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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 22, 2012

Ms. Jane B. Watson, Associate Director
Ecosystems Protection Branch
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: U. S. Environmental Protection Agency (EPA) Request to Update Texas Commission on Environmental Quality (TCEQ) Nutrient Criteria Development Plan

Dear Ms. Watson:

In response to your letter dated December 20, 2011 requesting updates to the TCEQ's Nutrient Criteria Development Plan, we would like to provide some initial comments and suggestions. As a general note, the TCEQ has made considerable progress on developing numeric nutrient criteria since the last update in 2006. We submitted adopted numeric Chlorophyll *a* criteria for reservoirs on August 4, 2010 and look forward to EPA's approval soon.

We acknowledge the schedules and milestones documented in the plan need to be updated to better reflect the current status of TCEQ activities regarding numeric nutrient criteria development. In coordination with our stakeholder advisory workgroup, the TCEQ adopted criteria for 75 reservoirs in June 2010. To further continue this progress, numerous projects studying the effects of nutrients in all water body types have been initiated either by TCEQ or in partnership with TCEQ. Examples of these projects include:

- Additional nutrient-related monitoring has recently been conducted or initiated on over 150 Texas streams, reservoirs, and estuaries. The additional data includes various measures of attached vegetation in small streams, a full spectrum of nitrogen and phosphorus analyses, and other related water quality data for all water body types. These studies have been conducted using federal/state funding, and involved the efforts of a variety of agencies, organizations, and research institutions.
- An assessment of available data from all water body types in Texas, and a compilation of criteria development efforts in other states (with the University of Houston at Clear Lake).
- Analyses of Texas data to help define the levels of nutrients in Texas streams and estuaries that can cause significant effects (with the University of Arkansas).

The TCEQ fully appreciates EPA's desire to include Texas' updates along with other State plans to meet timelines and goals associated with Program Activity Measure (PAM) WQ-01c. However, TCEQ has concerns with the suggested target and completion dates provided by EPA in order to meet the WQ-01c measure. TCEQ intends to update the plan in coordination with our established stakeholder advisory workgroup, so that changes in scope and strategy of criteria development can be developed with public input in a transparent manner. Multiple workgroup meetings are planned for the spring and summer of 2012, and will provide opportunity for input and comment on the plan. Due to constraints from workgroup schedules, TCEQ suggests an updated draft can be submitted to EPA no earlier than mid-summer of 2012, rather than the suggested date of March 1, 2012.

Despite our concerns regarding federally suggested timelines, we would like to further discuss with you, and your staff, how updates to TCEQ's plan can reasonably contribute to WQ-01c measures, while maintaining schedules associated with our stakeholder advisory workgroup. TCEQ looks forward to that discussion, and continued cooperation with EPA on the development of numeric nutrient criteria.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Holligan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kelly Holligan, Director
Water Quality Planning Division
Texas Commission on Environmental Quality

jc/dp/LC/KH

Ms. Jane B. Watson

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bcc: Laurie Curra, Manager, Monitoring & Assessment Section, WQPD
Jill Csekitz, Work Leader, Water Quality Standards Team, M&A Section, WQPD