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July 25, 2004

Melissa Chatham  
TMDL Outreach Coordinator  
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Dear Ms. Chatham:

Thank you for the opportunity to comment on "Total Maximum Daily Loads (TMDL) Fecal Coliform for Restricted Shellfish Harvesting Areas in the South River, Duvall Creek, Selby Bay, and Ramsey Lake, of the South River Basin in Anne Arundel County, Maryland". We are very pleased that this TMDL has been proposed and hope that other TMDLs for nutrients, sediment, biological impact, and PCBs will quickly follow. The South River Federation is committed to cleaning up the pollutants in the river and the TMDL process is critical to a successful cleanup of the river.

The South River Federation is especially concerned about the level of bacteria in the river and its affect on shell fishing and recreational users. Beginning last year, we have been conducting water samples at popular swimming locations to test for enterococci. Attached are tables indicating counts for 2004 and 2005 to-date. As you can see, more than 30% of the samples are above levels recommended by EPA for swimming. Bacterial contamination in South River and its creeks is a major problem that must be addressed.

The most important element of the TMDL process is to identify correctly the sources of the pollution. Only if we know the sources of the pollution can we take effective action to reduce or eliminate the pollution. We have serious misgivings about MDE's methodology and conclusions about the source of bacteria in the South River and sub-basins. Our major concerns are as follows:

1. We question the land use classifications assumed for the sub-basins and river and believe them to be out-of-date. The South River watershed is undergoing a rapid transformation to urban/suburban residential and we do not think the study reflects this reality. For example, we question whether there are 55 acres of cropland and pasture in the Duvall watershed. An August 2002 report (Building Community Watershed Assessment Capacity In the South River Watershed, MD) completed by the Center for Watershed

Protection indicates no acreage in Duvall Creek devoted to agriculture. Since the assumptions about land use drive the calculations of sources, these numbers need to be correct and the State should seek out the most current data.

2. The assumption that the failure rate of septic systems in the affected areas is only 3 % seems very low. We have seen statements by the State assuming failure rates of up to 20% throughout the State and we are not aware of data that would show Anne Arundel County to be significantly better. We question the low rate especially since the watershed contains older homes built in the 40s and 50s whose systems have not been updated.
3. Boat discharges were eliminated from consideration as a source of bacteria due to lack of data. The South River is not only home to over 2,000 recreational boats, but attracts many others from adjacent areas. On weekends, there are hundreds of boats in the South River and its creeks. The requirement for holding tanks and pump-out is not enforced, and we can assume that large amounts of sewage and gray water are entering the South River on a regular basis. To discount boat discharge as a source of bacterial pollution is irresponsible and will not serve the objective of correcting the bacteria problems.

We believe that the conclusions reached, based on the above assumptions are faulty—namely that the South River’s greatest source of bacterial pollution, 43 to 68%, is from pets. According to this study humans account for only between 1 and 2 % of bacteria coming into the river. MDE has not corroborated this conclusion since no tests of bacteria found in the South River have been conducted to determine whether the source is human or animal. Tests of samples taken from each of the target areas should be conducted to determine the degree to which the bacteria come from human or animal sources. These tests are essential to ensure that MDE has identified the correct sources for remediation.

The TMDL issuance is serious business since it establishes the base of pollution that government and private interests will use to tackle the problems. The South River Federation believes that there are serious flaws in MDE’s proposed TMDLs for bacteria on the South River and we ask that these problems be corrected.

Sincerely,

Kincey Potter  
President  
South River Federation Board of Directors

Cc: Senator John C. Astle  
Delegate Michael E Busch  
Delegate Virginia Clagett  
Delegate Robert A Costa  
Delegate Herb McMillan

