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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 8, 2013 .

U.S. Environmental Protection Agency
Office of Water (4100T)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Comments on EPA National Rivers and Streams Assessment, 2008-2009 Draft Report

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on the draft report for the National Rivers and Streams Assessment, 2008-2009. We are particularly interested in the results, since monitoring staff at the TCEQ participated in the sampling effort for this assessment.

We understand the difference in the purpose of the national probabilistic assessments in comparison to the state assessments done under Sections 303(d) and 305(b) of the federal Clean Water Act. However, we encountered some confusion about these two different assessment processes among interested parties and news media when EPA initially released the draft report and associated summary documents. Due to the potential for confusion, we suggest that the EPA include a short explanation of the differences in the executive summary of the report and in future fact sheets and overviews of national probabilistic surveys.

In this report, the EPA includes statistical evaluations of risk to biological assemblages due to selected environmental stressors. More explanation of the statistical basis for these evaluations is needed in both the primary report and in the supporting Technical Report. It is our understanding that additional documentation is being developed (as indicated on page 124 of the Technical Report). This approach can be attractive in terms of ranking the importance of potential environmental stressors. However, the presentation of the results, particularly when describing the attributable risk for the selected stressors, needs to be more carefully stated. For example, the primary report states on page 46 that "if phosphorus levels were reduced, one might expect to see 17% of river and stream length improve to good conditions for macro-invertebrates." Although the word "might" is included, this and similar statements still imply a degree of certainty that is not valid.

The statistical analyses of covariance did consider correlation among the selected stressors, however, there is a broad range of other potentially significant stressors that are not included. There is a short, partial caveat that some cumulative effects might not be accounted for in the second paragraph on page 41, but the report then ignores this caveat and describes at length the results of the risk analyses in absolute quantitative terms, particularly concerning the potential percent recovery from individual stressors in the section on attributable risk. The report should be revised to (1) better address the uncertainty involved throughout the presentation of quantified risk, especially concerning attributable risk and projected recovery, and (2) expand and clarify the note on uncertainty and confounding effects on page 41.

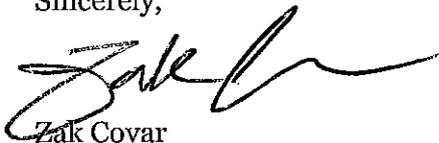
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The TCEQ also has a concern in terms of the resources required to continue to conduct iterative national assessments of water quality for each major type of water body (streams and rivers, lakes and reservoirs, estuaries, wetlands). These national assessments are understandably conducted on a broad geographic scale on one or two sampling dates at random sampling sites. However, this kind of data is of limited use for each state's assessment of standards attainment for individual water bodies, as specifically required by the federal Clean Water Act. We appreciate the impetus for improving the overall national assessment of water quality to track the effectiveness of water quality management efforts. However, we are also concerned with the continuing required level of national effort, often in the coordination with states, to achieve this focused goal.

The TCEQ is particularly concerned about the EPA's requirement for states to independently conduct statewide evaluations based on probabilistic surveys, as a new addition to states' biennial water quality assessments. There is little utility in having each state produce two different statewide summaries of water quality, and this effort is likely to create conflicting and confusing results. We're aware that the EPA is evaluating the appropriate course for future national probabilistic surveys. We urge the EPA to fully coordinate with state water quality programs regarding the evaluation of the information collected and subsequent conclusions, as well as the use of these surveys with the existing state's assessments.

Thank you again for the opportunity to comment on the draft report. Please direct any questions to Kelly Holligan of the Water Quality Planning Division at 512-239-2369.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zak Covar', with a stylized flourish extending to the right.

Zak Covar
Executive Director