



Maryland
Department of
the Environment

Wes Moore, Governor
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Notice of Triennial Review of Water Quality Standards – 2025

Revised September 26, 2024 –

The previously proposed Tier II segments, Persimmon Creek 1 and Saint Mary’s River UT4 have been removed from consideration due to technical errors found in the original datasets informing their baseline IBI scores.

ANPRM - 2025 Triennial Review

2025 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 include the support of aquatic life, drinking water supply or the support of 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 for Tier I, Tier II, and Tier III classified waters. The Department updates the list of high quality waters each triennium as 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, the Maryland Department of the Environment (MDE) is providing stakeholders an opportunity to provide input on the State’s water quality standards MDE will be considering 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 on the proposed changes 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 planned to be addressed during this Triennial Review period should be submitted to Melinda Cutler via email at melinda.cutler@maryland.gov or by mail to Ms. Melinda Cutler, 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 spring of 2025 and submit a final notice on these regulations by summer of 2025.

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, MDE is evaluating portions of the North Branch Potomac River mainstem, located in Alleghany County, for an Use Class IV-P designation.

Waters under consideration:

Waterbody Name	County	Coordinates	Designation under Consideration
Unnamed tributary to Jacks Hole	Harford	Headwaters to 39.6864751, -76.3748481	Class III-P
Unnamed tributary to Michaels Run	Harford	Headwaters to 39.713601, -76.264204	Class III-P
Unnamed tributary to Broad Creek	Harford	Headwaters to 39.6813615, -76.3618549	Class III-P
North Branch Potomac River (Alleghany)	Alleghany	39.4801835, -79.0668370 to 39.4785295, -78.9422151	Class III-P and Class IV-P
North Branch Potomac River (Garrett)	Garrett	39.2058829, -79.4866701 to 39.2024041, -79.4726861	Class III-P

The proposed existing use rationale documents for the Use Class redesignations are posted to MDE’s Existing Use webpage.

<https://mde.maryland.gov/programs/water/TMDL/WaterQualityStandards/Pages/Existing-Use-Determinations.aspx>

The proposed existing use rationale documents, including those involving the Use Class redesignations listed here, are undergoing an additional separate public review process prior to the 2025 Triennial Review (public comment period September 6, 2024 - October 7, 2024). Please see the notice in the September 6th edition of the Maryland Register or the Department’s Existing Use webpage for more details.

WATER QUALITY CRITERIA

Updated Ambient Water Quality Criteria for the Protection of Human Health

The United States Environmental Protection Agency (US EPA) 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 US EPA policies, including updated body weight, drinking water consumption rate, fish consumption rate, bioaccumulation factors, health toxicity values, and relative source contributions. MDE promulgated updated criteria for 69 out of the 94 chemical pollutant criteria in concert with the 2019 Triennial Review. MDE is now considering the remaining updated national criteria (25 in total) for adoption into state water quality standards.

New Recreational Ambient Water Quality Criteria for Microcystin and Cylindrospermopsin

The USEPA published national recommended recreational ambient water quality criteria for the cyanotoxins microcystin and cylindrospermopsin in May of 2019. These 304(a) criteria recommendations are based on the latest scientific information. MDE is considering these recommended national criteria for adoption into state regulations.

ANTIDegradation

Modifications to List of Tier II Waters (COMAR 26.08.02.04-2 N)

Based on recently collected and analysis of historical Maryland Biological Stream Survey data, four (4) Maryland streams have been identified as high quality and will be proposed in Maryland regulations as Tier II High Quality waters. The names and locations of these streams are provided in the table below.

Stream Name	County	Coordinates	Baseline FIBI	Baseline BIBI
Midway Branch 1	Anne Arundel	39.075195, -76.728378 to 39.059119, -76.731594	4.14	4.00
Loretta Branch 1	Somerset	38.223436, -75.672699 to 38.207113, -75.693784	4.43	4.67
South Prong Lostland Run 1	Garrett	39.381469, -79.276926 to 39.371498, -79.254668	4.25	4.00
Mattawoman Creek 3	Charles	38.600005, -77.051782 to 38.596301, -77.055239	4.71	4.33