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# Response to Public Comment on the State of Texas 1998 Clean Water Act Section 303(d) List

Texas Natural Resource Conservation Commission (TNRCC)

June 26, 1998

TRACKING #	DATE	ENTITY	SUMMARY OF COMMENTS	SUMMARY OF ACTION OR EXPLANATION
01 07 11 19	04/14/98 04/13/98 04/09/98 02/24/98	Sabine River Authority Alan Plummer Associates Eastman Chemical Co. Eastman Chemical Co.	<ul style="list-style-type: none"> <li>•Support de-listing of Sabine River (0503 and 0505) for cadmium and lead.</li>   <li>•States that measurements are not within analytically reliable range.</li> </ul>	<ul style="list-style-type: none"> <li>•In the lower 25 miles of the segment, concentrations of dissolved cadmium in water exceeded the criteria established to protect aquatic life. However, more recent data was submitted during the public comment period, and the average cadmium level, computed using this new data, was below the criterion for use impairment. Segments 0503 and 0505 were removed from the 303(d) List and added to the Considered List for cadmium in water. Therefore, Segments 0503 and 0505 remain on the list as a medium priority for lead.</li>   <li>•TNRCC reviewed data in question and maintains that data are highly reliable.</li> </ul>
02 06	04/13/98 04/13/98	Shell Chemical Co. OxyChem	<ul style="list-style-type: none"> <li>•Should not use sediment screening levels to cause nonsupport in Patrick Bayou (1006-A).</li>   <li>•Should not list individual metals and organics in sediment for Patrick Bayou (1006-A).</li>   <li>•Want the Voluntary Source Identification study mentioned.</li> </ul>	<ul style="list-style-type: none"> <li>•An earlier draft of the 303(d) List cited sediment contaminants as a reason for nonsupport of the aquatic life use. However, characterization of sediment concentrations as elevated were based on screening levels and not actual numeric criteria. In the final list, sediment contaminants were used as additional verification of the nonsupport of narrative criteria due to sediment toxicity.</li>   <li>•The listing of individual metals and organics in sediment was changed to "some metals and organics in sediment exceed the estuarine screening levels".</li>   <li>•Mention of the Voluntary Source Identification Study was added to the 303(d) List segment summary for Patrick Bayou.</li> </ul>

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25	02/05/98	Eastman Chemical Co.	<ul style="list-style-type: none"> <li>•Concern regarding use of screening levels for 303(d) listing in the absence of numeric standards.</li> </ul>	<ul style="list-style-type: none"> <li>•The TNRCC identified a list of water bodies based on screening levels for nutrients, toxics in fish tissue and sediments, and ambient toxicity. These water bodies were considered possible candidates for 303(d) listing. While TNRCC agrees that further study of water bodies is often necessary to effectively quantify if a narrative standard is not being met, the guidance also points out that if additional data is submitted during the 303(d) listing process which strengthens or validates the fact that the pollutants of concern are contributing to impairment of a designated use, this is sufficient cause for listing the water body. Additional data was for certain waterbodies submitted for consideration and after additional evaluation, the TNRCC concurred that listing was warranted. This is an important new procedure in the 1998 listing process which was not conducted in the 1996 listing process. TNRCC is required to evaluate numeric and narrative water quality standards. The screening levels used are in no way to be construed as default water quality standards. The TNRCC will work closely with stakeholders through the Clean Rivers Program to improve the methods used to assess waters for narrative standards in subsequent preparations of the 303(d) list.</li> </ul>
14	04/07/98	Texas Center for Policy Studies	<ul style="list-style-type: none"> <li>•Draft list failed to identify sources of contamination.</li> <li>•Texas Department of Health (TDH) fish tissue data was used in the listing process, but not TNRCC fish tissue data which indicates additional pollutants. Data from the TDH Fish Tissue Sampling program and special studies such as the Binational Rio Grande Toxic Substances Study were not considered.</li> <li>•Create a separate “candidate” list of water bodies that warrant further study for inclusion by a pre-established date.</li> <li>•Texas Watch data should be used in developing the 303(d) list.</li> </ul>	<ul style="list-style-type: none"> <li>•Final list did identify if source of contamination is point source, nonpoint source or both. More detailed information on sources of contamination is not consistently available. Sources will be identified during the development of the TMDL.</li> <li>•TNRCC elected to use the TDH system (which bases fish consumption bans and aquatic life closures on human health risk analyses) as the most consistent, scientifically sound methodology for determining impairment of the water body related to fish consumption. TNRCC data and other TDH data is useful for screening, but is not adequate for analyzing human health risks. Data from the Binational study will be considered in detail for the 1999 303(d) list which focuses on basins in the western half of the state, including the Rio Grande.</li> <li>•Many water bodies <i>already listed</i> on the final 303(d) list actually fall into a category that requires “more data to verify the extent and or severity of the impairment” (see MEDIUM-ranked water bodies). In addition, the “Considered” list serves to identify a second tier of water bodies for targeted monitoring.</li> <li>•Very little Texas Watch data was available (i.e., in the TNRCC data base) for Basin Groups B and C at the time of the initial data screening. Volunteer monitoring data will be considered as support information in the determination of partial or nonsupport of designated uses. It will also be used to determine priority ranking and direct future monitoring efforts.</li> </ul>

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03	04/13/98	Lone Star Chapter - Sierra Club	<ul style="list-style-type: none"> <li>•Concern regarding availability of a written methodology for making listing decisions.</li> <li>•Suggest broader acceptance of data and the inclusion of water bodies on the 303(d) list where data are not definitive; or the creation of a “candidate list” that requires additional data collection to verify impairment; if additional data are not collected, then the water body is automatically listed. TNRCC stifles public participation by using only data meeting QA/QC criteria.</li> <li>•The list assigns priority but does not clarify how actual scheduling for developing TMDLs will be determined.</li> <li>•Segments previously identified as partially supporting contact recreation use are not listed on the 1998 list.</li> <li>•Concern for disparities between the 1996 305(b) inventory and the 1998 303(d) list.</li> </ul>	<ul style="list-style-type: none"> <li>•The methodology and criteria for all listing and delisting decisions was included in the submittal of final 303(d) list to EPA. These materials are available on the TNRCC web site <a href="http://www.tnrcc.state.tx.us/water/quality/data/wmt/tmdl.html">http://www.tnrcc.state.tx.us/water/quality/data/wmt/tmdl.html</a>. The TNRCC considers the 303(d) list and the methodology to be dynamic, and the agency anticipates future refinements to the process in an effort to improve public participation and the scientific basis for listing decisions.</li> <li>•To strengthen the scientific foundation for 303(d) listing decisions, the data and information used are bound by certain conditions, including time limitations (data collected within the last 5 years), geographic focus (from areas targeted for assessment) and data quality (data must be collected under a TNRCC-approved Quality Assurance Project Plan). TNRCC encourages the public to submit relevant data that falls outside these conditions since these data may be used to verify partial or nonsupport of designated uses, determine priority ranking of water bodies, and target future monitoring. Many water bodies <i>already listed</i> on the final 303(d) list actually fall into a category that requires “more data to verify the extent and or severity of the impairment” (see MEDIUM-ranked water bodies). In addition, the “Considered” list serves to identify a second tier of water bodies for targeted monitoring.</li> <li>• The priority ranking in the 303(d) list was assigned during the listing process and is the primary consideration in the scheduling process. TNRCC is working with stakeholders to develop secondary considerations (e.g., proximity of watersheds, common or related pollutants, local priorities, data availability, and international/interstate waters) that will result in a more detailed schedule.</li> <li>•New procedures developed by EPA and TNRCC removed the category for partial support for contact recreation.</li> <li>• Disparities result primarily from changes in assessment methodologies between 1996 and 1998 and differences in data sets used (the most recent 5 years in each case). In addition, while the 305(b) report is the first step in the 303(d) listing process, the two are consistent, but not identical because the 305(b) inventory includes water quality concerns that may not constitute actual impairments.</li> </ul>

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04 05 09 12 17 23  25 34 38	04/13/98 04/13/98 04/10/98 04/08/98 03/24/98 02/20/98  02/05/98 02/03/98 01/28/98	City of Cedar Hill City of Dallas City of Grand Prairie City of Midlothian Novartis Crop Protection North Texas Municipal Water District  Eastman Chemical Co. Trinity River Authority East Harris County Manufacturers Association	<ul style="list-style-type: none"> <li>•Support removal of segments listed for atrazine; Bardwell Reservoir (0815); Lake Waxahachie (0816); Lavon Lake (0821); Richland-Chambers Reservoir (0836); Joe Pool Lake (0838); Lake Tawakoni (0507).</li>   <li>•Disagreed with use of 50% MCLs for atrazine.</li>   <li>•Argues that use of drinking water standards for “threatened” listing attempts to establish new standards.</li>   <li>•Disagreed with use of 50% MCLs for atrazine.</li> </ul>	<ul style="list-style-type: none"> <li>•TNRCC agrees that Bardwell Reservoir, Lake Waxahachie, Lavon Lake, Richland-Chambers Reservoir, Joe Pool Lake and Lake Tawakoni currently meet water quality standards for drinking water supply. However, finished drinking water data from water utilities using these lakes demonstrate levels of atrazine that represent a strong potential for standards violation in the near future. Listing these water bodies as “threatened” indicates that a TMDL may be necessary to <i>prevent</i> standards violation. Regulations in 40 Code of Federal Regulations (CFR) 130.2(j) require that states list water bodies “... where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards.” Therefore, these water bodies remain on the list as threatened.</li>   <li>•TNRCC agrees that City of Dallas Water Utilities data do not support listing Lake Tawakoni as “threatened” due to exceedances of 50% of the Maximum Contaminant Level (MCL) for atrazine. However data from finished drinking water from another water system also drawing from Lake Tawakoni supports listing. Therefore, Lake Tawakoni remains on the list, with the ranking Threatened-medium.</li>   <li>•Two of the four samples used to arrive at the “threatened” status for Joe Pool Lake actually exceeded the MCL for atrazine and can not be considered “extremely low” levels. In fact, only one additional sample at these levels would result in a violation of the MCL and result in a classification of nonsupport.</li>   <li>•A recalculation of the exceedance of 50% of the MCL, based on the rolling average, gave the same results as the original method.</li>   <li>•Use of drinking water standards in finished drinking water supports a methodology to determine the threat to surface water standards exceedances, not the exceedance of the standard itself; the methodology does not establish new standards for surface water.</li>   <li>•Using exceedances of 50% of the MCL was based on best professional judgment of the Water Utilities technical staff in TNRCC’s Water Utilities Division. However, during the listing process, one water body (Aquilla Lake) listed as threatened using this methodology was reclassified to nonsupport based on one additional sample, thus validating the use of 50% of the MCL as a predictive indicator. This additional sample, taken in early February 1998, raised the annual running average over the MCL, which is a violation of drinking water standards. The water body was then reclassified as impaired. For Joe Pool Lake, only one additional sample at levels of atrazine already measured would result in a violation of the MCL in a classification of nonsupport. Therefore, Joe Pool Lake remains on the list, with the ranking Threatened-high.</li> </ul>

TRACKING #	DATE	ENTITY	SUMMARY OF COMMENTS	SUMMARY OF ACTION OR EXPLANATION
(continued)	(cont.)	(cont.) City of Cedar Hill City of Dallas City of Grand Prairie City of Midlothian Novartis Crop Protection North Texas Municipal Water District Eastman Chemical Co. Trinity River Authority East Harris County Manufacturers Association	(cont.) •General comments on the listing of drinking water supply segments.          •Disagree with list of secondary drinking water standards.	(cont.) •TNRCC will NOT be duplicating ongoing work or projects, but rather will be using these efforts as a TMDL equivalent whenever possible. Moreover, under the law, ongoing projects that may be addressing the identified impairment do not exempt a water body from listing.  •The suggestion to put these lakes on a separate list is not possible, since Texas has not adopted the policy of a seXÅte list (the so-called “Candidate List” discussed at the federal level). Therefore, these water bodies remain on the list as threatened.  •Restrictions to wastewater permits as a result of listing will only apply to the listed pollutants.  •Possible misunderstanding by the general public about the meaning of the term “threatened” does not exempt a water body from being listed.  •TNRCC agrees that one of the implications of listing a water body is that control measures may be required to minimize the listed pollutant; that is the intent of the legislation and the purpose of the list.  •For the water bodies listed on Addendum 1 (drinking water use only), the TNRCC had initially proposed using exceedances of secondary standards in both finished and raw water. However, based on stakeholder input as well as TNRCC’s opinion that exceedance of these drinking water criteria at the levels detected do not pose a risk to public health or safety, this proposal was withdrawn.
08 34	04/13/98 02/03/98	Trinity River Authority Trinity River Authority	•Lake Livingston (0803) should not be listed for pH and dissolved oxygen (DO); if it remains on the list, the priority should be reduced to “low”.  •Overall priority for Lake Livingston should be low.  •Clear Fork below Weatherford (0831) should not be listed for DO.	•The data supports listing of Segment 0803 for DO and pH. Therefore, it remains on the 303(d) List. The priority for DO was lowered from high to medium and pH was given a low priority.  •The overall priority for Lake Livingston was lowered from high to medium.  •The data supports listing of Segment 0813 for DO. Therefore, it remains on the 303(d) List.

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34 31 29 38	02/03/98 02/03/98 02/03/98 01/28/98	Trinity River Authority Espey-Huston & Associates Houston Lighting & Power East Harris County Manufacturers Association	<ul style="list-style-type: none"> <li>• Concerns about Addendum 1.</li> <li>•Disagree with use of screening levels for 303(d) listing for narrative criteria nonsupport. Concerns about Addendum 2.</li> <li>•Disagree with listing of nutrient concerns. Specific segments noted Trinity River above Lake Livingston (0804); Upper Trinity (0805); Lower West Fork Trinity (0841).</li> <li>•Disagree with listings based on sediment metal and organic compound concerns.</li> </ul>	<ul style="list-style-type: none"> <li>•Water bodies on Addendum 1 (drinking water use only) and Addendum 2 (narrative criteria) were not listed unless additional supporting data or information justified inclusion. For water bodies listed on Addendum 1, the TNRCC had initially proposed using exceedances of secondary standards in both finished and raw water. However, based on stakeholder input, as well as TNRCC opinion that exceedance of these drinking water criteria at the levels detected do not pose a risk to public health or safety, this proposal was withdrawn.</li> <li>•TNRCC re-evaluated the water bodies on Addendum 2 to determine if exceedances of screening levels for narrative criteria resulted in the impairment of a designated use. In addition to the review of numeric data, comments addressing narrative criteria were considered.</li> <li>•Nutrient concerns have been moved to the Considered List unless associated with nonsupport of narrative criteria.</li> <li>•Sediment concerns have been moved to the Considered List unless associated with nonsupport of narrative criteria.</li> </ul>
08 10 17 34	04/13/98 04/10/98 03/24/98 02/03/98	Trinity River Authority International Paper Novartis Crop Protection Trinity River Authority	<ul style="list-style-type: none"> <li>•NPS impaired waters should not be listed on 303(d) List.</li> <li>•Too many segments on the 303(d) listing to implement in TMDL process in high quality effective way - 72% of Trinity River Basin.</li> </ul>	<ul style="list-style-type: none"> <li>•Under current federal regulations and guidance for section 303(d), these concerns are not considered justification for not listing impaired or threatened waters. EPA has always interpreted this portion of the Clean Water Act include nonpoint source impaired waters. TNRCC is expected to comply with this interpretation.</li> </ul>
08 12	04/13/98 04/08/98	Trinity River Authority City of Midlothian	<ul style="list-style-type: none"> <li>•Object to listing of Joe Pool Lake (0838) for total dissolved solids (TDS) and Sulfate.</li> <li>•Joe Pool Lake should not be listed for metals in sediment.</li> <li>•Priority for Joe Pool should be low.</li> </ul>	<ul style="list-style-type: none"> <li>•The data supports listing of Joe Pool Lake for TDS and sulfate. Therefore, it remains on 303(d) List for TDS and sulfate.</li> <li>•Elevated sediment concentrations were based on screening levels and not actual criteria. Therefore, metals in sediment concerns were removed from the 303(d) List and added to the Considered List.</li> <li>•The priority for Joe Pool Lake is Threatened-high since levels of atrazine &gt; MCL have been measured.</li> </ul>

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13 16	04/08/98 04/02/98	San Jacinto River Authority Houston Galveston Area Council	<ul style="list-style-type: none"> <li>•Disagree with listing of entire segment for low dissolved oxygen (DO) in Spring Creek (1008).</li> <li>•Support the removal of "upper half" language to be replaced with a more specific location.</li> </ul>	<ul style="list-style-type: none"> <li>•The listing of the entire segment on the initial list for low DO was an error on initial list. The data supports listing the upper portion of the segment. This was corrected on final 303(d) List.</li> <li>•The wording was amended to "In the portion upstream from the Kuykendahl Road bridge...".</li> </ul>
15	04/06/98	City of Fort Worth	<ul style="list-style-type: none"> <li>• In the Trinity River Basin fecal coliform and toxics should not be listed where data is inconclusive or of questionable quality and should be put on a high priority monitoring list.</li> </ul>	<ul style="list-style-type: none"> <li>•Data used in the 303 (d) listing process was considered reliable. Questionable data is excluded from the assessment process. Data used of the Trinity River Basin was considered valid and supported the listings.</li> <li>•Texas has not adopted the policy of a separate list (the so-called "Candidate List" discussed at the federal level). Therefore, where the data supports listing, these water bodies remain on the 303 (d) List.</li> </ul>
18 21 24	03/03/98 02/23/98 02/06/98	City of Sherman City of Denison Greater Texoma Utility Authority	<ul style="list-style-type: none"> <li>•Supports the de-listing of total dissolved solids (TDS) in Lake Texoma (0203).</li> </ul>	<ul style="list-style-type: none"> <li>•Elevated levels of dissolved solids in source water have been observed. However, water systems are meeting the secondary drinking water standards through demineralization treatment and levels of dissolved solids in source water are not high enough to exceed surface water quality standards. Therefore, TDS was removed from 303(d) List and added to the Considered List.</li> </ul>
20	02/23/98	Save Barton Creek Association	<ul style="list-style-type: none"> <li>•Comparison of 96 → 98 303(d) List.</li> <li>•Concerned about contact recreation /nutrients in Barton Creek/Onion Creek.</li> </ul>	<ul style="list-style-type: none"> <li>•EPA eliminated the category of partial support for the contact recreation use because there is no demonstrated correlation between these levels and a threat to human health, and no longer requires listing of these water bodies.</li> <li>•This segment is in Basin Group D; consequently, a full assessment was not done for 1998 303(d) List.</li> </ul>
23	02/12/98	Texas Parks and Wildlife Department	<ul style="list-style-type: none"> <li>•General Comments; Suggest need to assess total suspended solids (TSS) data.</li> </ul>	<ul style="list-style-type: none"> <li>•The TSS data was reviewed. Since no narrative screening levels are widely accepted for TSS, no action was taken during this listing cycle. The TNRCC will work closely with stakeholders through the CRP to improve the methods used to assess waters for narrative standards in subsequent preparations of the 303(d) list.</li> </ul>
24	02/06/98	Greater Texoma Utility Authority	<ul style="list-style-type: none"> <li>•Need to verify that Moss (1412-A) Lake is in Howard County not Cooke County.</li> </ul>	<ul style="list-style-type: none"> <li>•Verified location of Moss Lake in Howard County and not in Cooke County.</li> </ul>

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26	02/04/98	San Marcos River Foundation	<ul style="list-style-type: none"> <li>Concerned San Marcos River was not on 303(d) List for contact recreation.</li> </ul>	<ul style="list-style-type: none"> <li>EPA eliminated the category of partial support for the contact recreation use because there is no demonstrated correlation between these levels and a threat to human health, and no longer requires listing of these water bodies. Therefore, the San Marcos River was moved to Considered List. This segment is in Basin Group E; consequently, a full assessment was not done for the 1998 303(d) List. A full assessment will be completed in Fiscal Year 1999.</li> </ul>
27 29 31 38	02/04/98 02/03/98 02/03/98 01/28/98	City of Houston Public Works Department Houston Lighting & Power Espey-Huston and Associates East Harris County Manufacturers Association	<ul style="list-style-type: none"> <li>General comments on listing of San Jacinto River Basin Segments for lead and mercury. If they remain on list would like a low to medium priority.</li> <li>Mercury should not be listed without supporting tissue data.</li> <li>Disagree with listing of segments based on human health criteria for mercury.</li> </ul>	<ul style="list-style-type: none"> <li>The average lead concentrations exceeded the chronic criteria for the protection of aquatic life. The average mercury concentration exceeded the chronic criteria for the protection of human health. The data supports the listing of eleven Houston area bayou, lake and bay segments for lead and/or mercury. Therefore, these water bodies remain on the 303(d) List for mercury and lead with medium priority.</li> </ul>
28	02/03/98	Red River Authority	<ul style="list-style-type: none"> <li>Support de-listing of cadmium in the Red River (0205).</li> </ul>	<ul style="list-style-type: none"> <li>This water body was included in the 1996 Clean Water Act 303(d) List for exceedance of the chronic criterion for average cadmium in water. Because a question arose about the accuracy of the cadmium listing, the cadmium criteria were recalculated using hardness data collected from the water body. This raised the site-specific cadmium criterion and the aquatic life use is supported. Therefore, Segment 0205 was removed from the 303(d) List for cadmium and added to the Considered List.</li> </ul>
29 30 34 36	02/03/98 02/03/98 02/02/98 01/30/98 04/13/98	Houston Lighting & Power Texas Chemical Council Greater Houston Partnership Alan Plummer Associates Alan Plummer Associates	<ul style="list-style-type: none"> <li>General comments on methodology.</li> <li>Argue that use of drinking water standards for "threatened" listing attempts to establish new standards</li> </ul>	<ul style="list-style-type: none"> <li>Some of these suggestions for improving both the assessment and listing process are being discussed both internally at the TNRCC and with other stakeholders, primarily through the Clean Rivers Program. Some progress was made in these areas in 1998 and TNRCC plans to continue to improve the assessment and listing processes. The TNRCC also participates in a national work group to review the 303 (d) process and how it is to be implemented.</li> <li>Other suggestions have not been incorporated because: <ul style="list-style-type: none"> <li>Use of drinking water standards in finished drinking water supports a methodology to determine the threat to surface water standards exceedances, not the exceedance of the standard itself; the methodology does not establish new standards for surface water.</li> </ul> </li> </ul>

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(continued)	(cont.)	(cont.) Houston Lighting & Power Texas Chemical Council Greater Houston Partnership Alan Plummer Associates Alan Plummer Associates	(cont.) <ul style="list-style-type: none"> <li>•The classification of “threatened” water bodies requires extensive trend analysis.</li> <li>•Water bodies should not be listed for naturally-occurring substances with no chance for getting off the list.</li> <li>•Opposes expanding the list into areas not required by EPA (e.g., sediment concentrations of metals or organics ).</li> <li>•Not sound policy to require TMDLs on certain segments only because they are more intensively monitored than others.</li> <li>•TNRCC should not disregard evaluation methods set forth in the Texas Surface Water Quality Standards (TSWQS).</li> </ul>	(cont.) <ul style="list-style-type: none"> <li>•TNRCC agrees that a statistically sound trend analysis is an appropriate methodology for identifying “threatened” water bodies and is working towards establishing such a methodology for future listings. However, except for conventional parameters for some water bodies, the data requirements preclude such analyses in most cases (practically all metals and organics). Therefore, TNRCC has adopted consistent, defensible alternative methodologies based on available data and best professional judgment.</li> <li>•EPA guidance requires listing for exceedances of the standards even when exceedance may be caused by naturally-occurring substances. TNRCC is establishing the strategies for removing all types of impaired water bodies from the list, whether by a conventional TMDL or by other strategy.</li> <li>•TNRCC has worked with EPA-Region 6 to develop a 303(d) List based on available data and information, using a valid and replicable methodology, incorporating meaningful public input and consistent with EPA guidance. However, EPA official guidance does not cover all details required to develop the 303(d) List; some issues were worked out jointly by TNRCC as they arose. In the case of exceedances of sediment screening criteria, EPA strongly encouraged listing, but TNRCC listed only if the water body had corroborating toxicity or benthics impairment.</li> <li>•TNRCC is required to use all available water quality data after judging it to be accurate and representative of the water body.</li> <li>•In most instances the 303(d) listing methodology compares numerical criteria to instream conditions as specified in the TSWQS. In many cases, however, sufficient monitoring data for exact comparisons to numerical criteria cannot be reasonably obtained. Compliance with the TSWQS is estimated from in-stream monitoring data using “screening levels” and minimum requirements for sample frequency and geographic distribution. Screening levels are intended to provide the best comparisons with numerical criteria that can be reasonably attained with available monitoring resources.</li> </ul>
33	02/03/98	City of Fort Worth	<ul style="list-style-type: none"> <li>•Wanted lead in water reduced from High to Medium priority in Clear Fork Trinity River (0829).</li> </ul>	<ul style="list-style-type: none"> <li>•Data did not support listing of this water body. Removed from draft list (1/23/98).</li> </ul>

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35	01/30/98	Colorado River Municipal Utility District	<ul style="list-style-type: none"> <li>•Supports listing of E.V. Spence Reservoir (1411) as a medium priority.</li> <li>•Supports listing of the Colorado River below Lake J.B. Thomas (1412) as a medium priority.</li> <li>•Do not list Moss Lake (1412-A) ; water from Spence impairs Moss Lake.</li> <li>•Do not list Lake J.B. Thomas (1413) or the Concho River (1421).</li> </ul>	<ul style="list-style-type: none"> <li>•E.V. Spence Reservoir is listed as “U” for TMDL under development.</li> <li>•Elevated salinity levels, although not in excess of numeric standards, contribute to water use problems in E.V. Spence Reservoir downstream. This elevated salinity can be considered in the TMDL scheduled for E.V. Spence Reservoir. Therefore, Segment 1412 was removed from the 303(d) List and added to the Considered List.</li> <li>•Initial data screening showed that the mean sulfate, chloride, and total dissolved solids concentrations exceed the secondary drinking water standards in finished water. However, exceedance of these criteria at the levels detected do not pose a risk to public health or safety. Therefore, Segment 1412-A was removed from the 303(d) List and added to the Considered List.</li> <li>•Initial data screening showed that the mean sulfate, chloride, and total dissolved solids concentrations exceed the secondary drinking water standards in finished water in Segments 1413 and 1421. However, exceedance of these criteria at the levels detected do not pose a risk to public health or safety. Therefore, Segments 1413 and 1421 were removed from the 303(d) List and added to the Considered List.</li> </ul>
37	01/28/98	Texas Utilities	<ul style="list-style-type: none"> <li>•Does not support listing of Lake Arlington (0828) for temperature.</li> </ul>	<ul style="list-style-type: none"> <li>•Additional information supplied during the comment period indicated that the temperature data was collected within the mixing zone of a power plant Therefore, Segment 0828 was removed from the 303(d) List and added to the Considered List.</li> </ul>
39	01/27/98	Guadalupe - Blanco River Authority	<ul style="list-style-type: none"> <li>•Wants Canyon Lake (1805) off the list for elevated sulfate.</li> </ul>	<ul style="list-style-type: none"> <li>•A mixture of groundwater and surface water, used for drinking water supply, was cited as the cause for elevated sulfate. Therefore, this segment was removed from the 303(d) List and added to Considered List.</li> </ul>
40	01/23/98	Brazos River Authority	<ul style="list-style-type: none"> <li>•Comments on segments listed in the Brazos River Basin - suggested additional information.</li> </ul>	<ul style="list-style-type: none"> <li>•The Brazos River Basin will be addressed with Basin Groups D and E. No action required. Additional information supplied will be considered in the 1999 update to the 303(d) List.</li> </ul>
41	01/18/98	San Jacinto River Association	<ul style="list-style-type: none"> <li>•Main comment was the low priority given to contact recreation nonsupport instead of high for the San Jacinto River Tidal (1001).</li> </ul>	<ul style="list-style-type: none"> <li>•All contact recreation nonsupporting water bodies were initially given a low priority pending the outcome of a statewide fecal coliform study which is underway. The TNRCC agreed with this recommendation and refined the priority assignment methodology for contact recreation. This change allowed water bodies which had considerable local contact recreation use to be considered medium priority.</li> </ul>
42	12/11/97	TNRCC Region 10 Office - Beaumont	<ul style="list-style-type: none"> <li>•Suggest the 303(d) listing of Angelina River below Paper Mill Creek Confluence (0611) for narrative criteria.</li> </ul>	<ul style="list-style-type: none"> <li>•The 1996 303 (d) List was reassessed to determine if all listed constituents had enough samples to support listing. Only 7 samples for dissolved oxygen and 4 for aluminum were available. This is not enough samples to accurately characterize water quality conditions for use impairment. The TNRCC has updated the wasteload evaluation for the segment and advanced waste treatment was recommended at major dischargers in order to maintain the dissolved oxygen criteria.</li> </ul>

TRACKING #	DATE	ENTITY	SUMMARY OF COMMENTS	SUMMARY OF ACTION OR EXPLANATION
43	4/9/98	US Environmental Protection Agency (EPA) Region 6	<ul style="list-style-type: none"> <li>• Want Clear Lake (2425) listed for low dissolved oxygen; dissolved oxygen (DO) data shows that the standard is not always met</li>   <li>• Clear Lake (2425) should be listed for elevated levels of tri-butyltin in water.</li>   <li>• Clear Lake should be listed for elevated levels of copper in sediment.</li>   <li>• Patrick Bayou (1006-A) should be listed for water temperature, water and sediment toxicity, copper, mercury, hexachlorobenzene (HCB), polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbons (PAHs) and dioxins.</li> </ul>	<ul style="list-style-type: none"> <li>• Dissolved oxygen data indicate that concentrations are sometimes lower than the standard established to assure optimum habitat conditions for aquatic life in or near marinas. Low DO concentrations are most likely to occur in marinas and dead-end canals that were not designed in accordance with minimum criteria delineated in EPA guidance for marina design. The existing effects of marinas on dissolved oxygen are very localized and have not resulted in impairment of aquatic life outside marinas. Existing programs for regulating future marina development are adequate to minimize such impacts, and TMDL development is not warranted unless a significant impairment outside the scope of existing programs becomes apparent. Therefore, the listing of Clear Lake for low dissolved oxygen is not warranted at this time. Targeted monitoring will be conducted in this water body to better assess dissolved oxygen effects on aquatic life use.</li>   <li>• Tri-butyl tin concentrations in water were occasionally higher than the EPA screening level (1.0 µg/L) and the standard for protection of aquatic life (0.24 µg/L for marine acute, 0.043 µg/L for marine chronic). The Federal Organotin Antifouling Paint Control Act of 1988 imposed restrictions on the formulation and use of tri-butyl tin paint, and took full effect in 1990. Due to the relatively short half-life of tri-butyl tin in seawater, ambient concentrations near marina and boat repair operations are expected to decline over time, and studies have already documented such declines in the Gulf of Mexico and Chesapeake Bay. However, after significant discussion with EPA Region 6 after the close of the public comment period, Clear Lake was added to the 1998 List for tri-butyltin. EPA's position is that although efforts are in progress to reduce the effects of tri-butyltin, there is insufficient evidence to show that these efforts have remediated the impact on aquatic life, and therefore, under applicable statute and regulations, the water body must be listed.</li>   <li>• Available information is insufficient to determine if a use impairment exists according to the current assessment guidelines. Available data for the current assessment did not show copper in sediment as a concern.</li>   <li>• Water temperature was added to the List as not meeting the criterion. Dissolved copper concentrations in water which sometimes exceed the chronic criterion to protect aquatic life is also on the 303(d) List. Water and sediment toxicity are listed as the cause of the narrative criteria non-support; the constituents of concern are supporting information for the water and sediment toxicity. The suggested constituents will be included in the investigation to determine the cause of water and sediment toxicity. Listing each of these constituents would limit the focus of the investigation. The permittees discharging to Patrick Bayou are already conducting a voluntary source water study.</li> </ul>

TRACKING #	DATE	ENTITY	SUMMARY OF COMMENTS	SUMMARY OF ACTION OR EXPLANATION
(continued)	(cont.)	(cont.) USEPA Region 6	<p>(cont.)</p> <ul style="list-style-type: none"> <li>• Houston Ship Channel (1007) should be listed for copper in sediment.</li> <li>• EPA's Regional Ambient Toxicity Monitoring Program data did not appear to be used in the listing process for Vince Bayou (1007-A) and Lower West Fork Trinity River in Grand Prairie (0841).</li> <li>• Segments not in Basin Groups B and C should be listed when available data supports listing.</li> </ul>	<p>(cont.)</p> <ul style="list-style-type: none"> <li>• Several metals and organics in sediment were found to be a concern. However, no aquatic life impairments are observed. Available information is insufficient to determine if a use impairment exists according to the current assessment guidelines. Available data for the current assessment did not show copper in sediment as a concern.</li> <li>• Vince Bayou (1007-A) and Lower West Fork Trinity River (0841) are both on the 303(d) List for toxicity in ambient water and/or sediment.</li> <li>• The segments mentioned in the EPA's comments that fall within Basin Groups A, D and E will be considered in subsequent updates to the 303(d) List in conjunction with the statewide basin management cycle.</li> </ul>