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1999 303(d) List: Guidance for Assigning Priority for TMDL Development

Priority Rank	Ranking Criteria	
	Texas Surface Water Quality Standards Impairments and Additional Conditions That Must Be Met
HIGH Utility and feasibility of TMDL development high	<i>Any one of the following:</i>	<i>For all impairments classified as HIGH: Nonsupport also represents potentially correctable and/or serious problem and one of the following:</i> ! sufficient data exist to justify and/or support TMDL development ! immediate programmatic needs or planning cycle coordination require action ! legislative initiatives or court orders/decisions must be met.
	1. Designated use not supported	
	A. Aquatic Life use not supported due to exceedance of numeric criteria (DO, toxic substances) or ambient toxicity in water or sediment	
	B. Public Water Supply use not supported due to exceedances in source water of human health criteria, or violation in treated water of primary MCL and (b)	(b) Drinking water MCL violation is a result of surface water contamination from human activities.
	C. Contact Recreation use not supported and (c)	(c) Water body is heavily used for contact recreation and illnesses caused by waterborne pathogens have been confirmed.
	D. TDH Aquatic Life Closure for non-legacy pollutants (e.g., Se, dioxin)	
	E. Oyster Waters harvesting. . . (Not applicable)	
	2. TSWQS criteria exceeded	
	F. Numeric criteria exceeded in water for human health (for bioaccumulation in fish) and (f)	(f) Fish tissue data indicate human health risk from consumption of fish.
	G. Numeric criteria for TDS, chloride, etc,. . . (Not applicable)	
	H. Narrative criteria (e.g., excessive plant growth) are not met and (h)	(h) Problem also represents significant public concern (e.g. nutrient levels & effects are excessive & local entities have taken actions to address them).
	3. Designated uses supported and TSWQS criteria met (“threatened”)	
	I. No MCL violation, but exceedances of 50% of MCL and (I)	(i) Levels result of human activities to surface water. (See Note 2A)
	J. Numeric criteria exceeded in water, etc . . . (Not applicable)	
K. Available data & information evaluated by TNRCC suggests that uses or criteria may not continue to be maintained in following 4 years and (k)	(k) Threatened water body also represents a significant public concern (e.g., local entities or groups have taken significant action to address issue).	

DO=Dissolved oxygen Se=Selenium Hg=Mercury TSWQS=Texas Surface Water Quality Standards PCBs=polychlorinated biphenyls TDS=Total dissolved solids TDH=Tx. Dept. of Health MCL=Maximum Contaminant Level

Priority Rank	Ranking Criteria	
	Texas Surface Water Quality Standards Impairments and Additional Conditions That Must Be Met
MEDIUM Need more data to verify extent and/or severity of impairment	<i>Any one of the following:</i>	<i>For all impairments classified as MEDIUM: Partial or nonsupport also represents potentially correctable and/or serious problem, where additional data collection is necessary to verify the extent and/or severity of impairment.</i>
	1. Designated use not supported or partially supported	
	A. Aquatic Life use not supported or partially supported due to exceedances of numeric criteria (DO, toxic substances) or ambient toxicity in water or sediment and (a)	(a) Additional data required to verify extent and/or causes of nonsupport of use.
	B. Public Water Supply use not supported, etc. . . . (Not applicable)	
	C. Contact Recreation use not supported and (c)	(c) Water body is heavily used for contact recreation and there is considerable local support for addressing problem.
	D. TDH Aquatic Life Closure or Consumption Advisory for legacy pollutant (e.g., chlordane) or non-legacy pollutant as a secondary contaminant; or Consumption Advisory for non-legacy pollutant	
	E. Oyster Waters harvesting not supported or partially supported and (e)	(e) Pollutant is toxic substance.
	2. TSWQS criteria exceeded	
	F. Numeric criteria exceeded in water for human health (for bioaccumulation in fish) and (f)	(f) Fish tissue data not available or insufficient for determining human health risk from fish consumption.
	G. Numeric criteria for TDS, chloride, sulfate, temperature, pH or enterococcus bacteria exceeded	
	H. Narrative criteria (e.g., excessive plant growth) not met and (h)	(h) Problem represents a potential but not verified public concern.
	3. Designated uses supported and TSWQS criteria met (“threatened”)	
	I. No MCL violation, but exceedances of 50% of MCL and (I)	(i) Levels result of human activities to surface water. (See Note 2A)
	J. Numeric criteria exceeded in water for human health (for bioaccumulation in fish), and (j)	(j) Fish tissue data indicates no human health risk from consumption of fish.
K. Available data & information evaluated by TNRCC suggests that uses or criteria may not continue to be maintained in following 4 years and (k)	(k) Threat to water body requires verification.	

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	Texas Surface Water Quality Standards Impairments and Additional Conditions That Must Be Met
LOW Utility or feasibility of TMDL development is low	<i>Any one of the following:</i>	<i>For all impairments classified as LOW: Partial or nonsupport also represents</i> ! potentially correctable problem but TMDLs require international or interstate collaboration ! problem occasional or intermittent <i>and one of the following:</i> i) not correctable (natural causes, physical factors) or not allocable ii) has minor consequences and/or would not severely limit uses (e.g., minimal temperature exceedances in unshaded prairie streams) iii) is better addressed through another program (e.g., Superfund) iv) effort to correct problem is underway
	1. Designated use not supported or partially supported	
	A. Aquatic life not supported or partially supported due to exceedances of numeric criteria (DO, toxic substances) or ambient toxicity in water or sediment.	
	B. Public Water Supply use not supported , etc. . . (Not applicable)	
	C. Contact Recreation use not supported due to exceedance of fecal coliform bacteria criteria	
	D. TDH Fish Consumption Advisory	
	E. Oyster Waters harvesting not supported or partially supported.	
	2. TSWQS criteria exceeded	
	F. Numeric criteria.....human health, etc . . . (Not applicable)	
	G. Numeric criteria for TDS, chloride, sulfate, temperature, pH or enterococcus bacteria exceeded and (g)	(g) Criteria exceeded but with no significant public impact
	H. Narrative criteria not met and (h)	(h) No known public concern
	3. Designated uses supported and TSWQS criteria met (“threatened”)	
	I. No MCL violation, but exceedances of 50% of MCL and (I)	(i) Levels result of natural conditions in surface water. (See Note 2A)
	J. Numeric criteria exceeded in water, etc. . . (Not applicable)	
K. Available data & information, etc . . . (Not applicable)		

NOTES:

1. Water bodies with *a significant & immediate threat to human health or ecosystem integrity* will be considered *critical* and addressed immediately, through programs and procedures (other than the TMDL process) to remove the immediate threat or exposure. These critical conditions do not lend themselves to the cyclical nature of the 303(d) listing process and the often time-consuming development of the TMDL. However, once the immediate threat is addressed, and if conditions persist that could result in a future occurrence of the critical problem, the water body could then be a candidate for the High category (or Medium, Low, or Threatened if appropriate) in the next listing cycle. For example, (1) Violation of a drinking water MCL in the treated drinking water would be addressed immediately (e.g., boil water notice); if the exceedance is identified as a source water contaminant, then the water body could be a candidate for listing. (2) Illnesses contracted through contact recreation; the immediate exposure would be addressed through closure of the water body to swimming; if conditions persist or reoccur, the water body would also be a candidate for listing. (3) Major fish kills caused by a spill or illegal discharge; the spill or discharge would be addressed immediately; if the water body remains contaminated, then it could also be a candidate for listing.
2. For the 1999 303(d) List, the data and information to determine if a water body falls into the threatened category (#3 under HIGH, MEDIUM or LOW) will come from three sources:
 - A. Data provided by TNRCC's Water Utilities Division for organic chemicals that are above 50% of the maximum contaminant level (MCL) for primary drinking water standards (and may also exceed the MCL, but do not cause an MCL violation). These chemicals must also represent contamination of a surface water source that are the result of human activities. Only data on organic chemicals is used at this time for two reasons: the data on inorganic chemicals in finished drinking water are not readily available for analysis, and exceedances of inorganic chemicals tend to be associated with groundwater sources, rather than surface waters. To distinguish between source waters that are a high priority for TMDL development (Threatened-high) and those that are a medium priority (Threatened-medium), the following criteria were used:
 - Threatened-high: Systems with 9 or fewer samples, 3 or more samples of organic chemicals exceed 50% of MCL; systems with > 9 samples, >25% of samples of organic chemicals exceed 50% of MCL.
 - Threatened-medium: Systems with 9 or fewer samples, 2 samples of organic chemicals exceed 50% of MCL; systems with > 9 samples, 11-25% of samples of organic chemicals exceed 50% of MCL.
 - B. Data from TNRCC's Surface Water Quality database were screened against numeric criteria for human health (for bioaccumulation in fish). Exceedances of these criteria, coupled with a TDH human health risk analysis for fish consumption based on fish data from the same water body for the same constituent of concern which indicates NO additional risk would lead to ranking of the water body as Threatened-medium.
 - C. Verifiable information provided by stakeholders and other agencies that establishes an impairment of water quality standards would occur in the next 4 years. Such information consists of evaluative (modeling) analyses or water quality studies, whose value and accuracy have been confirmed by TNRCC.
3. "Legacy pollutants" are those pollutants that have been banned by EPA or those pollutants emanating from a known legacy source.
4. "TMDLs underway" refers to TMDL projects or other water quality management initiatives in progress that address the listed pollutant.