

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 18, 2015

U.S. Environmental Protection Agency
Water Docket Mail Code 2822T
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Attn: Docket ID No. EPA-HQ-OW-2004-0019

Re: Public Comment; Request for Scientific Views: Draft Recommended Aquatic Life Ambient Water Quality Chronic Criterion for Selenium-Freshwater 2015, Docket ID Number EPA-HQ-OW-2004-0019, *Federal Register*, Vol. 80, No. 143, July 27, 2015

Dear Sir or Madam:

The Texas Commission on Environmental Quality (TCEQ) is providing comments on the draft recommended aquatic life ambient water quality chronic criterion for selenium-freshwater 2015. Regarding the draft proposal, the TCEQ would like to emphasize the need for the development of implementation guidance due to the complexity of the various aspects incorporated in the draft criterion. The comments on the proposed criterion are enclosed.

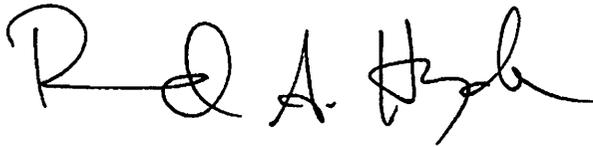
The TCEQ is concerned that the proposed changes could interfere with the effectiveness of the existing TCEQ water quality management processes. In particular, the comments address the need for implementation guidance for incorporation of the criterion in wastewater permitting, Total Maximum Daily Loads, and water quality assessment activities. The major TCEQ concerns included in the comments are as follows:

- the misleading nature in which EPA describes the criterion as having “four elements” when in fact there are six numeric components to the complex criterion;
- the lack of implementation guidance accompanying the criterion. Guidance for implementation of the criterion in permitting, monitoring and assessment programs is needed;
- EPA’s expectations for consideration and adoption of the criterion as part of triennial reviews of water quality standards, particularly in light of the complexity of the criterion and lack of implementation procedures;
- lack of guidance for the sampling of target fish species, including the harvesting of fish eggs; and,
- lack of guidance regarding the development of site-specific criteria to account for regional differences in naturally-occurring selenium.

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The TCEQ appreciates the opportunity to comment on the EPA's draft proposal to the chronic criterion for selenium in freshwater. We urge the EPA to consider our comments and to continue discussions with the states to ensure that any finalized criteria are flexibly implemented and existing state water quality management programs are not negatively impacted. If you have comments or questions concerning the enclosed comments, please contact Kelly Holligan, Director, Water Quality Planning Division at (512) 239-2369 or by e-mail at Kelly.Holligan@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Hyde". The signature is written in a cursive style with a large, prominent "R" and "H".

Richard A. Hyde, P.E., Executive Director
Texas Commission on Environmental Quality

Enclosure