Mesohaline Tidal Chesapeake Bay Segment Polychlorinated Biphenyls Total Maximum Daily Load
DATE: November 1, 2012

Maryland Department of the Environment (MDE) has reviewed the US Environmental Protection Agency's (EPA) approval letter and decision rationale dated October 1, 2012 for the following Total Maximum Daily Load (TMDL):

Total Maximum Daily Loads of Polychlorinated Biphenyls in the Baltimore Harbor, Curtis Creek/Bay, and Bear Creek Portions of the Patapsco River Mesohaline Tidal Chesapeake Bay Segment, Maryland

As a result of this review the following changes are requested:

Decision Rationale

Page 1, Section I – 2nd paragraph of the Decision Rationale, the text indicates that the TMDL was submitted to EPA on September 30, 2010. This is incorrect. The TMDL was submitted to EPA on September 30, 2011.

Page 1, Section I – 2nd paragraph of the Decision Rationale, the very last sentence should start out indicating that “The Integrated Report basins identification...” rather than simply “The basins identification...”.

Page 2, Section II, 1st paragraph of the Decision Rationale, the document indicates that there are 165 permitted point sources within the watershed with the potential to discharge Polychlorinated Biphenyls (PCBs) to the embayment. There are actually only 164 permitted point sources within the watershed with the potential to discharge PCBs to the embayment. This should be corrected.

Page 3, Section II, Table 1, the 2nd sentence to the 3rd footnote to the table indicates states “These dischargers are identified in Appendix H”. There is no Appendix H to the Decision Rationale. This sentence should be removed.

Page 3, Section II, Table 4, the table should not include individual average annual and maximum daily Wasteload Allocations (WLAs) for the industrial process water facilities. Neither average annual nor maximum daily individual WLAs are provided for these facilities within the TMDL documentation. Only aggregate WLAs are provided. Based upon precedent, EPA has never previously broken down TMDL aggregate WLAs within Decision Rationales. MDE asks that EPA please remove these individual average annual and maximum daily WLAs from the Decision Rationale.



Throughout the Decision Rationale, the in-text citations from the TMDL are included. The in-text citations do not have any relevance without the inclusion of a reference section, which would indicate the full citation information. MDE would recommend either adding a reference section or inserting the full citation information in-text, whichever is EPA's standard method of citing sources.

Page 11, Section III, the first sentence of the 2nd to last paragraph (*Chesapeake Bay Mainstem Tidal Influence*) states "The water quality model, using observed estimated tPCB concentrations..." should simply state "The water quality model, using observed tPCB concentrations...", as there is nothing estimated about the observed concentrations.

Page 11, Section III, the last paragraph (*Atmospheric Deposition*) says that "The direct atmospheric deposition load to the surface of the Baltimore embayment (1,360.0 g/year)...". The loading indicated here is slightly incorrect. The correct load is actually 1,360.9 g/year, and the text should state "to the surface of the Baltimore Harbor embayment", rather than solely the "Baltimore embayment".

Page 17, Section IV, Sub-section 2, under the "Total Allowable Load" heading, the document refers to the "maximum daily load" (MDL) as the "long-term daily load". This is not completely inaccurate, based on the methodology used to calculate the load, but MDE would recommend that this loading simply be referred to as the "maximum daily load", or MDL.

Page 18, Section IV, Sub-section 2, under the "Wasteload Allocations" heading, the decision rationale indicates that there are 165 permitted point sources within the watershed with the potential to discharge PCBs to the embayment. There are actually only 164 permitted point sources within the watershed with the potential to discharge PCBs to the embayment. This should be corrected. Additionally, there only 155 NPDES regulated stormwater facilities, rather than 156 as indicated in the Decision Rationale. MDE would also recommend that the Decision Rationale refer to NPDES regulated stormwater "permits/entities" rather than "facilities", since stormwater permits such as municipal separate storm sewer systems (MS4s) have broad geographic coverages that can not accurately be referred to as "facilities".

Section V of the Decision Rationale, the Discussion of Reasonable Assurance, does not make mention of one of the key components of the Assurance of Implementation Section of the TMDL, which are the two paragraphs (last paragraphs on page 50 of the TMDL documentation) that describe the "standards for identifying, investigating, and remediating sites that have a release of, or imminent threat to release, hazardous substances to the environment" (i.e., the process by which watershed land sources of PCBs, or contaminated sites, are identified, investigated, and subsequently remediated). The identification, investigation, and remediation of new PCB contaminated sites within the embayment's watershed are key components of the implementation process, and should be discussed within the Decision Rationale.

