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Proposed Changes to Maryland's Water Quality Standards Regulations

Please note:

- [Bracketed text denotes proposed deletions from regulation.]
- *Italicized text denotes proposed additions to regulations.*

26.08.02.03-1

.03-1 Toxic Substance Water Quality Criteria for Surface Waters.

A. General (Text Unchanged)

B. Fresh Water, Estuarine, and Salt Water Boundaries.

(1) —(2) (Text Unchanged)

(3) For the purposes of applying numerical toxic substance criteria, the following are designated as the boundaries between fresh waters and estuarine or salt waters:

(a) — (s) (Text Unchanged)

(t) Chesapeake Bay Proper (Sub-Basin 02-13-99) boundary is a line connecting Booby Point ([39°17'4.5"] *39.284206* north latitude, [76°10'54"]-*76.381400* west longitude) with Handy's Point ([39°17'31"] *39.291944* north latitude, [76°10'54"]-*76.181388* west longitude).

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.03-3 Water Quality Criteria Specific to Designated Uses.

A. Criteria for Class I Waters — Water Contact Recreation and Protection of Nontidal Warmwater Aquatic Life.

(1) Bacteriological.

[(a) Table 1. Bacteria Indicator Criteria for Frequency of Use.

Steady State Geometric Mean Indicator Density		Single Sample Maximum Allowable Density			
Indicator	All Areas	Frequent Full Body Contact Recreation (Upper 75% CL)	Moderately Frequent Full Body Contact Recreation (Upper 82% CL)	Occasional Full Body Contact Recreation (Upper 90% CL)	Infrequent Full Body Contact Recreation (Upper 95% CL)
Freshwater (Either apply)					
Enterococci	33	61	78	107	151
E. coli	126	235	298	410	576
Marine water					
Enterococci	35	104	158	275	500

CL = confidence level

All numbers are counts per 100 milliliters

(b) In freshwater for E. coli, the following formula is used to calculate the upper 75 percent confidence interval for single sample maximum allowable density: antilog[(log 126) + 0.675 * log(SD)].

(c) In freshwater for enterococci, the following formula is used to calculate the upper 75 percent confidence interval for single sample maximum allowable density: antilog[(log 33) + 0.675 * log(SD)], where log(SD) is the standard deviation of the log transformed E. coli or enterococci data. If the site data are insufficient to establish a log standard deviation, then 0.4 is used as the log standard deviation for both indicators. At the default log standard deviation, the values are 235 for E. coli and 61 for enterococci.

(d) In saltwater, for enterococci, the following formula is used to calculate the upper 75 percent confidence interval for single sample maximum allowable density: antilog[(log 35) + 0.675 * log(SD)], where log(SD) is the standard deviation of the log transformed enterococci data. If the site data are insufficient to establish a log standard deviation, then 0.7 is used as the log standard deviation. At the default log standard deviation, the value is 104.

(e) Confidence Level Factors.

(i) The factors in Table 2 are used in the formulas in this subsection to calculate the appropriate confidence limits when site-specific standard deviations are used.

(ii) Table 2.

Confidence Level	Factor
75%	0.675
82%	0.935
90%	1.280
95%	1.650

(f) Establishment of a Site-Specific Standard Deviation. A site-specific standard deviation for use in the formulas in this subsection shall be based on at least 30 samples, taken over not more than one recreational season, at base flows.**]**

(a) Table 1. Bacteria Indicator Criteria Magnitudes

		Geometric Mean	*Statistical Threshold Value*
Indicator	*Enterococci (fresh or marine) - culturable*	*35*	*130*
	E. coli (fresh)- culturable	*126*	*410*

All magnitudes in Table 1 are expressed as counts per 100 milliliters

(b) The geometric mean of samples taken over a 90 day period shall not exceed the steady state geometric mean values for the given indicator.

(c) 10 percent of samples taken over a 90 day period shall not exceed the statistical threshold value.

[(g)**]** *(d)* When a sanitary survey and an epidemiological study approved by the Department disclose no significant health hazard, the criteria in Table 1 do not apply.

(2) —(7) (Text Unchanged)

B.—H. (Text Unchanged)

26.08.02.04-1
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.04-1 Antidegradation Policy Implementation Procedures.

A. —N. (Text Unchanged)

O. List of Tier II Waters.

Date	Stream Name	County	12-Digit Watershed	From Lat	From Long	To Lat	To Long	Baseline: Fish IBI	Benthic IBI
	Black Sulphur Run 1—Fifteenmile Creek 1 (Text Unchanged)								
[2007	Fifteenmile Creek 2	Allegany	021405110137	39.69293	-78.45128	39.67463	-78.45777	4.67	4.00**]**
2003	Fifteenmile Creek 3—Fifteenmile Creek 5 (Text Unchanged)	Allegany	021405110135	39.64046	-78.39719	39.63082	-78.38600	5.00	4.25
2011	*Fifteenmile Creek 6*	*Allegany*	*021405110135*	*39.65610*	*-78.40009*	*39.65591*	*-78.39701*	*4.67*	*4.00*
[2007	Mudlick Hollow 1	Allegany	021405110141	39.69590	-78.39292	39.65611	-78.40011	4.33	4.50
2007	Murley Branch 1	Allegany	021405120130	39.66398	-78.61768	39.66340	-78.61151	4.33	4.00**]**
	Town Creek 1 (Text Unchanged								
[2007	Town Creek 2	Allegany	021405120131	39.71306	-78.53643	39.69388	-78.54752	4.33	4.00**]**
2007	White Sulphur Run 1—Lyons Creek 1 (Text Unchanged)								
[2007	Lyons Creek 2	Anne Arundel, Calvert	021311020909	38.76498	-76.65334	38.76474	-76.65903	4.67	5.00**]**
2011	*Lyons Creek 3*	*Anne Arundel, Calvert*	*021311020909*	*38.76472*	*-76.65905*	*38.75572*	*-76.67206*	*4.33*	*4.00*
2009	Patuxent River 1—Beetree Run 1 (Text Unchanged)								
[2012	Bens Run 1	Baltimore	021309061018	39.31682	-76.79279	39.31402	-76.79400	4.44	4.00**]**
2007	Blackrock Run 1	Baltimore Co.	021308050303	39.54230	-76.73384	39.52739	-76.72217	4.67	4.00
2007	Cooks Branch 1	Baltimore Co.	021309071048	39.43616	-76.84026	39.43789	-76.86894	4.67	4.84
2007	Cooks Branch 2	Baltimore Co.	021309071048	39.43792	-76.86879	39.43825	-76.87277	4.84	5.00
[2007	Deer Creek 1	Baltimore Co.	021202020332	39.72289	-76.61175	39.70730	-76.59021	4.67	4.00**]**
2007	Delaware Run 1 (Text Unchanged								
2011	*Harris Mill Creek 1*	*Baltimore Co.*	*021202020332*	*39.71528*	*-76.62412*	*39.71307*	*-76.59763*	*4.67*	*4.00*
[2007	Indian Run 1	Baltimore Co.	021308050307	39.54821	-76.74264	39.54230	-76.73384	4.00	4.33**]**

2003	Keysers Run 1— Timber Run 1 (Text Unchanged)								
[2007	Western Run 1	Baltimore Co.	021308050303	39.51503	-76.74060	39.52739	-76.72217	4.00	4.00**]**
2007	Gunpowder Falls 1 (Text Unchanged)								
2011	*Murphy Run 1*	*Baltimore Co., Carroll*	*021308060314*	*39.62639*	*-76.83087*	*39.62004*	*-76.81855*	*5.00*	*4.00*
2007	First Mine Branch 1— Little Gunpowder Falls 3 (Text Unchanged)								
2011	*Little Gunpowder Falls 4*	*Baltimore Co., Harford*	*021308040298*	*39.47306*	*-76.40243*	*39.46108*	*-76.39091*	*4.00*	*4.33*
2007	Choptank River UT 1 (Text Unchanged)								
[2007	Choptank River UT 2	Caroline	021304040487	38.88450	-75.87640	38.87218	-75.85988	4.33	4.14**]**
2007	Faulkner Branch 1— Tuckahoe River 1 (Text Unchanged)								
2016	*Tuckahoe River 2*	*Caroline, Queen Anne's*	*021304050533*	*38.98128*	*-75.93486*	*38.97278*	*-75.93518*	*4.67*	*5.00*
2007	Beaver Run 1— North Branch Patapsco River 1 (Text Unchanged)								
[2007	North Branch Patapsco River 2	Carroll	021309071048	39.52579	-76.87790	39.52245	-76.87527	4.00	4.00**]**
2009	Piney Branch 2 (Carroll Co.)— Jennie Run 1 (Text Unchanged)								
2016	*Marbury Run 1*	*Charles*	*021401110780*	*38.56780*	*-77.14674*	*38.57919*	*-77.15872*	*4.33*	*4.14*
2007	Mattawoman Creek UT 1— Potomac River UT 1 (Text Unchanged)								
2011	*Potomac River UT 2*	*Charles*	*021401020789*	*38.48546*	*-77.23682*	*38.47495*	*-77.25927*	*4.00*	*4.43*
2007	Reeder Run 1— Reeder Run 2 (Text Unchanged)								
2016	*Reeder Run 3*	*Charles*	*021401020789*	*38.50269*	*-77.18977*	*38.50940*	*-77.20911*	*4.78*	*4.52*
2012	Swanson Creek 4— Swanson Creek 3 (Text Unchanged)								
2016	*Wolf Den Branch 2*	*Charles, Prince George's*	*021401080769*	*38.67283*	*-76.80444*	*38.63902*	*-76.81987*	*4.00*	*4.43*
2007	Smoots Pond Run 1—								

	Weldon Creek 1 (Text Unchanged)								
2003	Bear Creek 1	Garrett	050202010018	39.65018	-79.28886	[39.65101] *39.65046*	[-79.29905] *-79.298011*	4.43	4.07
2007	Bear Creek 2— Bear Creek 4 (Text Unchanged)								
2007	Bear Creek 5	Garrett	050202010018	[39.65482] *39.65593*	[-79.36370] *-79.33884*	[39.65593] *39.65482*	[-79.33884] *-79.36370*	4.67	4.00
2003	Bear Creek UT 1— Bear Pen Run 1 (Text Unchanged)								
2016	*Big Run 1*	*Garrett*	*021410060078*	*39.58348*	*-79.17124*	*39.55629*	*-79.15005*	*4.88*	*4.13*
2007	Big Run UT 1	Garrett	021410060078	[39.57855] *39.57835*	[-79.19347] *-79.19349*	39.58348	-79.17124	4.00	4.75
2007	Blacklick Run 1— Hoyes Run 1 (Text Unchanged)								
2011	*Laurel Run UT 1*	*Garrett*	*021410050050*	*39.47897*	*-79.15120*	*39.47772*	*-79.11977*	*4.00*	*4.25*
2003	Little Bear Creek 1— Middle Fork Crabtree Creek 2 (Text Unchanged)								
2011	*Middle Fork Crabtree Creek 3*	*Garrett*	*021410060076*	*39.53507*	*-79.18800*	*39.51565*	*-79.16892*	*4.00*	*4.50*
2003	Mill Run 1 (Garrett Co.)	Garrett	050202010021	[39.71883] *39.71553*	[-79.30088] *-79.34541*	39.70909	-79.34891	4.21	4.56
2003	Mill Run 2 (Garrett Co.) (Text Unchanged)								
2003	*Mill Run 4 (Garrett Co.)*	*Garrett*	*050202010021*	*39.71883*	*-79.30088*	*39.71553*	*-79.34541*	*5.00*	*4.58*
2011	*Mill Run UT 2 (Garrett Co.)*	*Garrett*	*050202010021*	*39.71594*	*-79.27141*	*39.71849*	*-79.30071*	*4.50*	*4.50*
2003	Monroe Run 1— Savage River 2 (Text Unchanged)								
[2007	Savage River 3	Garrett	021410060075	39.50101	-79.10657	39.48643	-79.08279	4.33	4.13]
2009	Savage River 4— South Branch Casselman River 2 (Text Unchanged)								
2011	*Spring Lick Run 1*	*Garrett*	*021410060074*	*39.50365*	*-79.20005*	*39.49073*	*-79.17532*	*4.00*	*4.25*
2011	*Toms Spring Run 1*	*Garrett*	*021410060076*	*39.51704*	*-79.20115*	*39.51565*	*-79.16893*	*4.50*	*4.75*
2016	*Wolf Den Run 1*	*Garrett*	*021410050047*	*39.39655*	*-79.21193*	*39.38905*	*-79.19443*	*4.00*	*4.00*
2016	*Wolf Den Run UT 1*	*Garrett*	*021210050047*	*39.41259*	*-79.22063*	*39.39655*	*-79.21193*	*4.00*	*4.00*

2007	Youghiogheny River UT 1— Little Deer Creek 2 (Text Unchanged)								
2011	*Little Deer Creek UT 1*	*Harford*	*021202020328*	*39.62878*	*-76.48475*	*39.66009*	*-76.48109*	*4.67*	*4.33*
2008	Otter Point Creek 1— Blockston Branch UT 1 (Text Unchanged)								
[2008	Browns Branch 1	Queen Anne's	021305080401	39.11759	-75.95646	39.11650	-75.96562	4.33	4.71
2008	Browns Branch 2	Queen Anne's	021305080401	39.11651	-75.96563	39.13035	-75.97788	4.44	4.71**]**
2003	*Browns Branch 3*	*Queen Anne's*	*021305080403*	*39.15968*	*-75.92076*	*39.16360*	*-75.95177*	*4.33*	*5.00*
2007	Granny Finley Branch 1 (Text Unchanged)								
2011	*Gravel Run 1*	*Queen Anne's*	*021305070397*	*39.03535*	*-76.03710*	*39.05027*	*-76.06391*	*4.00*	*4.02*
2011	*Island Creek 1*	*Queen Anne's*	*021305080398*	*39.08896*	*-76.05355*	*39.11732*	*-76.06863*	*4.33*	*4.14*
2008	Mill Stream Branch 1— Norwich Creek 1 (Text Unchanged)								
2011	*Norwich Creek 3*	*Queen Anne's*	*021304050522*	*38.94203*	*-75.99741*	*38.92547*	*-75.97541*	*4.00*	*4.14*
2003	Red Lion Branch 1— Southeast Creek 2 (Text Unchanged)								
[2003	Southeast Creek UT 1	Queen Anne's	021305080403	39.15968	-75.92076	39.16360	-75.95177	4.33	5.00**]**
2008	*Southeast Creek UT 2*	*Queen Anne's*	*021305080401*	*39.11759*	*-75.95646*	*39.11650*	*-75.96562*	*4.33*	*4.71*
2008	*Southeast Creek UT 3*	*Queen Anne's*	*021305080401*	*39.11651*	*-75.96563*	*39.13035*	*-75.97788*	*4.44*	*4.71*
2007	Three Bridges Branch 1— Wye East River UT2 (Text Unchanged)								
2011	*Norwich Creek 2*	*Queen Anne's/Talbot*	*021304050522*	*38.92547*	*-75.97541*	*38.91998*	*-75.96930*	*4.33*	*4.71*
2007	Burnt Mill Creek 1— McIntosh Run 1 (Text Unchanged)								
2008	McIntosh Run 2	Saint Mary's	021401040721	**[**38.31354**]** *38.32555*	**[**-76.65517**]** *-76.64337*	**[**38.32555**]** *38.31354*	**[**-76.64337**]** *-76.65517*	4.00	4.43
[2007	Persimmon Creek 1	Saint Mary's	021311010880	38.42150	-76.71305	38.44077	-76.69696	4.00	4.14**]**
2007	Saint Clements Bay UT 1— Saint Mary's River 1 (Text Unchanged)								
[2007	Saint Marys River UT 1	Saint Mary's	021401030710	38.21487	-76.43063	38.21155	-76.45141	4.00	4.00
2007	Saint Marys River UT 2	Saint Mary's	021401030712	38.21065	-76.40308	38.19760	-76.41921	5.00	4.14**]**

2010	Saint Mary's River UT 3— Adkins Race 1 (Text Unchanged)								
[2007	Aydelotte Branch 1	Wicomico	021302030653	38.41395	-75.44652	38.40576	-75.38133	4.67	4.14**]**
2008	Little Burnt Branch 1— Nassawango Creek 3 (Text Unchanged)								

P. (Text Unchanged)

26.08.02.08

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.08 Stream Segment Designations.

A. General.

(1) All geographic coordinates provided within this regulation are expressed in decimal degrees latitude and longitude using the North American Datum of 1983. *In this Regulation, Maryland's waters are organized by sub-basin.* For most Class I, I-P, III, III-P, IV, or IV-P waters, the limits indicate the most downstream *boundary* point or line for the segment. In some cases, an upstream point and a downstream point are provided to describe those uses that may apply only to a limited segment of a water body. *In tidal areas, the segments are defined by polygons defined by three or more points as numbered and expressed in narrative format in column four and defined by latitude and longitude point locations in columns two and tree.* Any waterbody not *specifically* listed *in the table* is a Class I water.

(2)—(5) (Text Unchanged)

B. Sub-Basin 02-12-02: Lower Susquehanna River Area.

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1)—(2) (Text Unchanged)			
(3) Class III: *None*			
[(a) Rock Run and all tributaries (Cecil County)	39.613544	-76.126972	Upstream of mouth**]**
(4) Class III-P:			
(a)—(q)			
(r) *Rock Run and all tributaries (Cecil County)*	*39.613544*	*-76.126972*	*Upstream of mouth*
(5)—(6) (Text Unchanged)			

C.—J. (Text Unchanged)

K. Sub-Basin 02-13-09: Patapsco River Area.

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1)—(2) (Text Unchanged)			
(3) Class III:			
(a)—(h) (Text Unchanged)			
[(i) Roaring Run (Carroll County) and all tributaries	39.510061	-76.887278	Upstream from mouth]
(j)—(k) (Text Unchanged)			
(4) Class III-P:			
(a)—(n) (Text Unchanged)			
(o) Roaring Run (Carroll County) and all tributaries	*39.510061*	*-76.887278*	*Upstream from mouth*
(5)—(6) (Text Unchanged)			

L.—M. (Text Unchanged)

N. Sub-Basin 02-14-01: Lower Potomac River Area.

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) (Text Unchanged)			
(2) Class II:			
(a) Lower Potomac River Tidal Fresh (POTTF):	38.524168	-77.284804	(1) MLW midway between Shipping Pt. and Quantico Pier

Designated Uses Present in Segment:	38.523266	-77.256630	(2) 1,000 feet SW of Moss Pt.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.554722	-77.220268	(3) Stump Neck, E of radio towers & W of Roach Rd.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.566856	-77.209755	(4) Cornwallis Neck, 0.25 miles NW of Deep Pt.
Application Depth: 2.0 meters, NGZ present	38.702038	-77.044693	(5) Mockley Pt., 500 feet west of tip
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	38.711002	-77.036736	(6) West of Fort Washington
Shellfish Harvest: See **[**§N(2)(h)**]** *§N(2)(g)* of this regulation	38.809449	-77.016184	(7) DC/MD State Line-northern shore of Oxon Creek
	38.805753	-77.020951	(8) DC/MD State Line-southern shore of Oxon Creek
	38.802464	-77.025166	(9) DC/MD State Line-near Fox Ferry Pt.
	38.791836	-77.038923	(10) DC/MD/VA State line, 200' east of Jones Point Park
	38.711002	-77.036736	(11) West of Ft. Washington
	38.702038	-77.044693	(12) Mockley Pt., 500 west of tip
	38.566856	-77.209755	(13) Cornwallis Neck, 0.25 miles NW of Deep Pt.
	38.554722	-77.220268	(14) Stump Neck, E of radio towers and W of Roach Rd.
Following the mean low water (MLW) line which defines the Maryland/Virginia State boundary to the first point described above, except for the following Virginia embayments where the boundary is the confluence of the mouth of the embayment with the Potomac River; Hunting Creek, Little Hunting Creek, Dogue Creek, Gunston Cove, the unnamed embayment in Mason Neck NWR, Occoquan Bay, Powells Creek, and Quantico Creek.			
(b) Lower Potomac River Oligohaline 1 (POTOH1):	38.389680	-77.029268	(1) MLW 1 mile SE of Mathias Pt., just north of 639
Designated Uses Present in Segment:	38.407509	-76.997322	(2) 0.65 miles NW of the town of Popes Creek
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.444935	-77.016396	(3) 1.5 miles SE of Chapel Pt., due E of Windmill Pt.
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.444565	-77.040695	(4) Windmill Pt.
Application Depth: 2.0 meters, NGZ present	38.408894	-77.110886	(5) Blossom Pt.
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive	38.408745	-77.124855	(6) 0.15 miles SW of Benny Gray Pt.
Shellfish Harvest: See **[**§N(2)(h)**]** *§N(2)(g)* of this regulation	38.523266	-77.256630	(7) 1,000 feet SW of Moss Pt.
	38.524168	-77.284864	(8) MLW midway between Shipping Pt. and Quantico Pier
Following the Mean Low Water (MLW) line which defines the Maryland/Virginia State boundary to the first point described above, except for the following Virginia embayments where the boundary is the confluence of the mouth of the embayment with the Potomac River; Unnamed embayment (Chopawamsic Island), Unnamed embayment (near Arkendale Road), Aquia Creek, and Potomac Creek.			
(c) Lower Potomac River Oligohaline 2 (POTOH2): Port Tobacco River	38.444565	-77.040695	(1) Windmill Pt.
Designated Uses Present in Segment:	38.444935	-77.016396	(2) 1.5 miles SE of Chapel Pt., due E of Windmill Pt.
Migratory Spawning and Nursery Use: February 1	38.500164	-77.026306	(3) Port Tobacco Marina (edge of

to May 31, inclusive			7.5 foot quad sheet)
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: 1.0 meters, NGZ present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Shellfish Harvest: See **[**§N(2)(h)**]** *§N(2)(g)* of this regulation			
(d) Lower Potomac River Oligohaline 3 (POTOH3): Nanjemoy Creek	38.408745	-77.124855	(1) 0.15 miles SW of Benny Gray Pt.
Designated Uses Present in Segment:	38.408894	-77.110886	(2) Blossom Pt.
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.475391	-77.130676	(3) Wards Run, 0.25 miles upstream of Hill Top Fork
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: 1.0 meters, NGZ present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Shellfish Harvest: See **[**§N(2)(h)**]** *§N(2)(g)* of this regulation			
(e) Lower Potomac River Mesohaline (POTMH):	37.909777	-76.263700	(1) MLW East of Ophelia, 300 feet NW of light
Designated Uses Present in Segment:	38.038605	-76.321442	(2) Point Lookout
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.407509	-76.997322	(3) 0.65 miles NW of the town of Popes Creek
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive	38.389680	-77.029268	(4) MLW 1 mile SE of Mathias Pt., just north of 639
Application Depth: meters, NGZ present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
Seasonal Deep Water Fish and Shellfish Use: Upper pycnocline to lower pycnocline from June 1 to September 30, inclusive			
Seasonal Deep Channel Refuge Use: Lower pycnocline boundary to bottom from June 1 to September 30, inclusive			
Shellfish Harvest: See **[**§N(2)(h)**]** *§N(2)(g)* of this regulation			
Following the mean low water (MLW) line which defines the Maryland/Virginia State boundary to the first point described above, except for the following Virginia embayments where the boundary is the confluence of the mouth of the embayment with the Potomac River: Upper Machodoc Creek, Rosier Creek, Monroe Bay, Mattox Creek, Popes Creek, Nomini Bay, Lower Machodoc Creek, unnamed embayment (south of Ragged Pt.), Gardner Creek, Jackson Creek, Bonum Creek, Yeocomico River, Coan River, Presley Creek, Hull Creek, and Hock Creek.			
[(f) Piscataway Creek Tidal Fresh (PISTF):	38.711002	-77.036736	(1) West of Ft. Washington
Designated Uses Present in Segment:	38.702038	-77.044693	(2) Mockley Point, 500 feet west of tip
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.697979	-76.996788	(3) Piscataway Creek Park, north of sewage disposal plant
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive.			

Application depth: 2.0 meters, NGZ Absent			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive.			
Shellfish Harvest: See §N(2)(h) of this regulation**]**			
[(g)**]** *(f)* Mattawoman Creek Tidal Fresh (MATTF):	38.566856	-77.209755	(1) Cornwallis Neck, 0.25 miles northwest of Deep Point
Designated Uses Present in Segment:	38.554722	-77.220268	(2) Stump Neck, east of radio towers and west of Roach Road
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.591194	-77.124672	(3) 2300 feet downstream of Routes 224/225
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive.			
Application depth: 1.0 meters, NGZ Absent			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive.			
Shellfish Harvest: See **[**§N(2)(h)**]** *§N(2)(g)* of this regulation			
[(h)**]** *(g)* Shellfish Harvest Subcategory. All estuarine portions of tributaries except Potomac River and tributaries	38.415027	-77.265037	Above line from Smith Pt. to Simms Pt.
	38.397067	-77.311346	
(3) —(6) (Text Unchanged)			

O. Sub-Basin 02-14-02: Washington Metropolitan Area.

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) (Text Unchanged)			
(2) Class II:			
(a) Anacostia River Tidal Fresh (ANATF):	38.938805	-76.942162	(1) DC/MD State Line-eastern side of Rt. 50 bridge
Designated Uses Present in Segment:	38.918850	-76.941951	(2) 100 feet below Bladensburg Road bridge
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	38.918261	-76.941198	(3) DC/MD State Line-western shore
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive			
Application Depth: 0.5 meters, NGZ present			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive			
(b) Piscataway Creek Tidal Fresh (PISTF):	*38.711002*	*-77.036736*	*(1) West of Ft. Washington*
Designated Uses Present in Segment:	*38.702038*	*-77.044693*	*(2) Mockley Point, 500 feet west of tip*
Migratory Spawning and Nursery Use: February 1 to May 31, inclusive	*38.697979*	*-76.996788*	*(3) Piscataway Creek Park, north of sewage disposal plant*
Shallow Water Submerged Aquatic Vegetation Use: April 1 to October 30, inclusive.			
Application depth: 2.0 meters, NGZ Absent			
Open Water Fish and Shellfish Use: January 1 to December 31, inclusive.			
(3) —(6) (Text Unchanged)			

P.—Q. (Text Unchanged)

R. Sub-Basin 02-14-10: North Branch Potomac River Area.

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) **[**Use] *Class* I-P:			
(a)—(d) (Text Unchanged)			
(2) **[**Use**]** *Class* II: None.			
(3) **[**Use**]** *Class* III: None.			
(4) **[**Use**]** *Class* III-P:			
(a) (Text Unchanged)			
(b) All other waters are **[**Use**]** *Class* III-P except:			From confluence of North and South Branches of the Potomac River to the MD/WV state line
(i) Those designated above as **[**Use**]** *Class* I-P			
(ii) Those designated below as **[**Use**]** *Class* IV-P waters			
Note: Mill Run and all tributaries upstream from the Route 220 McMullen Highway road crossing (near intersection with Hansel Drive) are designated as **[**Use**]** *Class* III-P.			
(5) **[**Use**]** *Class* IV: None.			
(6) **[**Use**]** *Class* IV-P:			
(a)—(c) (Text Unchanged)			

S. Sub-Basin 05-02-02: Youghiogheny River Area.

Designated Use Class and Waterbody	Latitude	Longitude	Limits
(1) **[**Use**]** *Class* I-P:			
(a)—(b) (Text unchanged)			
(2) **[**Use**]** *Class* II: None.			
(3) **[**Use**]** *Class* III:			
(a)—(f) (Text Unchanged)			
(g) Bucks Run and all tributaries	*39.721831*	*-79.242819*	
(4) **[**Use**]** *Class* III-P:			
(a)—(b) (Text Unchanged)			
(5) Class IV: Casselman River	39.722386	-79.111767	Mainstem only, from Pennsylvania line upstream to the confluence of the South and North Branches of the Casselman
(6) Class IV-P: None.			

T.—U. (Text Unchanged)

26.08.09.01

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.01 Definitions.

A. (Text Unchanged)

B. Terms Defined.

(1)—(6) (Text Unchanged)

(7) "Beach Action Value" (BAV) means the value the approving authority uses to issue beach notifications and is defined as follows:

(a) BAV is 235 colony forming units (cfu) using E. coli indicator at freshwater beaches.

(b) BAV is 104 cfu using Enterococci indicator at marine beaches.

26.08.09.04

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.04 Drinking Water *at Permitted Beaches*.

An adequate supply of potable drinking water shall be available to bathers at the *permitted* beach.

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.06 Sanitary Quality of Permitted Beaches.

A.—D. (Text Unchanged)

E. An operating permit may be issued if a sanitary survey reveals no dangerous sources of pollution and if the microbiological samples collected during the sanitary survey satisfy the **[**criteria listed in Table 1 of COMAR 26.08.02.03-3**]** *Beach Action Value (BAV).*

F. When results of the samples show an exceedence of the **[**criteria listed in Table 1 of COMAR 26.08.02.03-3**]** *BAV*, a permit may be issued only if it is further determined by the approving authority, after additional sampling and analysis, that the bathing water poses no significant health risk to the bathers.

G. The approving authority shall periodically sample the bathing waters under permit for microbiological quality. Sampling shall be consistent with Regulation .07 of this chapter. All permitted beaches are considered Tier I and shall be monitored at least weekly unless a justification for lower priority is provided by the approving authority. The approving authority may order restrictions, including suspension of the permit and closing of the bathing water to use, as necessary, when the results of the bacterial indicator density exceed the **[**limits established in Table 1 of COMAR 26.08.02.03-3**]** *BAV*. A permit may be reinstated when the bacterial indicator densities return to acceptable limits.

H. (Text Unchanged)

26.08.09.07

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.07 Tiered Monitoring—Applicable Memorial Day Through Labor Day.

A. (Text Unchanged)

B. Bacteriological Monitoring.

(1) (Text Unchanged)

(2) Sampling Frequency.

(a)— (c) (Text Unchanged)

[(d) Water quality shall be assessed using the criteria values in Table 1 of COMAR 26.08.02.03-3.**]**

(3) **[**Assessment for Public Notification.**]** *Evaluation of water quality using Beach Action Values (BAV).*

[(a) Tier 1 and Tier 2 beaches shall apply the geometric mean and the upper 75 percent Confidence Limit (CL) single sample maximum from Table 1 of COMAR 26.08.02.03-3.

(b) Tier 3 beaches shall apply the geometric mean and the upper 82 percent Confidence Limit (CL) single sample maximum from Table 1 of COMAR 26.08.02.03-3.**]**

[(c)**]***(a)* Sampling events shall consist of at least three *indicator* bacteria samples per sampling event.

[(d)**]***(b)* In addition to the application of the **[**criteria in §B(3)(a) and (b) of this regulation**]** *BAV,* the approving authority may consider other factors, including the results of sanitary surveys, prior rainfall, and other environmental conditions in making public health decisions.

26.08.09.08

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.08 Public Notification.

A. When results of the samples show an indicator organism density that exceeds the **[**standards in Regulation .08 of this chapter**]** *Beach Action Value*, the Approving Authority shall issue a public notification unless there is reason to doubt the accuracy or certainty of the first sample. The approving authority shall then *promptly* resample and, if [standards] *Beach Action Value* are being exceeded, prompt public notification of the advisory or closure if required. If a known pollution source exists, such as combined sewer overflow, failing sewer infrastructure, wastewater treatment discharge, or other source, the approving authority shall close the beach and provide prompt public notification of the closing.

B. The beach may be opened or the advisory lifted only after subsequent bacteriological sampling results in indicator densities that satisfy the **[**applicable water quality standards**]** *Beach Action Value.*

C. (Text Unchanged)