



Sanitary Survey for Growing Area WJ - Maquoit Bay Addendum  
Effective Date: July 10, 2007  
Revision No. 4

**Addendum to  
Sanitary Survey for Growing Area WJ  
Maquoit Bay, Brunswick**

**Final Report: July 10, 2007**

**Amy Fitzpatrick**

**APPROVAL**

Division Director:

\_\_\_\_\_ Date: \_\_\_\_\_  
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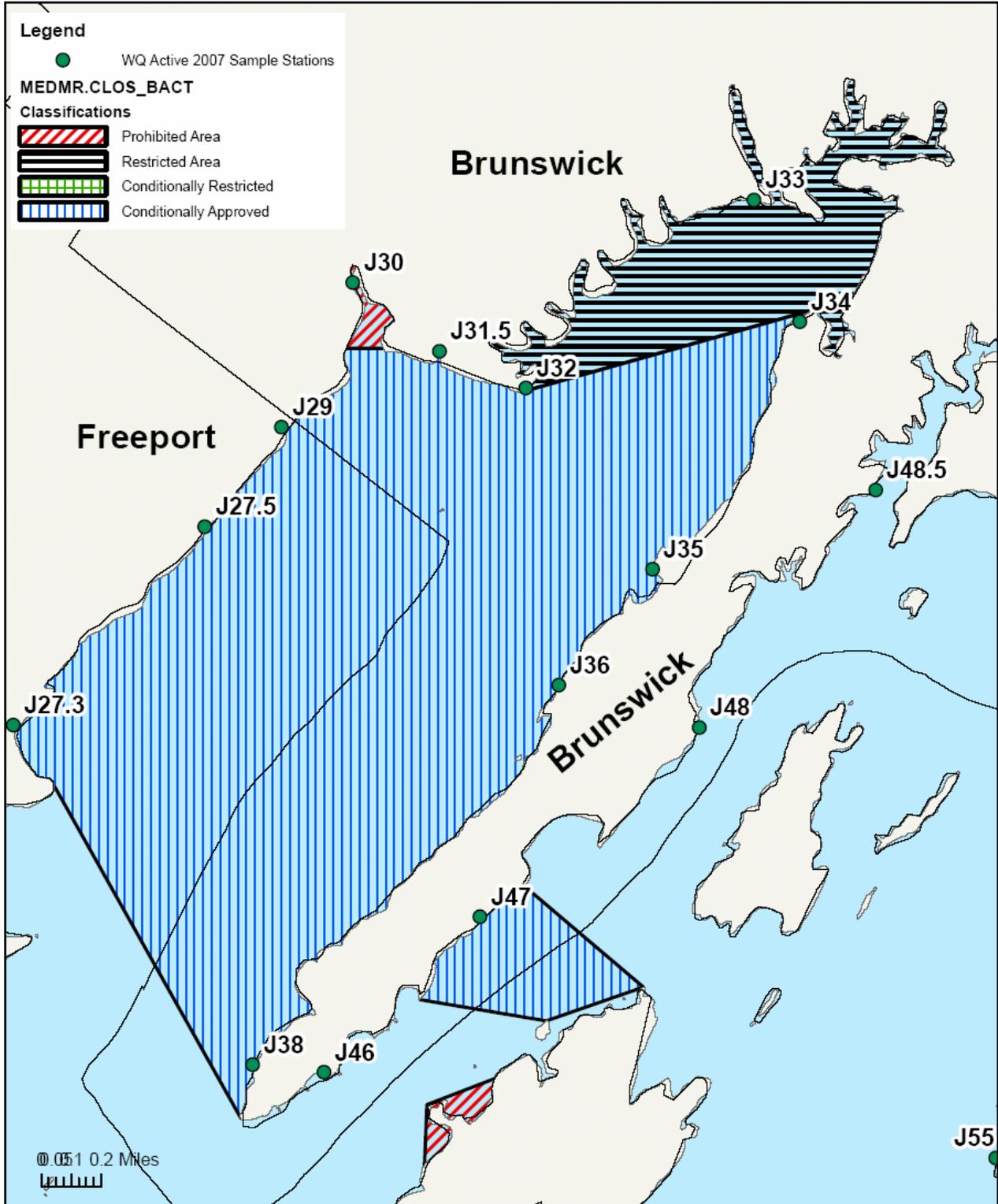


# Maine Department of Marine Resources



## Maquoit Bay, Brunswick and Freeport

7/03/07





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An analysis of the data in the upper Maquoit Bay area is being considered at the request of the Town of Brunswick. The request follows the replacement of a straight pipe system that was identified during a shoreline survey in 2006 and replaced in December of 2006.

The Maquoit Bay area has a history of water quality problems attributed to a variety of reasons. Prior to December 2001, the area had been classified as conditionally approved on  $\geq 1$ " rainfall in 24 hours. The head of Maquoit Bay (north of a line from a landing at Wharton Point to Pulsifer Point) was classified as prohibited in a legal notice dated July 9, 2003. The remainder of Maquoit Bay (with the exception of Bunganuc Creek) was classified conditionally approved on  $\geq 1$ " of rainfall in 24 hours. In January of 2004, the conditional area management plan was changed from rainfall to migratory bird populations and was a seasonal conditional area which was in the open status from April 15 through August 31, the whole of Maquoit Bay was included in the conditional area with the exception of the prohibited area in Bunganuc Creek. An addendum to the sanitary survey report was submitted in September of 2005 to recommend that the stations at the head of the bay no longer met the criteria for approved status and should be classified prohibited. The report also noted that rainfall did impact the sample scores in the area. Since there was no point source of pollution, the area (the head of Maquoit Bay) was classified restricted which was the appropriate classification based on the NSSP Model Ordinance. In a legal notice dated May 3, 2006, the seasonal conditional area was expanded to include all of the Merepoint Neck shore and extended the open status of the conditionally approved area to January 1 to August 31.

The head of Maquoit Bay, located between Flying Point, Freeport and Merepoint, Brunswick, was reclassified as restricted due to water quality on April 14, 2006 (DMR Regulation 95.03 W, Closed Area No. 17-B, Maquoit Bay, Brunswick and Freeport). The cause of the water quality degradation was unknown. In 2006, the town of Brunswick and the Maine DEP conducted a shoreline survey and located a straight pipe which went underground from a home and opened to the water near water quality station WJ33. The straight pipe was replaced with an approved inground system in December 2006 as reported by Brunswick Marine Warden Devereaux in a memo to DMR on January 3, 2007. Station WJ 33 is located at a public boat launch which is used frequently for launching and loading boats and as a dog walking area. While no other obvious sources of pollution were found in the area, the town has installed dog waste bag dispensers and information to educate the public to pick up dog waste. The town reports that they have collected samples on the fresh water stream entering the bay near the landing but they have not submitted any data for the department to review.



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The shoreline survey results for Maquoit Bay as reported by the MDEP and updated by the town of Brunswick are located in Table 1 below:

Table 1. 2006 DEP/Town of Brunswick Shoreline Survey results

DMR Pollution Source ID	Water Body Impacted	Problem? Y=yes Q=questionable	Description	Notification	Current Status (as of 5/30/07)
WJB0011.10	Maquoit Bay	Y	primary OBD with chlorinator, licensed for greywater only, but black waste pipes also connected. Appears unused.	OBD removal program	This structure has not been lived in for years and is uninhabitable
WJB0061.00	Maquoit Bay	Y	directly behind the house (west) there is a black pipe in the lawn which discharges grey waste to the surface of the ground, long way to drainage across very level sandy ground	town notified	Grey water pipe has been reconnected to septic system Inspected on 4/19/07
WJB0062.20	Maquoit Bay	Y	south of house, path/drive from front of house to stone wall on left, between Moody houses	town notified	Significant distance away, owner has removed debris and repaired top soil. 1427 feet from shoreline. DRD
WJB0065.00	Maquoit Bay	Y	cast iron waste line goes east out of basement & there is a mound & pipe that direction into the marshy ground. Dye test positive 9/6/06	town notified	Replaced with septi tech and insp. By CEO
WJB0102.10	Maquoit Bay	Q	large mounded field on right side of driveway, soils are moist along drive, watch for breakout	town notified	inspected throughout fall no problems found, 11/25/06 DRD
WJB0112.10	Maquoit Bay	Q	grey pipes along back side, join with black pipe & disappear straight down, no septic evident. Appeared unoccupied	town notified	cottage connected to main house system west of cottage. CEO
WJB0243.10	Maquoit Bay	Y	1993 system to northeast of house, washing machine drain next to cattails, landscape drains toward Middle Bay. Dye test on main system negative.		Grey water pipe connected to system in basement. Significant distance away. See aerial photos over 1000 feet from shore
WJB0110.00	Mere Point	Q	no septic evident, but no problem noted at yellow clapboard; ranch has pump tank to northwest (opposite drive) mounded leach field to northeast, end is very wet, but not smelly	town notified	follow up inspections done in spring 4/25/07 area moist no breakout or no problems noted. No smell
WJB0115.00	Mere Point	Y	old system of some kind in lawn west of house (toward shore), breakout during spring high water levels according to owner	Contacting CEO	installing septic, no break noted on 5/21/07, 5/25/07. Unknown sytem. Very little impact if any to seaside
WJB0116.00	Mere Point	Q	pipes into ground north side, probably dry well 35' from shore under hot tub, illegal shower northeast corner of camp	town notified	Shower rarely used,



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DMR Pollution Source ID	Water Body Impacted	Problem? Y=yes Q=questionable	Description	Notification	Current Status (as of 5/30/07)
WJB0119.00	Mere Point	Q	1986-7 septic tank with pump control near northeast corner of house, leachfield by road, illegal outdoor shower, may discharge through foundation drain	town notified	Shower rarely used,
WJB0129.00	Mere Point	Q	tank recently replaced about 10 feet from top of bank, owner not sure what else exists	Permit approved	System replaced
WJB0131.00	Mere Point	Q	system for house in lawn on shore side, tank under deck steps, cottage system south, very close to swale, owner looking to connect cottage to house system		Owner has 500 gallon tank to south of cottage, with a small leachfield to the north. Inspected 5/14/07
WJB0158.00	Mere Point	Y	old OBD system still exists. House is connected to community septic system #5.		House connected to community system. OBD not used for years

In Table 2 on page 6, the year round data indicates that station WJ33 does not meet approved standards. Data was also analyzed with 50 data points so that data from January through April and September through December were represented. WJ 30 is a prohibited area around an overboard discharge. All other stations meet approved criteria year round. However, in Table 3 on page 6, the data from April 1 through August 31 does meet approved standards at station WJ 33. When the data was analyzed using 30 data points, the data was concentrated through the months of April through August. A key to the headers of the tables can be found on page 11 of this report. Table 5 on page 12 and 13 is rainfall analysis for station WJ33.0 and indicates that there is a strong correlation between elevated fecal scores and rainfall.



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**Table 2.** Fecal Coliform Report for Maquoit Bay Stations WJ 27.30 through WJ38.0 for 2001-2007 Limited to Latest 50 Data Points

<b>MAINE DEPARTMENT OF MARINE RESOURCES</b> As of: July 07, 2007									
Fecal Coliform Geometric Mean and Percent Variability For the Years 2001 Through 2007 - (01/01 - 12/31) Excludes Dates: no dates excluded; Status = Open and Closed Stations; Strategy = Random Only Excludes Flood Data and Inactive Stations Samples Limited to Latest 50									
% STATION	CLASS	COUNT	MFCNT	GEO_MEAN	SDV	MAX	P90	APPD_STD	RESTR_STD
WJ027.30	CA	12	6	2.8	0.15	6	4.4	39	221
WJ027.50	CA	50	6	5.5	0.54	240	27.3	46	279
WJ029.00	CA	50	6	5.4	0.59	1100	30.5	46	279
WJ030.00	P	50	6	8.5	0.57	1200	45.8	46	279
WJ031.50	CA	50	6	4.4	0.41	460	14.6	46	279
WJ032.00	CA	50	6	5.6	0.55	240	27.9	46	279
WJ033.00	R	50	6	8.1	0.67	1100	58.8	46	279
WJ034.00	CA	50	6	6.2	0.62	1100	38.8	46	279
WJ035.00	CA	45	6	6.3	0.59	460	35.6	46	277
WJ036.00	CA	44	6	4.4	0.45	460	16.6	46	276
WJ038.00	CA	45	6	6.0	0.64	460	39.8	46	277

**Table 3.** Fecal Coliform Report for Maquoit Bay Stations WJ 27.30 through WJ38.0 for April 1-August 31 for the years 2001-2007 Limited to Latest 30 Data Points

<b>MAINE DEPARTMENT OF MARINE RESOURCES</b> As of: July 07, 2007									
Fecal Coliform Geometric Mean and Percent Variability For the Years 2001 Through 2007 - (04/01 - 08/31) Excludes Dates: no dates excluded; Status = Open and Closed Stations; Strategy = Random Only Excludes Flood Data and Inactive Stations Samples Limited to Latest 30									
STATION	CLASS	COUNT	MFCNT	GEO_MEAN	SDV	MAX	P90	APPD_STD	RESTR_STD
WJ027.30	CA	10	4	3.0	0.15	6	4.7	41	235
WJ027.50	CA	30	4	4.2	0.42	240	14.8	46	277
WJ029.00	CA	30	4	4.0	0.40	240	13.2	46	277
WJ030.00	P	30	4	8.3	0.61	1200	50.2	46	277
WJ031.50	CA	30	4	3.5	0.42	460	12.1	46	277
WJ032.00	CA	30	4	4.4	0.41	93	14.6	46	277
WJ033.00	P	30	4	5.9	0.64	1100	39.1	46	277
WJ034.00	CA	30	4	5.5	0.55	1100	27.6	46	277
WJ035.00	CA	25	4	4.8	0.41	43	16.0	46	272
WJ036.00	CA	23	3	3.8	0.31	23	9.7	46	277
WJ038.00	CA	23	3	4.3	0.39	93	13.6	46	277



**Table 4.** P90 Trend for Maquoit Bay Stations WJ 27.30 through WJ38.0 for 2005, 2006 and 2007 Limited to Latest 50 Data Points

<b>Maquoit Bay P90 History</b>			
Station #	2005	2006	2007
WJ027.50	29.8	27.2	27.3
WJ029.00	34.6	29.9	30.5
WJ030.00	110.6	76.3	45.8
WJ031.50	32.2	17.6	14.6
WJ032.00	39.5	29.1	27.9
WJ033.00	125.6	109.2	58.8
WJ034.00	54.1	46.0	38.8
WJ035.00	33.9	30.6	35.6
WJ036.00	17.9	17.1	16.6
WJ038.00	46.3	40.9	39.8

As illustrated in the Table 4, the P90s for stations WJ27.5, 29.0, 35.0 and 36.0 have stayed relatively stable for the past 3 years. Stations WJ30.0, 31.5, 33.0, and 34.0 have shown a steady decline since 2005. Stations WJ32.0 and 38.0 have shown a slight decline. Station WJ27.3 was created in 2006 and does not have 30 pieces of data so it is not reflected in this table. It currently has only 8 data points. Although WJ33.0 has shown an improvement it still does not meet approved standards on a year round basis.

**Conclusion:**

At this time, the restricted area in the upper portion of Maquoit Bay can be reclassified as conditionally approved with an open season of April 1 through August 31 because there is enough data to analyze during that time period and it meets approved standards. While the majority of the data supports a seasonal conditionally approved area, the 1100 FC/100ml on 5/3/04 after 1" of rain in 24 hours and the 460 FC/100ml on 8/30/05 (similar rainfall amount) would suggest that the area is impacted by rainfall. All sample stations, WJ 27.3 through WJ 38 must be collected after  $\geq 1$ " of rainfall in 24 hours. Rainfall of  $\geq 1$ " in 24 hours will prompt sampling to gather rainfall data to analyze. In the future, the area may become conditional based on rainfall depending on what the rainfall study evidence shows.

The seasonal conditional area south of the WJ 32 and WJ 34 line can be reclassified as approved based on water quality.

Area WJ is scheduled for a sanitary survey report this year. In order to put the question to rest, the migratory bird population must be monitored and documented for the file. An additional recommendation is to sample the water at stations WJ32, 33 and 34 when the birds are present.

**Proposed Change:**

**TEXT OF RULE:** DMR Regulation 95.03 M, Closed Area No. 16, Maquoit Bay and Middle Bay (Freeport, Brunswick, and Harpswell)

A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the following areas:

1. Maquoit Bay (Brunswick): north of a line drawn across the mouth of Bunganuc Creek, beginning at a red painted post located on the on the west shore of the mouth of the creek; then running due east to a red painted post on the east shore of the mouth of the creek.



- ~~2. Maquoit Bay (Brunswick): inside and shoreward of a line beginning at the southeast tip of Bunganuc Point; then running northeast to the north tip of Pulsifer Point. This area is classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from September 1 through December 31. "restricted," and requires a special MDMR permit.~~
- 3. 2. Merepoint Bay (Harpwell): inside and shoreward of a line beginning 1000 feet south of Birch Island Landing; then running north to the westernmost tip of land near Birch Island Landing; then running east to a the westernmost point of land 1000 feet north of Birch Island Landing.

B. Effective immediately, because of pollution, the shores, flats and waters of Maquoit Bay (Brunswick): inside and shoreward of a line beginning at the southeast tip of Bunganuc Point; then running northeast to the north tip of Pulsifer Point. This area is classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from September 1 through March 31.

~~B. Effective immediately, because of pollution, the shores, flats and waters of Maquoit Bay, within the following boundaries: (1) inside and shoreward of a line beginning at Goose Point (Freeport), then running southeast to the south tip of Merepoint Neck (Brunswick); (2) south of a line beginning at a red painted post located on the west shore of the mouth of Bunganuc Creek (Brunswick); then running due east to a red painted post on the east shore of the mouth of the creek, (3) south of a line beginning at the southeast tip of Bunganuc Point (Brunswick), then running northeast to the north tip of Pulsifer Point (Brunswick); have been classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from September 1 through December 31.~~

C. Effective immediately, because of pollution, the shores, flats and waters of Merepoint Bay: inside and shoreward of a line beginning at the unnamed point of land 2000 feet north of Paul's Marina (Brunswick), then running southeast to the north tip of Birch Island (Harpwell); then running southwest to the north tip of Gallows Island (Harpwell); then running west to the south end of Windemere Road on Merepoint Neck (Brunswick); have been classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from April 15 through October 31.

EFFECTIVE DATE: July ??, 2007                      EFFECTIVE TIME: \_\_\_\_\_

AGENCY CONTACT PERSON:     Amy M. Fitzpatrick  
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   W. Boothbay Harbor, Me 04575  
[http://www.maine.gov/dmr/rm/public\\_health/closures/closedarea.htm](http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm)

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### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals DMR Regulation 95.03 M, Closed Area No. 16, Maquoit Bay and Middle Bay (Freeport, Brunswick, and Harpswell), promulgated on December 20, 2006, and replaces it with a new rule. This new rule reclassifies upper Maquoit Bay as a Conditional Approved area which is closed from September 1 – March 31 AND classifies the rest of Maquoit Bay as approved.

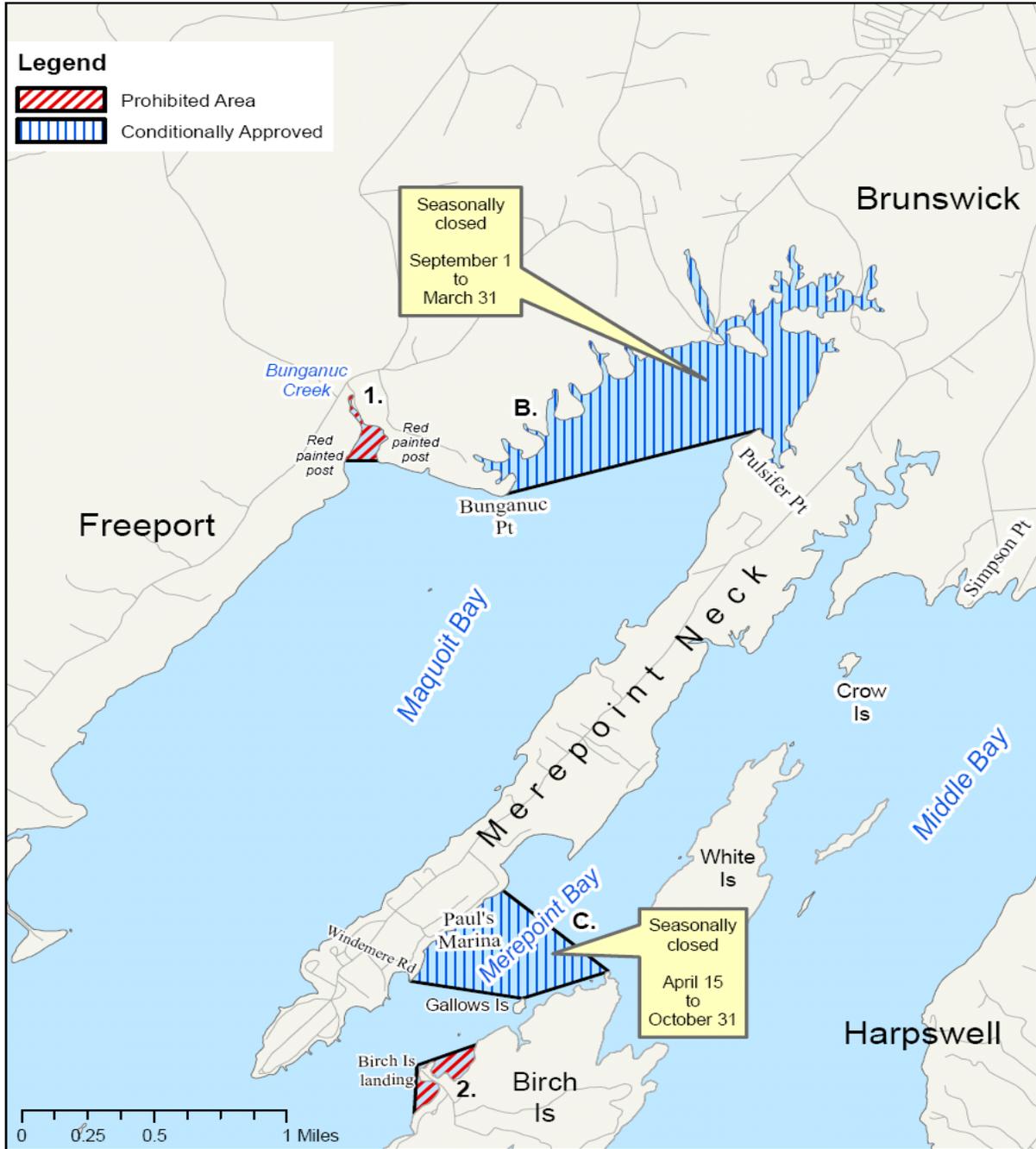


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Proposed Legal Notice Map:



**Maine Department of Marine Resources**  
**Pollution Closed Area No. 16**  
 Maquoit Bay and Middle Bay (Freeport, Brunswick, and Harpswell) 7/06/07





## Key to water quality table headers.

Station = water quality monitoring station

Class = classification assigned to the station; prohibited (P), restricted (R), conditionally restricted (CR), conditionally approved (CA) and approved (A).

Count = the number of samples evaluated for classification, must be a minimum of 30.

MFCNT = the number of samples evaluated with the MTec method (included in the total Count column)

Geo\_Mean = means the antilog (base 10) of the arithmetic mean of the sample result logarithm (base 10).

SDV = standard deviation

Max = maximum score of the 30 data points in the count column

P90 = 90<sup>th</sup> percentile

APPD\_STD = the 90<sup>th</sup> percentile, at or below which the station would meet approved criteria in the absence of pollution sources or poisonous and deleterious substances.

RESTR\_STD = the 90<sup>th</sup> percentile, at or below which the station would meet restricted criteria.



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**Table 5.** Rainfall Analysis for Maquoit Bay Station WJ 33.0 for Years 2001-2007

STATION	COLLECT DATE	STRAT	TID E	ADV	SAL %	WIND	COLIFORM	METH	RAIN-1	RAIN-2	RAIN-3	RAIN-4
WJ033.00	01/08/01	R	HE	-	25	-	< 3	A	.01	0	.24	.02
WJ033.00	02/05/01	R	E	-	28	-	< 3	A	1.33	0	.13	.19
WJ033.00	04/02/01	R	E	T	25	-	< 3	A	0	.001	.09	1.5
WJ033.00	05/07/01	R	H	-	30	-	23	A	0	0	.22	0
WJ033.00	06/04/01	R	HF	P	18	-	93	A	.17	.36	3.17	0
WJ033.00	06/20/01	R	F	-	28	-	9.1	A	.3	0	0	1.03
WJ033.00	07/09/01	R	HE	P	30	-	< 3	A	.49	.22	0	0
WJ033.00	08/06/01	R	F	-	25	-	240	A	0	0	.001	.001
WJ033.00	09/10/01	R	F	-	31	-	43	A	.03	0	0	0
WJ033.00	10/03/01	R	H	P	31	-	460	A	0	0	0	0
WJ033.00	11/05/01	R	F	P	12	-	460	A	1.1	0	0	.001
WJ033.00	12/03/01	R	HF	P	30	-	240	A	0	0	.03	.17
WJ033.00	01/07/02	R	E	WP	32	-	23	A	.34	.001	0	0
WJ033.00	02/04/02	R	F	-	30	-	< 3	A	.001	0	0	.33
WJ033.00	03/04/02	R	F	PW	24	-	240	A	0	1.04	0	0
WJ033.00	04/03/02	R	F	PW	20	-	43	A	.48	0	.78	0
WJ033.00	06/03/02	R	HE	-	29	-	9.1	A	0	.01	0	.57
WJ033.00	06/24/02	R	E	-	30	-	< 3	A	.03	.2	.17	0
WJ033.00	07/22/02	R	HF	-	30	-	3.6	A	0	0	0	.23
WJ033.00	08/06/02	R	H	P	30	-	23	A	.64	.6	0	0
WJ033.00	10/07/02	R	E	P	30	-	93	A	.02	0	.14	.02
WJ033.00	11/25/02	R	HF	-	27	-	3.6	A	.03	0	.02	1
WJ033.00	12/02/02	R	E	-	30	-	< 3	A	.01	0	.001	.08
WJ033.00	01/06/03	R	F	P	30	-	43	A	.12	.02	.1	.01
WJ033.00	03/03/03	R	H	P	0	-	< 3	A	0	1.2	.001	0
WJ033.00	04/07/03	R	HF	-	30	-	< 3	A	0	0	.18	.001
WJ033.00	05/05/03	R	HF	-	30	-	< 3	A	0	0	0	.14
WJ033.00	06/02/03	R	H	P	29	-	< 3	A	0	.31	.02	.16
WJ033.00	07/07/03	R	F	-	30	-	< 3	A	.02	0	.15	0
WJ033.00	08/04/03	R	F	P	30	-	< 3	A	.16	0	.08	.66
WJ033.00	09/08/03	R	E	P	32	-	< 3	A	0	0	0	0
WJ033.00	10/06/03	R	E	P	31	-	3.6	A	0	0	.92	0
WJ033.00	11/03/03	R	E	P	30	-	23	A	.47	1	0	0
WJ033.00	12/01/03	R	F	P	30	-	240	A	.001	0	.26	.68
WJ033.00	01/05/04	R	E	W	31	-	9.1	A	.001	.001	.03	.03
WJ033.00	03/01/04	R	LE	-	0	-	< 3	A	0	0	0	0
WJ033.00	04/12/04	R	LE	W	30	-	< 3	A	0	0	0	0
WJ033.00	05/03/04	R	H	P	31	-	1100	A	.92	0	0	0
WJ033.00	06/07/04	R	F	P	30	-	< 3	A	.2	.001	0	0
WJ033.00	07/12/04	R	E	-	30	-	3.6	A	0	0	.01	1.19
WJ033.00	08/02/04	R	H	-	30	-	< 3	A	.26	.16	0	0
WJ033.00	09/13/04	R	HF	-	30	-	3.6	A	0	0	0	0
WJ033.00	11/01/04	R	F	-	30	-	< 3	A	0	0	.22	0



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WJ033.00	05/10/05	R	F	-	30	-	3.6	A	.16	0	0	0
WJ033.00	05/17/05	R	E	PW	25	-	< 3	A	0	.44	.4	0
WJ033.00	06/07/05	R	F	N	15	-	23	A	.02	.18	.01	0
WJ033.00	07/12/05	R	F	-	26	NW	9.1	A	0	0	.04	.48
WJ033.00	08/02/05	R	H	P	30	-	< 3	A	.11	.28	0	0
WJ033.00	08/30/05	R	H	P	12	-	460	A	1.3	1.03	.03	0
WJ033.00	09/06/05	R	F	-	30	-	15	A	0	0	.001	0
WJ033.00	04/11/06	R	F	NW	16	CL	9.1	A	0	0	0	0
WJ033.00	05/10/06	R	H	PW	30	E	< 3	A	.97	.24	0	0
WJ033.00	06/21/06	R	HE	P	29	SE	< 3	A	0	.26	.001	0
WJ033.00	07/19/06	R	E	-	29	NE	9.1	A	0	.001	0	0
WJ033.00	07/31/06	R	HF	-	28	SW	9.1	A	.28	0	0	1.09
WJ033.00	08/16/06	R	F	W	29	-	< 3	A	0	.47	0	0
WJ033.00	09/18/06	R	HE	W	26	S	10	M	0	0	0	.03
WJ033.00	11/07/06	R	E	W	28	SE	96	M	0	0	0	0
WJ033.00	04/03/07	R	F	PT	30	E	2	M	.17	.36	0	0
WJ033.00	04/26/07	R	HE	-	27	CL	< 2	M	0	0	0	0
WJ033.00	05/29/07	R	E	-	28	NW	< 2	M	0	.11	0	0
WJ033.00	06/13/07	R	E	-	29	-	10	M	0	0	0	0
<b>STATION WJ033.00</b>		<b>COUNT</b>		<b>MFCNT</b>	<b>GEO_MEAN</b>		<b>STD</b>		<b>P90</b>	<b>APPD_</b>	<b>RSTD_STD</b>	
										<b>STD</b>		
ALL SAMPLES		62		6	10.52		.75		96.30	47	283	
FLOOD TIDES		21		1	15.40		.78		156.30	48	291	
HIGH TIDES		25		2	10.93		.85		138.10	47	286	
EBB TIDES		16		3	7.24		.55		36.90	45	268	
LOW TIDES		2		0	2.90		0		2.90	49	300	
48 - HR RAINFALL >= 0.5,<1.0		4		1	27.75		1.3		1415.14	44	258	
48 - HR RAINFALL >= 1.0,<1.5		7		0	20.31		.93		330.88	49	300	
48 - HR RAINFALL >= 1.5		1		0	460.00		0		460.00			