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| **From:** | Mark Barath |
| **To:** | Richard Batiuk |
| **Subject:** | Re: MD WQS Briefing for Shawn - Thursday August 23 3:45pm |
| **Date:** | 08/15/2012 02:23 PM |

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What is currently in MD WQS:

*26.08.01.01*

## .01 Definitions.

(78-2) "Restoration variance" means a temporary exception to the water quality standards allowing nonattainment of designated uses
granted in situations where no enforcement action will be taken if the nonattainment is due to the existence of one or more of the
justifications in 40 CFR §131.10(g). Restoration variances will be reviewed every 3 years at a minimum as required by the Clean
Water Act and EPA regulations.

*26.08.02.03-3*

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

C. Criteria for Use II Waters—Support of Estuarine and Marine Aquatic Life and Shellfish Harvesting.
(8) Dissolved Oxygen Criteria for Use II Waters.
(e) Seasonal Deep-Water Fish and Shellfish Subcategory. The dissolved oxygen concentrations in areas designated as seasonal
deep-water fish and shellfish subcategory shall be:
(v) For the dissolved oxygen criteria restoration variance for Chesapeake Bay Mainstem Segment 4 mesohaline (CB4MH) seasonal
deep-water fish and shellfish subcategory, not lower for dissolved oxygen in segment CB4MH than the stated criteria for the seasonal
deep-water seasonal fish and shellfish use for more than 7 percent spatially and temporally (in combination), from June 1 to
September 30; and
(vi) For dissolved oxygen criteria restoration variance for Patapsco River mesohaline (PATMH) seasonal deep-water fish and
shellfish subcategory, not lower for dissolved oxygen in segment PATMH than the stated criteria for the deep-water seasonal fish and
shellfish use for more than 7 percent spatially and temporally (in combination), from June 1 to September 30.
(f) Seasonal Deep-Channel Refuge Subcategory. The dissolved oxygen concentrations in areas designated as deep-channel seasonal
refuge use shall be:
(ii) For dissolved oxygen criteria restoration variance for Chesapeake Bay Mainstem Segment 4 mesohaline (CB4MH) deep-channel
refuge subcategory, not lower for dissolved oxygen in segment CB4MH than the stated criteria for the seasonal deep-channel refuge
for more than 2 percent spatially or temporally (in combination), from June 1 to September 30; and
(h) Restoration Variance. The percentage of allowable exceedance for restoration variances is

based on water quality modeling and
incorporates the best available data and assumptions. The restoration variances are temporary, and will be reviewed at a minimum
every three years, as required by the Clean Water Act and EPA regulations. The variances may be modified based on new data or
assumptions incorporated into the water quality model..

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