

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Stephanie Bergeron Perdue, *Interim Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 21, 2018

U.S. Environmental Protection Agency
EPA Docket Center
Docket ID No. EPA-HQ-OW-2018-0063
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: *Federal Register*, vol. 83, No. 34, Pages 7126 – 7128, February 20, 2018, Request for
Comment: Clean Water Act Coverage of “Discharges of Pollutants” via a Direct
Hydrologic Connection to Surface Water.

Dear Sir or Madame:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on the United States Environmental Protection Agency's (EPA) request for comment on previous statements regarding Clean Water Act (CWA) coverage of point source pollutant discharges to groundwater that reach jurisdictional surface waters via a direct hydrologic connection. The notice of availability was published on February 20, 2018, in the *Federal Register*, vol. 83, No. 34, Pages 7126 – 7128. The TCEQ disagrees with EPA's previous statements on this matter and requests that EPA revise its statements to clarify that the CWA does not regulate groundwater and only extends to discharges to Waters of the United States. Comments are enclosed in the attached document for consideration by the EPA.

If you have questions concerning the enclosed comments, please contact L'Oreal W. Stepney, P.E., Deputy Director of the Office of Water at (512) 239-1321, or by e-mail at loreal.stepney@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Bergeron Perdue".

Stephanie Bergeron Perdue
Interim Executive Director

Enclosure