



Maryland

Department of
the Environment

Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

March 13, 2017

Ms Kelley Cox, Co-Chair Oyster Advisory Commission
Mr. Scott Eglseder, Co-Chair Oyster Advisory Commission
C/O Mr. David Blazer
Fishing and Boating Services, Department of Natural Resources
580 Taylor Avenue
Annapolis, MD 21401

Dear Ms Cox and Mr. Eglseder:

As the Commission deliberates the selection of the two remaining water bodies to receive targeted large scale oyster restoration, the Maryland Department of the Environment (MDE) has some reservations concerning the portion of the Severn River currently classified as prohibited, if selected. There are two waste water treatment plants that discharge to that prohibited area: the Annapolis Waste Water Treatment Plant (WWTP) and the Severn River Naval Command Waste Water Treatment Plant (WWTP), US Naval Academy.

Maryland is a participant in the National Shellfish Sanitation Program (NSSP), a national cooperative program for the sanitary control of shellfish. One of the goals of the program is to achieve uniform State application of the program. The NSSP Guide recommends depletion of shellfish from waters classified as prohibited due to WWTP discharges as an effective deterrent to illegal harvest and to provide a safeguard against contaminated shellfish reaching the market. In 2006, six watermen were caught harvesting from this area and USFDA took keen interest in the case. It is clear that USFDA would also recommend that the area at the mouth of the Severn not be chosen as an oyster restoration area.

While the bacteriological water quality in this prohibited area is good, it is well known that traditional wastewater treatment is effective in reducing bacterial pathogens and not effective in reducing viral pathogens. In addition, MDE's monitoring efforts in the prohibited area for indicator bacteria provide no information on the presence or absence of viral pathogens. Viruses cannot be routinely monitored and have the ability to concentrate in shellfish in higher numbers than what may be present in the water column. This is why no harvesting is permitted and there is a prohibited zone, or closed safety zone, established in the vicinity of waste water treatment outfalls. Selecting a restoration area in the prohibited waters of the Severn River would not be consistent with the NSSP and is not in the best interest to protect public health and Maryland's shellfish industry.

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MDE supports the decisions made by the Commission, however, for the reasons stated above, strongly objects to establishing a restoration area within the currently prohibited area at the mouth of the Severn River. MDE has no objection to other areas in the Severn that are not prohibited.

Sincerely,

A handwritten signature in black ink, appearing to read "John Backus", with a long horizontal flourish extending to the right.

John Backus, Program Manager
Environmental Assessment and Standards Program

cc: Matthew Rowe, Acting Director, Science Services Program
Kathy Brohawn, Public Health Section
Chris Judy, Fishing and Boating Services, DNR