



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202 – 2733

May 24, 2019

Ms. L'Oreal Stepney, P.E.  
Deputy Director  
Office of Water (MC-122)  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Re: Approval of Site-Specific Copper Criteria for Concrete Ditches (tributaries to segment 2484 – Corpus Christi Inner Harbor)

Dear Ms. Stepney:

The Environmental Protection Agency (EPA) has completed its review of the Texas Commission on Environmental Quality's (TCEQ) submission of site-specific criteria for copper, which were developed by the MarkWest Javelina Company in Corpus Christi, Texas (TPDES 0003137-001, NPDES TX0105481).

As required by 40 CFR 131.20, the request for approval of the criteria was originally submitted to EPA for technical review in July 2015. In response to the original request, EPA informed the TCEQ in November 2015 that the site-specific copper criteria were technically-approvable. However, EPA could not take a formal approval action on the criteria under Clean Water Act section 303(c), at that time, as the public participation requirements at 40 CFR part 25 had not been fulfilled. TCEQ completed the public participation requirements for the site-specific criteria through the public participation process in the 2018 revision of the *Texas Surface Water Quality Standards* (TSWQS).

The completed study resulted in water effect ratios (WERs) of 3.22 (measured as dissolved copper) and 4.13 (measured as total copper). Multiplying the dissolved WER by the statewide saltwater criteria for dissolved copper in §307.6(c) - Table 1 of the TSWQS, results in site-specific dissolved criteria of 43.47 µg/L (acute) and 11.59 µg/L (chronic). The site-specific criteria apply within the zone of initial dilution and the mixing zone of outfall 001. The statewide copper criteria apply to the remaining portion of the ditches and to segment 2484 – Corpus Christi Inner Harbor. Based on our review of the study, the site-specific criteria have been demonstrated to protect aquatic life and are approved for Clean Water Act purposes.

Section 7 of the Endangered Species Act states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." EPA has determined that approval of the site-specific copper criteria will have no effect on federally-listed threatened and endangered species or on critical habitat.

If you have any questions, please call me at (214) 665-7101, or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles W. Maguire".

Charles W. Maguire  
Director  
Water Division

ecc: Debbie Miller  
Water Quality Standards Group (MC-234)

Michael Pfeil  
Water Quality Assessment Section (MC-150)

Michael Redda  
Wastewater Permitting Section (MC-148)