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Response to Public Comment on the State of Texas 1999 Clean Water Act Section 303(d) List

Texas Natural Resource Conservation Commission

Tracking Number	Date on Document	Name and Affiliation of Correspondent	Classified Segment Number	Summary of Request or Comment	Summary of Action or Explanation
001	11/13/98	Paul Carangelo, Port of Corpus Christi Authority	2484	Requested dissolved oxygen data used for de-listing segment.	Data was mailed to requestor.
002	11/17/98	Chris Pasch, Alan Plummer and Associates	2001, 2002, 2003, 2004	Requested a copy of all data used in 1999 305(b) assessment.	Photocopied and mailed data to requestor.
002	11/17/98	Chris Pasch, Alan Plummer and Associates	21xx (entire basin)	Requested a copy of all data used in 1999 305(b) assessment.	Photocopied and mailed data to requestor.
002	11/17/98	Chris Pasch, Alan Plummer and Associates	2203, 2204	Requested a copy of all data used in 1999 305(b) assessment.	Photocopied and mailed data to requestor.
002	11/17/98	Chris Pasch, Alan Plummer and Associates	2471, 2472, 2473, 2481, 2482, 2483, 2484, 2485, 2491, 2492	Requested a copy of all data for assessment of bay segments.	Referred requestor to the Internet location where assessment data are stored.
002	12/01/98	Chris Pasch, Alan Plummer and Associates	21xx (entire basin)	See above (11/17/98).	Referred requestor to the Internet location where assessment data are stored.
002	12/01/98	Chris Pasch, Alan Plummer and Associates	2471, 2472, 2473, 2481, 2482, 2483, 2484, 2485, 2491, 2492	Requested a copy of all data for assessment of bay segments.	Referred requestor to the Internet location where assessment data are stored.
003	11/9/98	Jay Emami, Brazos River Authority	1244	Requested historical chloride, sulfate, TDS, conductivity, and temperature data. Also requested 1998 305(b) data and fact sheet.	Sent data by mail.

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004	11/19/98	Ernst Davis, University of Texas	2302, 2303, 2304, 2306, 2307	<p>(1) General comments and questions on the assessment screening criteria.</p> <p>(2) What is the rationale for the TDS exceedances for aquatic life preservation?</p> <p>(3) What is the baseline in segments 2302, 2303, and 2304 for TDS exceedances?</p>	<p>(1) The screening guidance and criteria were developed by TNRCC in cooperation with stakeholder groups and the EPA. Refining the guidance and screening criteria is an ongoing process in which stakeholders will continue to be involved.</p> <p>(2) The purpose for listing TDS exceedances was changed from “protecting aquatic life” to “safeguarding general water quality uses.”</p> <p>(3) Segment-specific TDS standards were developed from the long-term monitoring database. Water quality standards undergo periodic revisions.</p> <p>No change was made to the List.</p>
004	11/19/98	Ernst Davis, University of Texas	2432	General comments related to listing the segment as not supporting the oyster waters use.	<p>The listing of a portion of the segment for nonsupport of the oyster waters use is based on TDH data.</p> <p>No change was made to the List.</p>
005	11/19/98 call	Randy Palachek, Parson Engineering Science	0822, 0841	Requested data resulting in the listing of Segment 0822 for DO, and Segment 0841 for ambient toxicity.	Faxed copy of the data to requestor.

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006	12/2/98	Randy Palachek, Parson Engineering Science	1201	Requested data for dissolved mercury in water for Segment 1201.	Faxed a copy of the data to requestor.
007	12/8/98	Leila Gosselink, City of Austin	1429, 1427	Requested that TNRCC delete Town Lake nutrient data, which may not have included NO ₂ -N data.	Corrections were made in the database used for the assessment.
007	12/8/98	Leila Gosselink, City of Austin	1430	Requested a copy of all data used in 1999 305(b) assessment.	Photocopied the data, which was picked up by City of Austin staff.
007	12/16/98	Ed Peacock, City of Austin	1430	Expressed concern about sediment quality in Barton Creek and requested that TNRCC consider City of Austin data in the evaluation.	Began evaluating City of Austin sediment quality data.
007	12/16/98	Ed Peacock, City of Austin	1427, 1429	Expressed concern about Town Lake nutrient data.	Re-evaluated Town Lake nutrients on the basis of City of Austin concern. No changes were made in the final list.
007	12/28/98	Ed Peacock, City of Austin	1430	Reiterated City of Austin concerns about sediment quality in Barton Creek (see above - 12/16/98).	Continued evaluating City of Austin sediment quality data.
007	12/28/98	Ed Peacock, City of Austin	1427, 1429	See above (12/16/98).	See above (12/16/98).
007	1/11/99	Ed Peacock, City of Austin	1430	Reiterated City of Austin concerns about sediment quality in Barton Creek (see above - 12/16/98).	Continued evaluating City of Austin sediment quality data.
007	1/11/99	Ed Peacock, City of Austin	1427, 1429	See above (12/16/98).	See above (12/16/98).

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007	1/20/99	Ed Peacock, City of Austin	1430	Reiterated City of Austin concerns about sediment quality in Barton Creek (see above - 12/16/98).	Completed evaluation of City of Austin sediment quality data, and placed Segment 1430 on 303(d) concerns list for 10 polycyclic aromatic hydrocarbon compounds.
007	1/20/99	Ed Peacock, City of Austin	1427, 1429	See above (12/16/98).	See above (12/16/98).
008	12/8/98	Bill Couch, Barton Springs/Edwards Aquifer Conservation District	1427	Sent data collected on Onion Creek during high flow events and requested that TNRCC add a concern for dissolved solids for Segment 1427.	The TDS criterion is based on the annual average. All data were considered, but no changes were made on the current listing.
009	12/14/98 call	Bob Trebatoski, Elementis Chromium	2481	Requested data for copper in water in Corpus Christi Bay; also wanted to know if additional, recent sampling could be done to show that the bay should not be listed.	Faxed a copy of data for copper in water to requestor. Additional "hurry up" sampling for the bay would not be representative and complete data, and therefore would not be sufficient.
010	12/14/98	John Moser, Mayor of Stephenville	1255	Requested that the TNRCC review the report that Agri-Waste Technology Inc. prepared for the Texas Association of Dairymen to determine if the conclusions are valid and if so, to take necessary actions to remove segment 1255 from the 303(d) list.	Reviewed the report and did not find sufficient evidence for delisting. Segment 1255 remained on the 303(d) list.

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011	12/14/98	Ed Schwab, OMI Inc.	1255	Requested that TNRCC consider the importance and the impact of such a large undertaking as "TMDLs in 10," which calls for flawless scientific analysis that will stand up to all scrutiny. Also consider the economic impact, which can be severe for many Texas communities. A practical implementation plan should place a greater financial burden on the greatest contributor of the pollutants. The State should consider the possibility of assisting with funding that will be needed.	No change was made to the List. General comments will be taken under consideration for the next listing cycle.
012	12/14/98	William Seawell, United States Fish and Wildlife Service (USFWS)	1411, 1421, 1426	Comment on habitat of threatened Concho water snake in these three segments; comment on low flow as the apparent cause of loading of the listed contaminants (total dissolved solids, sulfate, and toxicity).	No change was made to the List. The segment remains listed for violations of water quality standards related to total dissolved solids, sulfate, and toxicity.
012	12/14/98	William Seawell, USFWS	1430	Suggested a TMDL for polycyclic aromatic hydrocarbons (PAHs). Suggested that PAHs in sediment cause toxicity to the food source for the endangered Barton Springs salamander.	Insufficient evidence of violation of a water quality standard, but PAHs in sediment were listed on separate "Concerns List." The TNRCC is assisting the City of Austin in additional toxicity testing to better assess this concern.

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012	12/14/98	William Seawell, USFWS	1811, 1814	Suggested a TMDL for nutrients because these segments are habitat for 4 endangered species (in each segment). Cited potential for impacts of nutrients and algal blooms on critical habitat.	No change. Nutrient levels do not exceed screening levels and no other data exist to document water quality standards violations.
012	12/14/98	William Seawell, USFWS	2303, 2309	Commented on habitat for the endangered least tern in Segment 2303. Commented on habitat in Segment 2309 for a minnow species proposed for listing as endangered, and unknown link between nutrient levels and habitat.	No change. Segments not listed since there is no evidence for violation of water quality standards.
013	12/15/98	Paul Carangelo, Port of Corpus Christi Authority	2481	Provided dissolved copper data collected by the U.S. Army Corps of Engineers near Channel Marker 62.	Dissolved copper samples were collected near the bottom and could not be included with historical TNRCC samples, which were collected near the surface.
014	12/16/98	Lial Tischler, TK Environmental Engineers	2481	Indicated that dissolved copper concentrations are close to the chronic aquatic life criterion, causing substantial uncertainty. Also mentioned that annual sampling for metals in water is not sufficiently representative to make 303(d) impairment decisions.	No change was made to the List. General comments will be taken under consideration for the next listing cycle.
015	12/15/98 call	Randy Palachek, Parsons Engineering Science	0831, 0833	Requested copy of dissolved oxygen data used to place these segments on the 1998 303(d) list.	Faxed copy of the data to requestor.

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016	12/2/98	John Hatchel, City of Waco Truman Blum, Mayor of Clifton Mervin Spitzer, Mayor of Meridian	1255	Requested that the Bosque River not be removed from the 303(d) list since the river receives nutrient loads from dairy runoff and is the drinking water supply for the cities of Waco and Clifton, and will soon be for the City of Meridian.	Reviewed request. No change was made to the List. Segment 1255 remained on 303(d) list.
017	12/15/98 call	Brian Padden, Espey Padden Consultants	0803	Requested copy of dissolved oxygen and pH data used to place this segment on the 303(d) list.	Photocopied data, and requestor came by office and picked it up.
018	12/2/98	Alan Vander Horst, Texas Association of Dairymen (TAD)	1255	Sent a copy of the Texas Association of Dairymen's "Report on the Upper Bosque River Watershed" prepared by Agri-Waste Technology, Inc. The report was sent as an official comment from TAD for TNRCC's consideration in reviewing Segment 1255 for inclusion on the 303(d) list.	Reviewed report and did not find sufficient evidence for changing listings. Segment 1255 remained on the 303(d) list.
019	None	Richard Kiesling, Texas Institute of Applied Environmental Research (TIAER)	1255, 1226	Hand delivered summary of data collected on the Bosque River by TIAER.	Reviewed water quality data. Data indicated elevated nutrient levels occurred at frequencies great enough to cause a concern in the mainstem. Excessive nutrients also enter the segment from tributaries on which nutrients exceed the screening criteria. Segments were listed for nutrients on the Concerns List.

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019	11/23/98	Richard Kiesling, TIAER	1255, 1226	Sent additional data from the Bosque River watershed.	Reviewed water quality data. Data indicated elevated nutrient levels occurred at frequencies great enough to cause a concern in the mainstem. Excessive nutrients also enter the segment from tributaries in which nutrients exceed the screening criteria. Segments were listed for nutrients on the Concerns List.
020	call	Lial Tischler, TK Environmental Engineers	1803	Requested data used for TDS analysis.	Provided data to requestor.
021	1/19/99	Chris Pasch, Alan Plummer and Associates	2107	Requested that the TNRCC reclassify Segment 2107 as an intermittent stream, based on data supplied with the letter.	TNRCC Water Quality Standards Team is evaluating historical data to see if the present classification is appropriate. No change was made to the List.
022	1/19/99	Chris Pasch, Alan Plummer and Associates	2113	Requested that Segment 2113 be taken off the list, based on additional samples collected by Alan Plummer and Associates.	Reevaluated the segment, including the data submitted. The segment remained on the list; however, the description of the impaired area was changed to more accurately identify the extent of the impairment.

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023	2/24/99	Gary Mitchell, Houston-Galveston Area Council	1002	Requested that Segment 1002 (Lake Houston) be changed from impaired to threatened for human health (mercury in water), as was done for Segment 1012 (Lake Conroe). Fish tissue data and a risk assessment done by TDH showed no bioaccumulation of mercury in fish tissue. Lake Conroe is listed as threatened for human health (mercury in water) because a risk assessment there showed no bioaccumulation of mercury in fish tissue.	Request is consistent with TNRCC ranking methodology. Change was made on the final 303(d) list.
024	02/25/99	Steve Kilpatrick, DOW Chemical	1201	Requested that Segment 1201 be removed from the 303(d) list due to a dissolved metals data point discrepancy.	No change was made to the List. Segment 1201 would continue to violate the human health criteria even if the one dissolved mercury data point in question was deleted.

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025	03/01/99	Ken Manning, Lower Colorado River Authority	1414, 1403, 1429, 1427, 1428, 1421, 1424A	Requested that Eanes Creek and Segment 1414 be added to the List for fecal coliform, Panther Hollow and Cash Creek be added for dissolved oxygen, and Cedar Creek be added for total dissolved solids. Suggested changes in the ranking for segments 1403, 1421, 1424A, 1427, 1428A, 1428B, 1428C, and 1429A. Included supporting data.	Eanes Creek and a reach in Segment 1414 were added to the 303(d) List for fecal coliform. Segment 1424A was removed from the List. The 5.0 mg/L dissolved oxygen criterion does not apply to Panther Hollow (intermittent stream) and Cash Creek (tidal stream). Re-evaluation of the data compared to lower screening level did not show a violation. The other suggested changes were considered, but no further changes were made to the List.
026	02/15/99	Debbie Magin, Guadalupe-Blanco River Authority	1803, 1813, 1814	Comments were made related to (1) evaluating tributary data from stations and (2) the standards revision process.	The Water Quality Standards Team is evaluating methods used for assessing tributary streams. Comments concerning standards revision are also under consideration by the Water Quality Standards Team.
027	02/26/99	David Collinsworth, Brazos River Authority	Basin-wide	Submitted data summaries of water quality data collected through the Brazos River Basin.	No change was made to the List. Data were not in the correct format to make determinations.
028	03/17/99	Novartis	0303, 0507, 0815, 0816, 0821, 0836, 0838, 1242A, 1254	General comments on the 303(d) listing process and NPS pollution. Requested data for specific segments and asked that TNRCC consider removing them from the List.	Comments regarding the 303(d) listing process will be considered during next listing cycle. This letter was received after the comment period deadline.

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029	03/18/99	Canadian River Municipal Water Authority	102, 103	Requested that additional segments be included on the 303(d) list for sulfate, chloride, and TDS.	Comments regarding the appropriateness of the standard will be considered during the next listing cycle. This letter was received after the comment period deadline.