

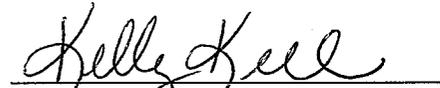
**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
AGENDA ITEM REQUEST**

**AGENDA REQUESTED: July 28, 2010**

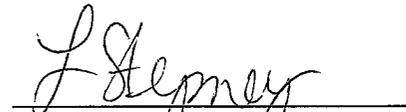
**DATE OF REQUEST: July 9, 2010**

**NAME & NUMBER OF PERSON TO CONTACT REGARDING  
CHANGES TO THIS REQUEST, IF NEEDED: Debi Ustas, 239-3972.**

**CAPTION: Docket No. 2010-1080-MIS.** Consideration of the current status and opportunities to streamline the process for conducting use-attainability analyses to assign recreational uses to streams, rivers, and other surface water bodies in Texas. The framework for this process is established in the revisions to 30 TAC Chapter 307, Texas Surface Water Quality Standards, Sections 307.1 - 307.10 that were adopted by the Commission on June 30, 2010. (Kelly Keel)



**Kelly Keel, Director, Water Quality Planning Division**



**L'Oreal W. Stepney, P.E., Deputy, Office of Water**

**Recreational Use-Attainability Analyses  
Current Process and Streamlining Opportunities  
July 7, 2010**

**Introduction**

On June 30, 2010, the Texas Commission on Environmental Quality (TCEQ) adopted major revisions to the Texas Surface Water Quality Standards, 30 TAC §307 (Standards), and these revisions included substantial changes in the uses and criteria for aquatic recreation. The Commission also requested that staff present information at the next TCEQ agenda meeting on July 28, 2010, for a discussion on ways to potentially streamline and facilitate the process for conducting recreational use-attainability analyses (RUAAs) and assigning recreational uses. The processes outlined in this document are subject to EPA approval.

**Revisions to the Standards**

**Previous Standards.** The previous Standards only considered two recreational use categories – contact and noncontact. Contact recreation was designated or presumed for virtually all surface water bodies in the state. However, there are many water bodies in the state – especially small streams – that do not have sufficient depth or other characteristics to support primary contact recreation activities such as swimming.

**New Uses.** The new revisions to the Standards established more categories of recreational uses that can be assigned to individual streams:

<u>Recreation category</u>	<i>E. coli</i> /100 milliliters <u>(geometric mean)</u>
Primary contact recreation (PCR)	126
Secondary contact recreation 1 (SCR1)	630
Secondary contact recreation 2 (SCR2)	1,030
Noncontact recreation (NCR)	2,060

**Recreational Use-Attainability Analyses**

**RUAA procedures.** TCEQ with stakeholder input has developed specific procedures to conduct RUAAs on streams and rivers to assign appropriate recreational uses. RUAAs have already been initiated for water bodies where the appropriate recreational use needs to be determined. For example, RUAAs are frequently needed to assign site specific uses to accurately assess water quality and determine whether water bodies should be included on the Section 303(d) List of impaired waters. RUAAs are coordinated both by TCEQ and by the Texas State Soil and Water Conservation Board (TSSWCB) and generally conducted by contractors.

**RUAA information.** RUAAs involve surveys at a variety of locations along a stream to determine depths, physical characteristics, public access, and indications of the extent and types of aquatic recreation that occur. Additional information on existing and historical aquatic recreation is obtained from land owners, other local individuals, TCEQ region staff, Clean Rivers partners, and others with firsthand knowledge.

## **Addressing Impaired Water Bodies and the Role of RUAAs**

**General approach.** Staff in the water quality programs of TCEQ and TSSWCB coordinate closely to determine what specific types of actions are initially needed to address water bodies that are defined as impaired on the 303(d) List (also referred to as Category 5). Potential actions include (a) a use-attainability analysis to ensure that an appropriate water quality standard is assigned, (b) a total maximum daily load study, watershed action plan, or other efforts to restore water quality, or (c) additional monitoring studies to better define the impairment.

The Standards revisions allow SCR1 to be assigned to unclassified streams without a site-specific revision to the Standards when water bodies (1) are less than 0.5 meters deep, (2) have no PCR activities according to a site investigation, and (3) are afforded adequate opportunity for public coordination and comment. Other situations require a site-specific revision to the Standards.

### **Current Status of RUAAs**

TCEQ and the TSSWCB have already initiated about 124 RUAAs (see attached tables) over the past two years, with the focus on water bodies on the 2008 303(d) List that had 126 to 630 *E. coli* per 100 ml:

- 15 RUAAs have been completed and reports have been reviewed by TCEQ;
- 31 RUAAs were completed in FY10 and reports are under review by TCEQ;
- 7 additional surveys were completed in FY09 and reports will be completed in FY10;
- 56 RUAAs are underway and will be completed in FY10 and reports will be completed by the end of FY11;
- 15 RUAAs are planned for FY11 and reports will be completed by the end of FY12;

**Status of the 303(d) List.** Activities that are now planned or underway are based on the most currently approved 303(d) List that is updated every two years. TCEQ staff are developing improvements in the process and tracking of actions to address impaired water bodies. The current 303(d) List was updated and approved in 2008, and the draft 2010 List is tentatively scheduled for presentation at TCEQ agenda in late August.

### **Draft 2010 303(d) List of Impaired Water Bodies**

**Need for more RUAAs.** The ongoing analysis for the draft 2010 303(d) List indicates there will be approximately 255 fresh water bodies that exceed the PCR criterion of 126 *E. coli* per 100 ml:

- 126-630 *E. coli* per 100 ml: 201 water bodies;
- 631-1030 *E. coli* per 100 ml: 28 water bodies;
- >1030 *E. coli* per 100 ml: 26 water bodies;

Water bodies with an *E. coli* geometric mean between 126 and 630 per 100 ml and are suspected not to support PCR (i.e. evidence of shallow pools, intermittent flow regime) are considered a priority for an RUAAs study. Of the 201 water bodies listed above in this range, **119** are water bodies that have been identified in the 2010 303(d) for which future RUAAs work may be needed.

## **Changes in the Public Participation Process**

**Assigning presumed uses for unclassified streams.** In the revised Standards [§307.4(j)(3)(B)], an SCR1 use can be assigned to an unclassified water body without a site-specific change in the Standards based on the results of an RUAA and with an opportunity for public review and comment. TCEQ staff is drafting a process to provide this public review and comment during (1) revisions to the Integrated Report and 303(d) List of impaired water bodies, (2) establishing TMDLs and watershed action plans, or (3) during the next triennial revision. If EPA agrees with this process, EPA can review and approve the assigned use in their review of the revised 303(d) List, TMDL, or watershed action plan.

**Assigning uses for other cases.** In other cases, assigning a use other than PCR requires a site-specific revision to the Standards rule, and the applicable recreational use and criteria are listed for the individual water body in the amended rule. In addition to coordination during the RUAA process, additional public hearing and comment are provided during the rule amendment process. The revision is adopted at public TCEQ agenda and is also reviewed and approved by EPA. Site-specific Standards rule revisions are required to (1) assign any recreational use other than PCR to a classified water body, or (2) assign any use other than PCR or SCR1 to an unclassified freshwater body.

## **Ways to Consider Streamlining and Improving how Recreational Uses are Assigned**

- Evaluate and recommend changes to the contracting process for RUAAs to improve timeframes.
- Evaluate and prioritize staff resources and contract funding. Utilizing Clean Water Act 106 grant funds to fund RUAAs will be a priority for the Water Quality Planning Division.
- Improve “clustering” of RUAAs for water bodies in a regional approach.
- Obtain additional information from local monitoring staff, via questionnaires, to ensure that an RUAA will be useful for a particular water body (The state of Colorado, for example, utilizes a questionnaire as their primary supporting information for applying a criterion of 205 *E. coli* per 100 ml).
- Conduct a review of the RUAA procedures after several contracts have been completed (i.e. 2010 contract work) and reviewed by staff.
- In preparation for the next major triennial Standards revisions, continue to evaluate the current categories uses and criteria for potential improvement. Keep informed on the status of EPA’s intent to re-evaluate and improve federal criteria for recreation by October 2012, in response to requirements in the federal Beach Act.
- Initiate monthly meetings among all groups in the Water Quality Planning Division managing RUAA contracts or conducting RUAA field work to ensure process efficiency and maximize public participation. TCEQ coordination with the TSSWCB will continue on a quarterly basis, and this topic will be a standing item.

**Recreational Use-Attainability Analyses (RUAAs)  
Completed  
Water Quality Standards Group  
TCEQ Staff Draft June 22, 2010**

<b>Basin</b>	<b>Segment #</b>	<b>Water Body</b>	<b>Tentative Survey Start Date</b>	<b>Surveys Completed Date</b>
10	1014	Buffalo Bayou Above Tidal	2008	2008
10	1014A	Bear Creek	2008	2008
10	1014B	Buffalo Bayou	2008	2008
10	1014E	Langham Creek	2008	2008
10	1014H	South Mayde Creek	2008	2008
10	1014K	Turkey Creek	2008	2008
10	1014L	Mason Creek	2008	2008
10	1014M	Neimans Bayou	2008	2008
10	1014N	Rummel Creek	2008	2008
10	1014O	Spring Branch	2008	2008
10	1017	Whiteoak Bayou Above Tidal	2008	2008
10	1017A	Brickhouse Gully/Bayou	2008	2008
10	1017B	Cole Creek	2008	2008
10	1017D	Unnamed Tributary of Whiteoak Bayou	2008	2008
10	1017E	Unnamed Tributary of White Oak Bayou	2008	2008

**Recreational Use-Attainability Analyses (RUAAs)  
Initiated  
Water Quality Standards Group  
TCEQ Staff Draft June 22, 2010**

<b>Basin</b>	<b>Segment #</b>	<b>Water Body</b>	<b>Tentative Survey Start Date</b>	<b>Surveys Completed Date</b>
4	0404	Big Cypress Creek Below Lake Bob Sandlin	2010	
4	0404B	Tankersley Creek	2010	
4	0404C	Hart Creek	2010	
5	0502A	Nichols Creek	2010	
5	0502B	Caney Creek	2010	
5	0505B	Grace Creek	2010	
5	0507G	South Fork of Sabine River	2010	
5	0512A	Running Creek	2010	
5	0512B	Elm Creek	2010	
6	0603A	Sandy Creek	2011	
6	0604A	Cedar Creek	2011	
6	0604B	Hurricane Creek	2011	
6	0604C	Jack Creek	2011	
6	0608B	Big Sandy Creek	2011	

6	0610A	Ayish Bayou	2011	
6	0611	Angelina River Above Sam Rayburn Reservoir	2011	
6	0611B	La Nana Bayou	2011	
6	0612	Attoyac Bayou	2009	
8	0805	Upper Trinity River	2010	
8	0806E	Sycamore Creek	2010	
8	0810	West Fork Trinity River Below Bridgeport Reservoir	2009	
8	0810A	Big Sandy Creek	2009	
8	0810B	Garrett Creek	2009	
8	0810C	Martin Branch	2009	
8	0810D	Salt Creek	2009	
8	0822A	Cottonwood Branch	2010	
8	0822B	Grapevine Creek	2010	
8	0841E	Copart Branch Mountain Creek	2010	
8	0841F	Cottonwood Creek	2010	
8	0841G	Dalworth Creek	2010	
8	0841H	Delaware Creek	2010	
8	0841J	Estelle Creek	2010	
8	0841K	Fish Creek	2010	
8	0841N	Kirby Creek	2010	
8	0841U	West Irving Creek	2010	
11	1104	Dickinson Bayou Above Tidal	2010	
11	1113A	Armand Bayou Above Tidal	2009	
12	1202H	Allen's Creek	2009	2010
12	1208	Brazos River Above Possum Kingdom Lake	2010	
12	1209	Navasota River Below Lake Limestone	2010	
12	1209D	Country Club Branch	2010	
12	1209E	Wickson Creek	2010	
12	1209G	Cedar Creek	2010	
12	1209H	Duck Creek	2010	
12	1209I	Gibbons Creek	2010	
12	1209J	Shepherd Creek	2010	
12	1209K	Steele Creek	2010	
12	1210A	Navasota River above Lake Mexia	2010	
12	1211A	Davidson Creek	2009	2010
12	1212B	East Yegua Creek	2010	
12	1218	Nolan Creek/ South Nolan Creek	2009	2010
12	1221	Leon River Below Proctor Lake	2009	2010
12	1221A	Resley Creek	2009	2010
12	1221B	South Leon River	2009	2010
12	1221C	Pecan Creek	2009	2010
12	1221D	Indian Creek	2009	2010
12	1221F	Walnut Creek	2009	2010
12	1222A	Duncan Creek	2009	2010
12	1222E	Sweetwater Creek	2009	2010

12	1223	Leon River Below Leon Reservoir	2009	2010
12	1223A	Armstrong Creek	2009	2010
12	1226E	Indian Creek	2009	2010
12	1226F	Sims Creek	2009	2010
12	1226K	Little Duffau Creek	2009	2010
12	1242B	Cottonwood Branch	2009	2010
12	1242C	Still Creek	2009	2010
12	1242D	Thompson Creek	2009	2010
12	1242I	Campbells Creek	2009	
12	1242K	Mud Creek	2009	
12	1242L	Pin Oak Creek	2009	
12	1242M	Spring Creek	2009	
12	1242O	Walnut Creek	2009	
12	1242P	Big Creek	2009	2010
12	1244	Brushy Creek	2010	
12	1245	Upper Oyster Creek	2009	2009
12	1245C	Bullhead Bayou	2010	
12	1245D	Unnamed tributary of Bullhead Bayou	2010	
12	1246E	Wasp Creek	2009	2010
12	1247A	Willis Creek	2009	2010
12	1248C	Mankins Branch	2009	2010
12	1255	Upper North Bosque River	2009	2010
12	1255A	Goose Branch	2009	2010
12	1255B	North Fork Upper North Bosque River	2009	2010
12	1255C	Scarborough Creek	2009	2010
12	1255E	Unnamed trib. Goose Branch	2009	2010
12	1255F	Unnamed trib. Scarborough Creek	2009	2010
12	1255G	Woodhollow Branch	2009	2010
13	1302	San Bernard River Above Tidal	2010	
13	1305	Caney Creek Above Tidal	2010	
11	1431	Mid Pecan Bayou	2010	
19	1902	Lower Cibolo Creek	2010	
20	2004A	Aransas Creek	2010	
21	2107	Atascosa River	2010	
22	2202	Arroyo Colorado Above Tidal	2010	

**Recreational Use-Attainability Analyses (RUAAs)  
Planned but not Initiated  
Water Quality Standards Group  
TCEQ Staff Draft June 22, 2010**

<b>Basin</b>	<b>Segment #</b>	<b>Water Body</b>	<b>Tentative Survey Start Date</b>	<b>Surveys Completed Date</b>
3	0303B	White Oak Creek	2011	
6	0603B	Wolf Creek	2011	
6	0604M	Biloxi Creek	2011	
6	0608A	Beech Creek	2011	
6	0608C	Cypress Creek	2011	
6	0611A	East Fork Angelina River	2011	
6	0615A	Papermill Creek	2011	
13	1302A	Gum Tree Branch	2011	
13	1302B	West Bernard Creek	2011	
14	1403J	Spicewood trib to Shoal Creek	2011	
14	1403K	Taylor Slough South	2011	
14	1403R	Westlake-Davenport Tributary to Lake Austin	2011	
14	1428B	Walnut Creek	2011	
14	1429B	Eanes Creek	2011	
14	1429C	Waller Creek	2011	