



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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DEP 014-14  
# 10 Steve S, Meo, Keith  
cc: Bob  
Kathleen

Martin O'Malley  
Governor

Anthony G. Brown  
Lieutenant Governor

Robert M. Summers, Ph.D.  
Secretary

September 24, 2013

RECEIVED

SEP 27 2013

Environmental  
Protection

Mr. Robert G. Hoyt, Director  
Montgomery County Department of Environmental Protection  
255 Rockville Pike, Suite 120  
Rockville, MD 20850

Re: Use of Montgomery County Data for Tier II Designation of Streams

Dear Mr. Hoyt:

Thank you for your letter concerning the use of Montgomery County (County) data towards water quality assessment and protection in Maryland. The Maryland Department of the Environment (MDE) appreciates the County's willingness to provide data to help support our shared water quality goals. As you mention in your letter, I did receive data from Mr. Van Ness and am actively reviewing these for comparability with other State data. In your letter you specifically reference three different uses of these data including: assessment for Maryland's Integrated Report (303(d) List of Impaired Waters), Tier II High Quality waters determinations, and for designated use class revision (e.g. changing a stream's use class from I to III). At MDE we share the desire to use this data for these purposes. To this end, the following paragraphs provide an update on where this work stands with respect to each of these data uses. Please note that each of these data uses have different timelines and requirements for the data to be considered.

Maryland's Integrated Report (303(d) List of Impaired Waters)

MDE is currently reviewing the County's data for assessment in the 2014 Integrated Report of Surface Water Quality. The initial review has shown that the County has a robust biological monitoring program and uses metrics different than the Maryland Biological Stream Survey (MBSS) in the calculation of their benthic and fish indices of biotic integrity (IBI). The Department is currently evaluating the best way to reconcile these differences so as to incorporate these data seamlessly with the MBSS data set. Due to the aforementioned differences, MDE may have to independently compare the County's biological assessment with the MBSS program's to identify any differences. Either way, MDE has a strong desire to use your data and incorporate them into our assessments in the most scientifically defensible manner.

In this regard, the Department requests the County's assistance in obtaining additional information about the County's biological monitoring program. Specifically, it is necessary for the Department to review the following materials:

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1. Quality Assurance Project Plan (QAPP) or similar documentation that provides information on the who, what, where, when, why, and how for the monitoring project.
2. Documentation for the calculation of the County IBIs which explains why certain metrics were chosen over others and which also describes how the County's reference condition was defined.

#### Tier II High Quality Waters Determinations

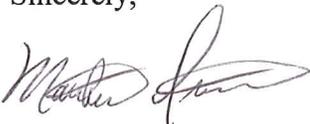
As a result of the differences between the County's IBI and the state of Maryland's, the Department is evaluating the best approach for including the County's dataset in the Tier II analysis. As of the date of this letter, the Department has only used fish and benthic IBI information calculated using the MBSS methods in Tier II designations. In order to use County data for Tier II, the Department needs to understand if Montgomery County's reference streams were selected in a consistent manner with MBSS. This is necessary because only the top 20% of streams statewide are eligible for Tier II designation which may constitute a different biological endpoint than the top 20% of streams in any one County. MDE will continue to explore ways to incorporate these data into Tier II stream determinations. Due to tight deadlines with the Triennial Review process, this work will not be completed in time to influence the current Tier II proposals for promulgation. The Department aims for annual updates to the Tier II list so the next opportunity is close ahead. For further information on how Tier II waters are determined, please contact Ms. Angel Valdez at 410-537-3606 or by e-mail at [angel.valdez@maryland.gov](mailto:angel.valdez@maryland.gov).

#### Use Class Revision

The Department received the County's submission of coldwater benthic data on July 17, 2013. MDE staff reviewed this information and it has been used for use class revision in the current Triennial Review (water quality standards promulgation) set to be finalized by the end of the year. For additional information concerning the Triennial Review process, please contact John Backus at 410-537-3965 or by e-mail at [john.backus@maryland.gov](mailto:john.backus@maryland.gov).

Thank you again for your interest in using this data, as the County is a valued partner in our efforts to maintain and improve water quality throughout Maryland. I will continue to work with Mr. Van Ness and his staff to fill in what knowledge gaps remains. Please have patience with the Department as we have become extremely short-staffed in the past several years. If you have any additional questions or comments, please do not hesitate to contact me at 410-537-3611 or by e-mail at [matthew.stover@maryland.gov](mailto:matthew.stover@maryland.gov).

Sincerely,



Matthew Stover  
Science Services Administration

cc: D. Lee Currey, Director of Science Services Administration  
John Backus, Science Services Administration  
Angel Valdez, Science Services Administration