Comment Response Document
Regarding the Total Maximum Daily Loads of Fecal Bacteria for the Restricted Shellfish Harvesting Area in Wells Cove of the Kent Narrows – Prospect Bay Basin in Queen's Anne County, Maryland

The Maryland Department of the Environment (MDE) has conducted a public review of the proposed Total Maximum Daily Loads (TMDLs) of Fecal Bacteria for the Restricted Shellfish Harvesting Area in Wells Cove of the Kent Narrows – Prospect Bay Basin. The public comment period was open from April 21, 2006 through May 22, 2006. MDE received 1 set of written comments.

Below is a list of commentors, their affiliation, the date comments were submitted, and the numbered references to the comments submitted. In the pages that follow, comments are summarized and listed with MDE's response.

List of Commentors

Author	Affiliation	Date	Comment Number
Jennifer Schaafsma	Maryland Department of Agriculture	April 26, 2006	1-5

Comments and Responses

1. The commentor states that this watershed has no livestock or agriculture but there are several pages in Appendix B explaining livestock contributions and a chart of recoverable manure suggesting that animals are there. In addition, Appendix C explains livestock contributions. The commentor states that this is clearly a pasted excerpt and parts not relevant to the locality should be removed.

Response: Standard language regarding livestock in the document is intended to explain all possible sources.

2. The commentor states that seasonality is explained for wildlife but applies to boats and people swimming as well. The commentor notes that Kent Narrows is a busy boating area but there is no mention of boat discharge except to say we don't have the data. Use of a Kent County ADC map is suggested, since it shows where marinas and boat ramps are. The commentor feels it is hardly worth referring to marina pump-out requirements in the Assurance of Implementation, if only 2.5% comes from humans. Doing the bacteria source tracking (BST) analysis first, the commentor suggests, would give a better indication where the work needs to happen.

Response: The BST data will provide a better understanding of the distribution of the fecal coliform sources. Standard language regarding marina pump out requirements that are in document and will be kept to explain all possible sources.

3. The commentor states that pets are in the watershed year round but the problem concentrations occur in summer months. The commentor notes that the median is very close to acceptable and suggests that excesses in certain months would not be caused by something that lives in the watershed year round. The commentor concludes that perhaps while pets are a significant part of the load, they do not explain summer concentration spikes.

   Response: Due to expanding local population and also the surge in tourism in the summer months and associated pets, it can be assumed that there will be a spike in the fecal coliform concentration.

4. The commentor states that failing septic systems are listed as a bacteria source but that the entire area has public sewers. The commentor asks whether people continue using septic systems after sewers are installed, and if abandoned septic systems continue to supply fecal coliform for a period of time.

   Response: Once the sewer is converted to the public system there is usually no use of the septic system after that. The abandoned septic system tank is usually dugout, collapsed or filled with gravel or concrete. There are no regulations as to dealing with the abandoned systems. The drainage field is usually kept intact but the fecal coliform would not be able to survive without any nutrients. An abandoned system cannot be considered a source of fecal coliform.

5. The commentor states that the "Assurance of Implementation" starts with Maryland Agricultural Cost Share Program (MACS) and Environmental Quality and Incentives Program (EQIP) which are not applicable to a watershed with no agriculture. The commentor also states that National Pollution Discharge Elimination System (NPDES) will regulate no concentrated animal feeding operations (CAFOs) in this watershed and nutrient management plans will not decrease manure application here. In addition, the commentor points out that Bay Restoration Funds (BRF) for onsite sewage disposal are unlikely because there is a public sewer, and failing septic systems are stated as only 1% of the load. Finally, the commentor notes that there is no mention of how to implement a cleanup of pet waste, which is estimated to be 78% of the load.

   Response: Comments regarding the BRF and NPDES will be removed from document in regards to possible sources of implementation funding. MDE conducts regular monitoring and sanitary surveys in all shellfish areas and if problems are identified they are reported to MDE's compliance group and local health departments.