

Summary of Preliminary Comments

For
Texas Surface Water Quality Standards, 30 TAC Chapter 307

Section	Summary of comments
	Suggest considering the variation in smaller streams in setting criteria
307.10	Reclassify segment 2101 - Nueces River Tidal
307.10	Big Creek 1202, not in App A or D, but listed in the 2002 water quality viewer. Region 12 has data that indicates that Big Creek is perennial and may need to be added to Appendix D.
307.10	Change Sims bayou and Greens Bayou from limited to Intermediate ALU.
307.10	Change jettied harbor area of Tres Palacios Bay DO criteria and ALU to high
307.10	How can a NCR water body have a CR criteria
307.10	Separate upper portion of Lake O' Pines from the rest of the segment 0403
307.10	Make Black Cypress a separate segment
307.10	Establish water body boundaries between streams to reservoirs and river to estuaries and assign different criteria than the main body of the reservoir
307.10	Suggest that Houston Ship Channel tributaries should not be included in segments 1006 and 1007 because of the hydrologic and morphological differences.
307.10	Suggest acknowledgement of ALU of Houston Ship Channel and evaluation of DO criteria.
307.10	Include contact recreation and ALU for Houston Ship Channel tributaries.
307.10	Divide Caddo Lake into more than one segment, change segment boundaries between Caddo and Big Cypress Creek.
307.10	Suggest revision to Seg 1227-Nolan River TDS, Chloride, and sulfate criteria. Proposed revision to the lower boundary and creation of a new segment
307.10 A	Segment 0615, EPA disapproved the intermediate aquatic life and D.O. criterion of 4mg/l for this reach. High aquatic life and 5.0 mg/l D.O. should be inserted for segment 0615. The boundaries for the segment, established in the 2000 TX WQS, have been approved by EPA.
307.10 A	Change boundary descriptions for 1402 and 1434 to reflect the change in highways referenced in the description.
307.10 A	Consider new Oklahoma Texas border and TCEQ jurisdiction
307.10 A	Review sulfate values in riverine portion of Lake Livingston and consider boundary changes.
307.10 A	Include EPA approved UAA for Spring Branch (seg 0801)
307.10 A	Segment 0202, EPA recommends an evaluation of the downstream portion of Pine Creek to determine if it can support a high aquatic life use.
307.10 A	E. Coli criteria inappropriate for Harris Co.
307.10 A	EPA recommends an increase in D.O. standards from 1.0mg/l to 2.0mg/l for segment 1007 and from 2.0mg/l to 3.0mg/l for segment 1006.
307.10 A	Consider DO in coastal bays and estuaries
307.10 A	Comments from "Recommended Water Quality for Federally Listed Species in Texas". San Marcos & Comal Riv. Nut. Criteria to prevent excessive plant growth, pH not exceed natural

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	pH, temp revised to 75 degrees, assign turbidity criteria, new uses to protect listed species, new segments. Selenium criteria for waters with listed species, new use of "ecologically sensitive water".
307.10 A	Segment 1811, EPA recommends TCEQ consider dividing this segment to include a lower temperature in the upper reach.
307.10 A	Consider UAA on 1431-Mid Pecan Bayou to identify ALU, Add Cl, TDS, S or criteria for 1433, OH Ivie Res.
307.10 A	Segment 2308, remove the public water supply use.
307.10 A	Review the site-specific standards for segments located in the Salt Fork Brazos River watershed, including segment 1238 Salt Fork Brazos River, segment 1239 White River and segment 1240 White River Lake.
307.10 A	Reevaluate sulfates and chlorides and TDS for E. V. Spence, 1411; Segment 1412 - Colorado River below Lake J.B. Thomas; TDS, sulfates and chlorides are greater than reservoir into which they empty. 1413 re-examine TDS criteria; 1426 – re-examine TDS; 1413 J.B Thomas, re-examine TDS; 1433, O.H. Ive, establish TDS criteria based on data.
307.10 C	Change description for 0702 Intracoastal Waterway Tidal and 0703 Sabine-Neches Canal Tidal to "from East Bay to the confluence with the Sabine-Neches/Port Arthur Canal in Jefferson County (including Taylor Bayou Tidal from the confluence with the Intra coastal Waterway up to the salt water lock 7.7 km downstream of SH 73 in Jefferson county.
307.10 D	Change Gilleland Creek description to perennial downstream of Pflugerville, but upstream area is still intermittent with pools.
307.10 D	Question concerning the upstream area of Lake Palestine.
307.10 D	Change South Mayde Creek boundary. Road has caused changes.
307.10 D	Change Bull Creek to high ALU and 5.0 DO
307.10 D	Change Walnut Creek to high ALU and 5.0 DO
307.10 D	Change aquatic life use and DO criteria for James' Bayou and Cypress Creek and Black Cypress Bayou
307.10 E	EPA recommends adding information to Appendix E to indicate that the water effects ratio of 1.8 for segments 1001, 1005, 1006, 1007, 1013 and 2427 applies to the entire water bodies, while the other WERs in Appendix E may only be used by the facility which conducted the study. Also WERs should be reported with four significant figures to minimize effects of rounding in the calculation of site-specific criteria.
307.2	Suggest that site-specific standards account for local conditions. Assessment should reflect how waters are used. Support use of temporary standards when use cannot be attained
307.2	Expand temporary variances to cover TPDES permits.
307.2	Expand temporary variances to include stormwater
307.3	Suggest revising the definition of toxicity - currently excludes adverse effects caused by concentrations of dissolved salts in source water
307.3	Proposes changes to "attainable use
307.3	Proposes changes to , criteria,
307.3	Proposes changes to designated use,
307.3	Proposes changes to , discharge permit,
307.3	Proposes changes to presumed use

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307.3	Proposes changes to "standards"
307.3	Add definitions and acronyms for "bioaccumulation factor" and relative source contribution", depending on 307.6 revisions, definition for "source water", definition and acronym for "ground water under the direct influence of surface water (GWUDI)". The following is an example definition for GWUDI: "phrase used to describe any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as Giardia Lamblia or Cryptosporidium, or significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions."
307.3	For, Public water supply use, add the following language to the public water supply use definition: "Under this designation, conventional drinking water treatment for naturally occurring pollutants may be required prior to use. Protection efforts focused on man-made sources of pollution will be adequate to ensure that the quality of source water will not be degraded such that additional treatment beyond that which is needed to address naturally-occurring pollutant concentrations will be required prior to use." and "exhibit characteristics that would allow them to be used as the supply source." For, toxicity, exclude the effects of dissolved salts in source waters on aquatic life and that an additional definition for "osmotic balance" be included. For, wetland, modifying the fourth sentence so that the term wetland does not include irrigated acreage used as a farmland unless wetland characteristics remain under normal conditions after irrigation operations cease. For, wetland water quality functions, modify the definition to read "habitat for aquatic life and wildlife..."
307.3	Clarify the definition of "industrial cooling impoundment" so that is it clear that many industrial cooling impoundments are closed-cycle systems per EPA 40 CFR Section 125.93 (316(b)). Question whether cooling reservoirs are waters in state or not
307.3 -.6 & .8	EPA recommends for, Critical low flow, the state use 7Q10 as the flow criteria for aquatic life protection and 30Q5 flow for implementation of human health criteria for non-carcinogens.
307.4	Incorporate use of new science in setting water quality standards.
307.4	Request development of seasonal recreational use
307.4	Request development of season recreational uses, specifically bacteria
307.4	Suggest that nutrient criteria use TP or TN and not water col. Chlorophyll a
307.4	For, nutrients, supports the adoption of numeric standards for reservoirs.
307.4	Consider adding a narrative criteria for pharmaceutical drugs
307.4	Temperature, recommends the development of numeric standards to ensure that a balanced aquatic community can exist, outside of the mixing zones, in power plant cooling reservoirs. Suggest narrative criteria under temp, apply a number at the intake, narrative to deal with facilities one at a time, use historical data to set site specific standards, or specify specific portions of reservoirs where a criteria would apply.
307.4	EPA recommends the development of standards or detailed implementation provisions to limit changes in turbidity or color.
307.4	The current process determines the levels of pollutants that a stream segment can carry and yet meet the designated uses of that segment. While federal rule sets the minimum use at fishable-swimable, consideration should be given to realistic use attainability taking into account regional economic conditions, current population, municipal growth, business activity, land uses and especially background sources. Streams should remain unclassified if have no perennial flow. Normally dry "creeks" are not fishable or suitable for contact recreation as there is no water to support such a designation. Use designations should take into account realistic use attainability.

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307.4	Recommend that numerous factors having an impact on water quality be reviewed to provide a realistic policy for establishing designated uses.
307.5	Suggest a flexible antidegradation policy
307.6	Suggest chlorine and ammonia toxicity need to be considered and added (if not numerical, than narrative)
307.6	Consider derivation of tissue-based standards for site-specific standards for Se
307.6	WER studies don't adequately consider sediment toxicity
307.6	Suggest adding aquatic life criteria for MtBE and perchlorate
307.6	In addition to the LC50 approach, consider using EC20's, QSARs for estimating LC50s, and EPA's Great Lakes Tier II approach.
307.6	Suggest that when using a different derivation method for aquatic life criteria, make methodology transparent and publish how it was done w/ inputs to calculations
307.6	Suggest that the TMDL for zinc in oyster tissue (Segment 2482) demonstrates that the current WQS for zinc is too high and should be 29 ug/L as opposed to 92.7 (based on BCF of 23,820)
307.6	EPA recommends the adoption of aquatic life criteria for atrazine, diazinon, copper and nopolphenol if any final criteria documents are published in time for TCEQ's consideration,
307.6	Consider permitting for dissolved Al and/or allow a minimum, conservative partitioning coefficient based on pervious WER studies. Applicants would take 4 effluent samples for total and dissolved to ensure their site didn't have an extraordinarily high dissolved portion.
307.6	Suggestion to use 17.5 g/day for consumption rate for HH calculations
307.6	Request adoption of Human health criteria for bioaccumulative chemicals as fish/shellfish tissue concentrations and replace the numeric water quality criteria for such chemicals with water quality target concentrations based on a translator equation. Separate out drinking water exposure from fish/shellfish consumption. WQS should be a tissue number - not a water column number. Add provision to total toxicity requirements to address sub-lethal responses of test species that are caused by inorganic cations and anions
307.6	Suggest a Selenium chronic criteria of 4 ug/g whole body fish tissue (dry wt) should be used for waters with listed species as well as 2ug/L filtered water, 2ug/g dry wt sediment, 3ug/g dry weight invert, 12ug/g dry wt. Fish liver, 10ug/g dry weight fish egg and ovary, 10 ug/g aquatic bird liver, and 6ug/g aquatic bird eggs
307.6	(d)(1) Table 3-Human Health Criteria. EPA recommends that TCEQ propose the updated arsenic value of 10 micrograms/liter. Adjust the dioxin criteria toxic equivalency factors for 1,2,3,7,8-PeCDD from 0.5 to 1.0. List congeners including OCDD and OCDF, the toxic equivalency factors for these compounds changed from .001 to .0001. EPA also supports the use of toxic equivalency factors for polychlorinated biphenyls (PCBs) for human health criteria. The ‡ footnote should be removed for the chlordane criteria or the bioconcentration factor and FDA action limit for chlordane should be included. EPA also recommends TCEQ consider the adoption of human health criteria for the following; antimony, anthracene, bis(2-chloroethyl) ether, di-n-butyl phthalate, o-dichlorobenzene, m-dichlorobenzene, 3,3'-dichlorobenzidine, dichloromethane, 1,2-dichloropropane, di(2-ethylhexyl)phthalate, 2,4-dimethylphenol, dimethyl phthalate, ethylbenzene, hexachlorocyclopentadiene, manganese, nickel, phenol, 1,1, 2,2-tetrachloroethane, 1,1,2-trichloroethane, thallium, toluene, zinc. These substances were reported in the 2003 "Toxic Release Inventory" as discharged to surface waters in Texas.
307.6	(d)(3)(A)-(H), EPA recommends using updated procedures for calculating human health

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	<p>criteria were data is available. These include; revised procedures for calculating cancer potency factors and references doses; expanded calculation of derivation for lipid values; accounting for other sources of exposure (e.g. food or air). EPA recommends TCEQ consider the national fish consumption default value of 17.5g/day for recreational fishers or results from other available studies. EPA updated 15 substances in the IRIS database for cancer potency factors and reference doses. EPA discovered an error in the BCF calculation for some substances. A 3% lipid concentration adjustment was used more than once for these substances; acrylonitrile, aldrin, benzo(a)anthracene, benzo(a)pyrene, chromium, chrysene, endrin, heptachlor epoxide, hexachlorobenzene, hexachlorocyclohexane (alpha), hexachlorocyclohexane (beta), Hexachlorocyclohexane (gamma), hexachloroethane, pentachlorobenzene, pentachloropenol, and toxaphene. Also in 307.6(e) EPA recommends adding language to the statement that "chronic toxicity will also be precluded in water with seasonal aquatic life uses"</p>
307.6	<p>Suggestion to use BAFs and BSAFs instead of BCFs for HH criteria in accordance w/ new EPA procedures and develop site-specific BAFs and BASFs based on tissue analysis.</p>
307.6	<p>TDS lethality, HH criteria need to be tissue based for bioaccumulatives and using site-specific BAF rather than BCFs to translate those to water column criteria. Generic BAF/BCF values along w/ procedures to use these generic values to translate the tissue based WQS to water column numbers would be provided in the WQS for "warning" or screening purposes, but the standards would be a tissue number, not water column number.</p>
307.6	<p>Suggest changing the mercury in fish tissue screening level to 0.3 mg/kg instead of 0.5 and use new EPA HH derivation guidance</p>
307.6	<p>Suggest considering states' information on mercury trading</p>
307.6	<p>Consider TDS lethality</p>
307.6 (Table 3)	<p>Change the name "chlorodibromomethane" to "dibromochloromethane". They have the same CAS number, and this is the better known name for the compound.</p>
307.6(b)(4)	<p>Suggest adding "generally" to statement regarding precluding adverse impacts to wildlife, livestock, etc</p>
307.6(c)(2)	<p>Suggest recalculating criteria in Table 1 to follow a newer recalculation process found in EPA's 1994 water effects ratio guidance "Interim Guidance on Determination and Use of Water-Effects Ratio for Metals." EPA has issued a revised aquatic life criteria under CWA 304(a).</p>
307.6(c)(4)	<p>Chemical specific criteria would be more appropriate for addressing ammonia and chlorine toxicity. Also direct measurement is more representative of potential impacts.</p>
307.6(e)(2)	<p>Suggest exempting from the definition of toxicity, any sub lethal effects caused by dissolved organic salts in chronic WET tests. Also, exemption from WET limits when lethal/sublethal effects are caused by excess, deficiency, imbalance of inorganic ions</p>
307.6(e)(2)	<p>Suggest adding a new provision to the section which would state "If sublethal toxicity is documented during a chronic toxicity test but the discharger demonstrates that the sublethal toxicity is a result of an excess, deficiency, or imbalance of dissolved organic salts (such as sodium, calcium, potassium, chloride, or carbonate) which are in the effluent but not listed in Table 1 in subsection (c) of this section, regardless of whether the dissolved inorganic salts are in the source waters or added by industrial processes, the results do not constitute toxicity as defined at Section 307.3(a)65)." Also, they request that 307.6(e)(2)(D) remain the same despite EPA's announcement that in January 2007 that TPDES renewals will require WET limits if there is evidence of "reasonable potential" to cause or contribute to an excursion above state WQS. They state that (e)(2)(D) is consistent w/ 40 CFR 122.44(d)(1)(i).</p>

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307.7	Request development of additional use categories and exemptions to criteria when recreational activities would be unsafe, ex. During high flows. Want to work on an alternate indicator organism besides E. coli.
307.7	Suggest TCEQ develop uses for seasonal recreational uses, wildlife recreational use, exempt high flows
307.7	EPA suggests that language in standards and assessment is consistent when describing numeric criteria.
307.7	307.7(b)(3)(B)(iii) EPA recommends the addition of language to allow the use of risk-based tissue concentrations for shellfish when these values are lower than the action levels established by USFDA. 307.7(b)(5)
307.7	Suggest that bacteria criteria not apply below 7Q2 in classified streams, but apply under all conditions
307.7	Suggest adding seagrass propagation use to appropriate water bodies in Appendix A. EPA suggest seagrass propagation use not only to locations where seagrass currently exist but also where it historically was found and where restoration is thought to be achievable. Develop narrative or numeric criteria to protect the seagrass propagation use and excessive macro-algal growth in seagrass beds.
307.7	Suggest specifying wetlands water quality function uses for existing segments with substantial wetlands components and stand-alone wetlands.
307.8	Requests low-flow conditions standards application be applied to classified waters. Low and high flows should be excluded. Want (MS4) storm water discharges treated different from other discharges.
307.8	stormwater discharges better controlled with BMPs than technology based limits
307.8	Suggest review 7Q2 and 1Q2s
307.8	307.8(b) EPA recommends including a size limitation for mixing zones in the standards and the development of procedures to prevent the overlap of mixing zones in segments with multiple dischargers.
307.8(b)(4)	EPA recommends : 307.8(b)(4) this provision "water quality standards do not apply to treated effluents at the immediate point of discharge," however in the case of low dilution receiving waters, this may be necessary.
307.8(b)(8)	EPA suggests that the following statement be added to give an additional level of protection for sources of drinking water; "A mixing zone shall not include any public water supply well that has been determined by the state to be under the direct influence of surface water and connected to the mixing zone."
307.9	307.9(c)(3)(A) EPA recommends clarifying the provision to state that dissolved oxygen criteria apply to the entire water column unless there is stratification, at which point the criteria apply to the mixed surface layer. Also indicate that vertical profiles for D.O. will be measured through the entire water column in deeper streams. 307.9(c)(3)(C) EPA recommends two separate provisions to describe standards attainment procedures for bays and tidal streams. Also additional language to state that D.O. criteria apply to the entire water column in the absence of stratification.
307.9(c)(3)(C)	307.9(c)(3)(C) EPA recommends two separate provisions to describe standards attainment procedures for bays and tidal streams.
401	Received five comments concerning 401 certification of 404 U.S. Army Corps of Engineer dredge and fill permits, suggested a change in 300 mg/L TSS value for return water from a confined update disposal site.
bacteria	Use of Enterococci in tidal water is inappropriate in east Texas. E. coli inappropriate in tidal

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	waters.
bacteria	Contact recreational use should not be applied without regard to conditions when swimming is not appropriate, for example, stormwater
bacteria	Standards do not account for bacteria concentrations as a result of storm events
bacteria	Revise bacteria to include freshwater noncontact recreational use to apply seasonally or to segments that do not support contact recreation and cannot achieve the standard
bacteria	Buffalo Bayou, current indicators are not correlated with human health effects, no recreational use along Buffalo Bayou
bacteria	Current recreational uses should be applied carefully to reflect the physical and flow characteristics of a water body
bacteria	Need additional discussion on how to incorporate local conditions into standards. (E. coli)
bacteria	Incorporate new data from bacterial source tracking into standards, ex. wildlife. Recognize background sources
bacteria	We urge the TCEQ not to implement any new bacteria related regulatory programs until the scientific and technical problems with existing bacteria water quality standards are properly resolved. Valid health-based bacteria water quality standards should have cost-effective measurement and compliance procedures that are reliable, repeatable, and verifiable.
bacteria	Change in indicator bacteria in Harris Co.
bacteria	Suggest use of secondary recreational use, wildlife sources, seasonal uses, flow considerations, low flow considerations
bacteria	Include non-contact recreation use
bacteria	Support study by PBS&J to modify standards to account for different waters ability to support full body contact use.
bacteria	Include noncontact recreational use
bacteria 307.7	EPA recommends - recalculation of the log standard deviation for E. coli. - recommends the state correct the single sample maximum Enterococci criterion for saltwater. The correct criterion in marine waters for the moderate use level is 158 per 100/ml. EPA recommends the state assign a single sample maximum, when assigning intensity of use categories, consistent with a 75% confidence level for most of the Texas General Land Office designated "swimming beach areas." 307.7(b)(1)(C) EPA has recently proposed methods for the analysis of E. coli and Enterococci bacteria in wastewater and if these methods are finalized in time for consideration, modifications to this language or the standards implementation procedures may be appropriate.
lps	Suggest flow proportioned chlorination requirements for all facilities less than 1MGD.
misc	Add procedure for notification and internment of native American remains found on Texas waterways.
misc	Include Texas endangered and threatened species in consideration as federal
nutrients	Suggestion to base nutrient criteria on deep water areas of reservoirs, reservoirs specific, long period of record to base criteria on, improve grouping method.
Nutrients	Suggest that segment 1421 – has nutrient concerns and should be evaluated more closely for nutrient criteria
nutrients	Suggest consideration of Texas Parks and Wildlife methodology for setting nutrient criteria as presented at the nutrient work group

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Sediment	Consider sediment toxicity
Stormwater	Suggest additions based on changes in nut, TSS, and bacteria during high flows, papers attached to original, same as 23

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