



Maryland Shellfish Dealers Guide for Wet Storage of Market Size Shellfish

MDE- Maryland Department of Environment

MDH – Maryland Department of Health

DNR- Department of Natural Resources

NSSP- National Shellfish Sanitation Program

COMAR- Code of Maryland Regulation

General Requirements for Wet Storage

This guide is for obtaining and maintaining a wet storage authorization\permit. Detailed information regarding wet storage can be found in the current edition of the NSSP Guide for the Control of Molluscan Shellfish, Chapter VII Wet Storage in Approved and Conditionally Approved Growing Areas:

(<http://www.fda.gov/Food/GuidanceRegulation/FederalStateFoodPrograms/ucm2006754.htm>).

The NSSP Guide is incorporated by reference in COMAR 10.15.07.01. Only certified dealers can apply and be authorized for wet storage. MDE is responsible for assuring that the water quality in the growing area used for this activity will meet the approved or conditionally approved classification and is the state agency that issues the authorization for wet storage. MDH is responsible for assuring that the applicant is currently a certified dealer and determines that the applicant has satisfactorily described or provided examples for lot identification, record keeping, and tagging that meet NSSP requirements. DNR is responsible for assuring that the applicant has a valid lease in the location the where wet storage is proposed and that the gear used on the lease is authorized.

Wet Storage in Natural Bodies of Water or Land Based Natural Water Flow-through Systems

Wet storage means the storage, by a dealer, of market size oysters or clams from growing areas in the approved classification or in the open status of the conditionally approved classification in

containers or floats in natural bodies of water or in tanks containing natural seawater at any permitted land-based activity or facility.

The applicant must be a MDH certified shellfish dealer and have a valid lease or authorization for in-water structures or gear with DNR. Wet storage in natural bodies of water or flow through systems on land shall not treat the water used for wet storage. For wet storage tanks with flow through systems on land utilizing adjacent natural waters, no additional permits from MDE are required for water appropriation or discharge. Structures used for wet storage and placed in the critical area or tidal waters may require additional federal, state, or local permits.

- Once a dealer fills out an application and submits the completed application to MDE. MDE will notify and share the application with MDH and DNR for review.
- The applicant must allow MDE, MDH or DNR access to the site for field review if necessary. Following a review of the application the applicant may be contacted for further clarification as needed.
- MDE will review the growing area classification for all wet storage sites. If the applicant proposes a wet storage site near to shore or adjacent to existing docks or piers, MDE may determine that additional monitoring is needed to assure that the waters meet NSSP criteria. MDH and DNR notify MDE that the application meets or does not meet their requirements.
- Land based flow through systems must also meet applicable local, state and federal regulations.
- Flow through systems may only use waters from approved or conditionally approved growing areas and are not authorized to treat the water from the growing area.
- When all three Departments are satisfied that the NSSP requirements are met the proposed wet storage activity can be authorized, a Wet Storage Authorization is issued by MDE. The certified dealer and the location is listed in the Interstate Certified Shellfish Shippers List (ICSSL) as “WS” by MDH, and a “WS” designation is added to their Food Processing Plant license number.

Once a wet storage activity is authorized by MDE:

- MDE conducts annual inspections of the wet storage site to assure that there are no pollution sources that could have a negative impact on the water quality at the wet storage site or the waters used for land based flow through systems.
- MDH conducts inspections of the wet storage site for proper product handling, lot identification, tagging, and shipping (trace back) records at least two times a year.
- DNR conducts annual inspections to ensure that the gear used in the wet storage activity is authorized for use on the lease.
- At any time, MDE may revoke this authorization if there is a downgrade in water quality which would cause the reclassification of these waters or if the requirements of the National Shellfish Sanitation Program and your lease agreement are not met.

Any proposed changes or alterations to the wet storage site (use different gear, addition of containers, expansion of the area for wet storage, etc.) must be re-approved or reauthorized prior to making the changes or alterations. An application detailing the changes must be submitted to MDE.

Application for Wet Storage in Natural Bodies of Water or Natural Water Based Flow-through Systems

The following information must be included on the application:

1. Name, address, telephone number, email address (if available), MDH dealer certification number, DNR Shellfish Lease Number, and a list of all gear to be used on the lease (as authorized by the DNR shellfish lease agreement and the US Army Corps of Engineers permit). Application includes where the shellfish will come from.
2. A chart indicating the exact location of storage sites and floats or other in water gear using latitude/longitude. If applicable, provide the exact location of the intake pipe/structure for land based or pier flow through systems.
3. A physical description, diagram or photograph of the design of the wet storage structure or system.
4. A written standard operating procedure (SOP) which includes:

- a. A description of the purpose for the wet storage operation (i.e. holding, conditioning, or increasing salt content) and any species-specific physiological factors that may affect design criteria.
 - b. How the product is handled prior to wet storage,
 - c. How product is tagged or identified during wet storage and,
 - d. How product is handled and tagged when it comes out of wet storage.
5. Flow through systems using tanks on land and natural waters, may require referral to MDH Center for Facility Process and Review for evaluation.

Wet Storage in Land-based Re-circulating Systems

Wet storage means the storage, by a dealer, of market size oysters or clams from growing areas in the approved classification or in the open status of the conditionally approved classification in tanks containing synthetic seawater at any permitted land-based facility.

Prior to construction or remodeling of a re-circulating system, a wet storage application must be submitted to MDE. A detailed plan and written operating procedures are required as part of the application. The application is referred to MDH Center for Facility Process and Review for evaluation and is also sent to DNR for review.

- The applicant will be contacted by MDH for any additional information required for the Facility Process Review to be completed.
- The applicant must allow MDE, MDH or DNR access to the site for field review if necessary.
- Once the review is completed and the application is approved by MDH, the re-circulation system may be authorized by MDE and construction may begin. Any changes to the plan must be approved by MDH prior to making the change. Any proposed construction and disposal of waste must also meet applicable local, state and federal regulations.

Once a re-circulating wet storage activity is authorized by MDE:

- A study is required to demonstrate that disinfection for the re-circulating system can consistently produce water that tests negative for the coliform group.
- Routine sampling by MDH and testing by a certified lab is required at least weekly or as determined by MDH.
- MDH conducts inspections of the wet storage site for proper operation of the system, proper handling of shellstock, lot identification, tagging, and shipping (trace back) records at least two times a year.
- When all three Departments are satisfied that the NSSP requirements are met, an approval is sent by the MDH Center for Facility and Process review, the certified dealer and location is listed in the ICSSL as “WS” and the designation is added to their Food Processing Plant license number.
- At any time, MDE may revoke this authorization if the requirements of the NSSP are not met or upon recommendation of MDH inspectors.

Application for Wet Storage in Land-based Re-circulating Systems

The following information must be submitted to the department:

1. Name, address, telephone number, email address (if available), MDH dealer certification number. Source water shall not be from a growing area.
2. Onshore facilities must submit a map indicating the location of the facility and source water used for wet storage.
3. A physical description, diagram or photograph of the design of the wet storage structure or system.
4. Provide details of any water treatment system.
5. Final plans for construction or remodeling of onshore wet storage facilities shall be reviewed and approved by the MDH prior to commencing construction.
6. Details of the plan, including the design, source and quantity of process water to be used for wet storage, and details of any process water (disinfection) treatment.

7. Final plans and operating procedures that show how the system will meet all the requirements for wet storage in the NSSP.
8. The application also includes:
 - a. A description of the purpose for the wet storage operation (i.e. holding conditioning, or increasing salt content) and any species-specific physiological factors that may affect design criteria.
 - b. A plan and details for monitoring the sanitary quality of the process water.
 - c. The plan must include details as required in Chapter VII of the NSSP for Operation Specifications and Source Water,
 - d. How product is handled prior to wet storage,
 - e. How product is tagged and lots identified during wet storage and,
 - f. How product is handled and tagged when it comes out of wet storage.
9. Any proposed construction must also meet applicable local, state and federal regulations and disposal of waste must also meet local, state, and federal regulations.

Applications are submitted to MDE, By Mail to:

MDE, Water and Science Administration, Public Health Section, Montgomery Park, 1800
Washington Blvd. Baltimore, MD 21230

By email to: kathy.brohawn@maryland.gov

Or by Fax: 410 537 3998