



## REGION 6

DALLAS, TX 75270

October 11, 2024

### TRANSMITTED VIA EMAIL

Ms. Cari-Michel La Caille, Director  
Office of Water (MC-158)  
Texas Commission on Environmental Quality (TCEQ)  
Post Office Box 13087  
Austin, Texas 78711-3087  
[cari-michel.lacaille@tceq.texas.gov](mailto:cari-michel.lacaille@tceq.texas.gov)

Re: Partial Approval of 2014 and 2018 Texas Surface Water Quality Standards

Dear Ms. La Caille:

The Environmental Protection Agency (EPA) has completed its review of several new and revised provisions in the *Texas Surface Water Quality Standards* (TSWQS).<sup>1</sup> This is the sixth action concerning our review of the 2014 standards, as well as the 2018 standards. I am pleased to inform you that the EPA is approving the revised saltwater criterion for carbaryl in §307.6(c) of the TSWQS and revised pH criteria in Appendix A of the TSWQS, as documented in Part I of the enclosure, pursuant to section 303(c) of the Clean Water Act (CWA) and the implementing regulation at 40 CFR part 131.

The EPA determined that a revised item in §307.9(c) of the 2014 TSWQS is an assessment provision rather than a water quality standard under CWA section 303(c), and, therefore, is not subject to the EPA's review. Part II of the enclosure summarizes the revision in the 2014 TSWQS which does not require action by the EPA under CWA section 303(c).

The EPA's approval of new and revised water quality standards is subject to the results of consultation under Section 7(a)(2) of the Endangered Species Act (ESA). Section 7(a)(2) of the ESA requires that federal agencies consult with the U.S. Fish and Wildlife Service and National Marine Fisheries Service, as appropriate, to ensure that actions they take, fund, or authorize are not likely to jeopardize the continued existence of listed species or result in the adverse modification or destruction of habitat. Consultation on the revised saltwater criterion for carbaryl has been concluded with the U.S. Fish and Wildlife Service's concurrence dated September 23, 2024, that the EPA's approval of Texas's statewide

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<sup>1</sup> The 2014 standards were adopted by the TCEQ on February 12, 2014, and received by the EPA for review on April 29, 2014. The 2018 standards were adopted by the TCEQ on February 7, 2018, and received by the EPA for review on March 29, 2018.

acute criterion for carbaryl in saltwater is not likely to adversely affect threatened or endangered species or critical habitat in the state. The EPA also completed consultation with the National Marine Fisheries Service on the revised saltwater carbaryl criterion for species under its jurisdiction in January 2023. The EPA has determined that approval of the revised pH criteria, as identified in the enclosure, will have no effect on federally listed threatened and endangered species or on critical habitat.

The EPA has previously stated that it is taking no action on the definition of "Surface water in the state" in §307.3(a)(71), regarding the reference to §26.001 of the Texas Water Code for the area 10.36 miles offshore into the Gulf of Mexico. Under the CWA, the state of Texas does not have jurisdiction to establish water quality standards more than three nautical miles from the coast. Therefore, the EPA's approval action on the items in the enclosure recognizes the state's authority under the CWA to include waters extending offshore three nautical miles in the Gulf of Mexico but does not extend past that point. In addition, the EPA's approval action also does not include the application of the TSWQS to the portions of the Red River and Lake Texoma that are located within the state of Oklahoma. The EPA is also taking no action on the Texas WQS for those waters or portions of waters located in Indian country.

I would like to commend TCEQ for its commitment in completing the task of reviewing and revising the state's water quality standards. The EPA will take subsequent action on the remaining new and revised provisions in the 2014 and the 2018 TSWQS. If you have any questions or concerns, please contact me at (214) 665-6647, or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

(for) Troy C. Hill, P.E.  
Director  
Water Division

Enclosure

cc: Kelly Mills, Deputy Director, TCEQ, [kelly.mills@tceq.texas.gov](mailto:kelly.mills@tceq.texas.gov)