

Response to Public Comment
 Implementation Plan for TMDL(s) for Chlordane in Clear Creek
 September 5, 2001

Tracking Number	Date Recd.	Affiliation of Commentor	Summary of Request or Comment	Summary of TNRCC Action or Explanation
001	6/4/01 (letter)	City of Friendswood	<p>Recommends that fish tissue tests be conducted every two years instead of every five years. Commentor states that waiting five years might unnecessarily delay the goal of removing fish consumption restrictions.</p>	<p>Chlordane is a highly persistent contaminant. Concentrations in the environment are not likely to undergo much change over the five-year sampling interval proposed in the TMDL Implementation Plan. In addition, fish tissue sampling is resource intensive. The TNRCC has limited resources available to conduct such sampling across the entire state. The five-year sampling interval proposed in the TMDL Implementation Plan is an affordable approach that also provides adequate time for chlordane's natural degradation process to show measurable change. No changes have been made to the Implementation Plan based on this comment.</p>

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002	8/14/01 (Verbal)	Friends of Clear Creek & Association of State Flood Plain Managers	<p>Clear Creek Tidal is an important nursery habitat for Galveston Bay fish and shrimp. The Clear Creek riparian forest is one of the few remaining riparian forests in the area. This riparian vegetation has helped filter chlordane from the creek, as well as contributed to erosion control and flood protection. Many cities are restoring channelized creeks into meandering streams with natural vegetation to achieve water quality benefits. It is hoped that Texas will also seriously consider this approach.</p>	<p>Biological habitat is assessed by the TNRCC in various ways. Habitat and biological assessments are used by the TNRCC to determine whether a particular water body is meeting its designated aquatic life use or to complete a Receiving Water Assessment, which is typically conducted to assess aquatic life use for water bodies in which this use has not been previously assessed. The Texas Surface Water Quality Standards provide for this determination under the "Biological Integrity" clause within the "Determination of Standards Attainment" section (TAC §307.9(f)). The TNRCC also has the statutory authority to deny state certification of CWA §401 and/or §404 federal permits based on a determination of violation of the state's anti-degradation policy as described in TAC §307.5(c)(1)(B). While it is possible that riparian vegetation is contributing to decreasing levels of chlordane in Clear Creek, no data is available, at this time, to justify additional regulatory measures designed to achieve the goal of lowering chlordane levels in Clear Creek.</p> <p>No changes have been made to the Implementation Plan based on this comment.</p>