

Response to Public Comment
Implementation Plan for Two Total Maximum Daily Loads for Chloride and Total Dissolved Solids
in the Colorado River Below E.V. Spence Reservoir
August 29, 2007

Tracking Number	Date Received	Affiliation of Commentor	Summary of Request or Comment	Summary of TCEQ Action or Explanation
001	5/25/07 (letter)	Texas State Soil & Water Conservation Board	In order to accurately reflect the saltcedar control work being funded by TSSWCB, <i>Control Action 2.0 Brush Control</i> on pages 11-12 should be replaced.	As suggested, <i>Control Action 2.0 Brush Control</i> was revised to more accurately reflect work being funded by the TSSWCB.
002	5/25/07 (letter)	Texas State Soil & Water Conservation Board	As indicated on page 2, “control actions” refer to regulated point source strategies and “management measures” refer to voluntary nonpoint source BMPs. Landowners participating in TSSWCBs Upper Colorado River Saltcedar Control Project do so voluntarily. As such, all references to brush control administered by TSSWCB throughout the document must be as “management measures” and not as “control actions.”	As suggested, references to brush control relate to “management measures” instead of “control actions.”
003	5/25/07 (letter)	Texas State Soil & Water Conservation Board	In the Executive Summary on page 1, the bullet describing TSSWCB’s saltcedar control project should be replaced in its entirety with: “The Texas State Soil and Water Conservation Board (TSSWCB) is administering a multi-year saltcedar control project to reduce salinity loadings in the E.V. Spence Reservoir watershed.”	As suggested, the bullet on page 1 of the Executive Summary has been revised.
004	5/25/07 (letter)	Texas State Soil & Water Conservation	The I-Plan indicates on page 16 that implementation will be scheduled in three separate phases and that BMPs have been categorized into these phases. Yet, no	As suggested, control actions/management measures have been clarified to indicate they are ongoing. Phases are meant to establish a schedule

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004 cont.		Board	where in the Implementation Strategy section beginning on page 8 are there any BMPs described as phased. In fact, all four control actions/management measures appear to be current, on-going projects. Please describe what additional more stringent Phase II and III BMPs TCEQ intends to implement.	or timetable for the evaluation of ongoing management measures, data collection, the assessment for water quality standards attainment, and if needed, additional predictive modeling. The need for additional control actions/management measures and respective BMPs, if any, will be evaluated by the TCEQ and stakeholders along this schedule or timetable.
005	5/25/07 (letter)	Texas State Soil & Water Conservation Board	This I-Plan does not <i>prima facie</i> satisfy the nine key elements for watershed-based plans described in the <i>Nonpoint Source Program and Grants Guidelines for Territories for FY2004 and Subsequent Years</i> promulgated by EPA in October 2003. Element B – There is no estimate of the load reductions expected for the management measures described. As such, it is unclear if these management measures will achieve the total needed load reductions necessary to achieve the environmental goal. Element C – The extent of expected implementation is not quantified. Phase II and Phase III BMPs are not described. Element D – There is no estimate of the technical and financial assistance needed to implement the I-Plan. Those cost figures included do not reflect all planning and implementation costs. Economic and environmental benefits are not discussed and weighed against implementation costs. Elements F and G – There is not implementation schedule that includes specific dates and expected accomplishments. There are no interim, measurable milestones identified to evaluate progress. A phased implementation approach is hinted at but is	No changes have been made to the TMDL based on this comment. The TCEQ agrees that it would be an optimal result to have this I-Plan endorsed as a 9-element watershed plan, for the advantage of securing future 319 funding. However, it is not the primary basis of the I-Plan. The primary purpose is to ensure actions taken will result in achievement of the water quality standard, and this plan will do so. Therefore, the TCEQ disagrees with the recommendation to significantly revise the I-Plan for this purpose.

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005 cont.			<p>not fleshed out. Element H – There are no interim water quality indicator milestones identified. There are no quantitative measures of implementation progress and pollution reduction. Nor are there qualitative measures of overall program success including stakeholder buy-in. An adaptive management approach with threshold criteria identified to trigger modifications in the I-Plan is not in place. Element I – The monitoring plan does not provide adequate detail such that it is unclear if there will be an appropriate number of stations or an adequate sampling frequency to effectively measure implementation progress and pollution reduction. Utilizing the evaluation methodology described in EPA’s May 2006 report on <i>The Best Watershed-Based Plans in the Nation</i>, this I-Plan is in need of significant improvement in order to minimally satisfy the nine elements. In order to proceed with I-Plan development, it is recommended that all references to EPA’s nine key elements be removed, including the statement “This I-Plan also includes all of the nine key elements....” on page 3 and Table 1 on page 4.</p>	