



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

January 6, 2020

Ms. L'Oreal Stepney, P.E., Deputy Director
Office of Water (MC-158)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Dear Ms. Stepney:

The Environmental Protection Agency (EPA or the Agency) has completed its review of the revised water quality standards for segment 2486 - Blind Oso Bay in the Texas Surface Water Quality Standards (TSWQS). These standards were adopted by the Texas Commission on Environmental Quality (TCEQ) on February 7, 2018, and received by the EPA for review under section 303(c) of the Clean Water Act (CWA) on March 29, 2018.

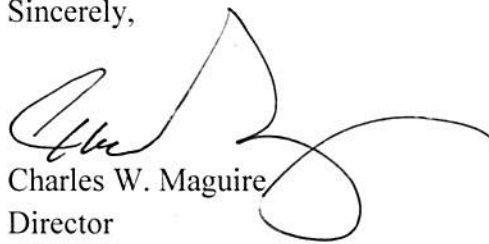
This is the third action concerning our CWA review of the 2018 standards and includes action on new and revised provisions in Appendix A and Appendix C of the TSWQS. It also includes action on a portion of the 2014 revisions to the TSWQS. Pursuant to section 303(c) of the CWA, the implementing regulation at 40 CFR part 131, and in the spirit of cooperative federalism, the EPA is approving the creation of the new waterbody segment 2486 – Blind Oso Bay, the modification of the boundary for segment 2485 – Oso Bay, and the associated seasonal dissolved oxygen criteria of 4.0 mg/L (24-hour average) and 1.5 mg/L (24-hour minimum), applicable from March 15-October 15 in segment 2486. EPA is also approving the revised dissolved oxygen of 4.5 mg/L (24-hour average) and 3.5 mg/L (24-hour minimum) for segment 2485, and applicable to segment 2486 from October 16-March 14.

The EPA's approval of new and revised WQS is subject to consultation under section 7(a)(2) of the Endangered Species Act (ESA) with the U.S. Fish and Wildlife Service (USFWS). EPA obtained an official species list for Oso Bay from the USFWS's Information for Planning and Consultation (IPaC) database (consultation code: 02ETTX00-2018-SLI-0638) and may initiate informal consultation with the USFWS. Although EPA has not yet initiated consultation with USFWS, EPA's approval of these new and revised water quality standards is fully consistent with section 7(d) of the ESA because it does not foreclose either the formulation by USFWS or the implementation by the EPA of any alternatives that might be determined in the consultation

to be needed to comply with section 7(a)(2). EPA has authority to take additional action regarding the revision of the TSWQS if the consultation with USFWS identifies deficiencies in the revised TSWQS requiring remedial action by EPA, after EPA has approved the revisions.

The EPA will take subsequent action on the remaining new and revised provisions in §307.2(g), §307.6(d) - Table 1, §307.9, Appendix A, Appendix C, Appendix D, Appendix E, Appendix F and Appendix G of the 2018 TSWQS. The EPA is also reviewing the remaining provisions in the 2010 and 2014 TSWQS submittals. If you have any questions or concerns, please contact me at (214) 665-7101, or Richard Wooster, Chief of the Water Quality Protection Section, at (214) 665-6473.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Maguire', with a large, stylized flourish extending to the right.

Charles W. Maguire
Director
Water Division

cc: Lori Hamilton, Director
TCEQ - Water Quality Planning Division (MC-203)