



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230

410-537-3000 • 1-800-633-6101

Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Secretary

Anthony G. Brown  
Lieutenant Governor

## 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 Back River Oligohaline 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 Back River Oligohaline Tidal Chesapeake Bay Segment, Maryland

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

### *Decision Rationale*

Page 1, Section II – 1<sup>st</sup> paragraph of the Decision Rationale, the number of permitted point sources is incorrect. There are 56 permitted point sources with the potential to discharge Polychlorinated Biphenyls (PCBs) to the embayment, not 55 as the Decision Rationale indicates.

Page 2, Section II – 1<sup>st</sup> paragraph of the Decision Rationale, the 2<sup>nd</sup> to last sentence states “the Back Creek Oligohaline Tidal Chesapeake Bay Segment”. This should say “the Back River Oligohaline Tidal Chesapeake Bay Segment”.

Pages 12-13, Section IV of the Decision Rationale, the sentence “A smaller reduction for atmospheric deposition is required since it has a much smaller impact on water quality than the watershed land sources” is repeated.

Page 13, Section IV, Wasteload Allocations Section, 1<sup>st</sup> paragraph of the Decision Rationale, the document should state that there are 56 permitted point sources with the potential to discharge PCBs to the embayment, 55 of which are National Pollutant Discharge Elimination System (NPDES) regulated stormwater permits. The document currently indicates that there are 55 total permitted point sources, 54 of which are NPDES regulated stormwater permits.



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.

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 32 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.

