

Response to Public Comments
Implementation Plan for One Total Maximum Daily Load for Bacteria in Gilleland Creek (Segment 1428C)
October 21, 2010

Tracking Number	Date Received	Affiliation of Commenter	Request or Comment	Summary of TCEQ Action or Explanation
001_01	8/20/2010	Texas Parks and Wildlife Department (TPWD)	<p>TPWD requests that the paragraph on page 16 that explains TPWD programs be replaced with the following language: “Texas Parks and Wildlife Private Lands Services-Texas Parks and Wildlife Department (TPWD) Private Lands Services is a program for private landowners to provide practical information on ways to manage wildlife resources consistent with other land use goals, to ensure plant and animal diversity, to provide aesthetic and economic benefits, and to conserve soil, water and related natural resources. To participate, landowners may request assistance by contacting the TPWD district serving their county <www.tpwd.state.tx.us/landwater/land/technical_guidance/biologists/> TPWD’s only cost share program is the Landowner Incentive Program (LIP). To learn more about TPWD’s LIP or request assistances from a TPWD biologist, visit the web site: <www.tpwd.state.tx.us/landwater/land/private/lip/>, which explains the types of projects funding by LIP. Once the property’s potential has been determined, a biologist will provide recommendations and, if requested, help the landowner develop a written wildlife management plan.”</p>	TCEQ replaced the draft text with TPWD’s suggested text.
002_01	9/8/2010	Joan Zahornacky Pflugerville Resident	Ms. Zahornacky is a resident of Pflugerville and a daily user of the creek. She supports efforts to clean-up the creek and is in favor of the adoption of the implementation plan (I-Plan). She also supports local jurisdictions participating in I-Plan efforts.	TCEQ appreciates Mrs. Zahornacky’s comments. No changes were made to the I-Plan based on this comment.

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002-02	9/8/2010	Joan Zahornacky Pflugerville Resident	Ms. Zahornacky supports inspecting On-Site Septic Facilities (OSSFs) because she believes that a number of them may be malfunctioning. Ms. Zahornacky recommended a more aggressive inspection schedule.	<p>TCEQ appreciates Ms. Zahornacky's desire to accelerate the process, and understands that resource limitations, including manpower and funding, were considered by stakeholders when drafting the I-Plan schedule. This suggestion will be discussed with the Gilleland Creek stakeholder group once the I-Plan is approved by TCEQ and implementation actions begin. Given that the I-Plan relies on adaptive management, stakeholders will have the opportunity on an annual basis to review strategies in the I-Plan and make adjustments as needed. Mrs. Zahornacky is encouraged to participate in the annual review of the plan.</p> <p>No changes were made to the I-Plan based on this comment.</p>
002-03	9/8/2010	Joan Zahornacky Pflugerville Resident	Ms. Zahornacky comments that the I-Plan should include a requirement that there be a minimum of 300 foot setback from the center of the creek to any man-made structure, other than a walkway, that does not support the creek.	<p>Any setback from the creek, other than a floodplain setback, falls under the jurisdiction of the local regulatory authority. TCEQ will discuss this suggestion with the Gilleland Creek stakeholder group, which includes representatives from the majority of the local jurisdictions in the watershed.</p> <p>No changes were made to the I-Plan based on this comment.</p>

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002-04	9/8/2010	Joan Zahornacky Pflugerville Resident	Ms. Zahornacky comments that the third point of retrofitting storm water detention ponds seems like a very good investment.	TCEQ agrees that investigating the effectiveness of retrofitting existing storm-water detention basins to perform as water quality facilities to reduce bacteria concentrations is a good investment. No changes were made to the I-Plan based on this comment.
002-05	9/8/2010	Joan Zahornacky Pflugerville Resident	Ms. Zahornacky would like to see the I-Plan timetable accelerated by doing two years worth of work in one year. In particular, Ms. Zahornacky believes consistent water quality ordinances are needed.	TCEQ appreciates Mrs. Zahornacky's desire to accelerate the process, and understands that resource limitations, including manpower and funding, were considered when drafting the I-Plan schedule. The comment to accelerate the process of developing and adopting equivalent water-quality ordinances between government jurisdictions will be discussed with the Gilleland Creek stakeholder group once the I-Plan is approved by TCEQ. No changes were made to the I-Plan based on this comment.
002-006	9/8/2010	Joan Zahornacky Pflugerville Resident	Ms. Zahornacky comments that sewer lines should be regularly inspected and maintained.	TCEQ issued wastewater treatment facility (WWTF) discharge permits require that each facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. The I-Plan management measure to conduct annual visual inspection of wastewater collection systems within 100 feet from the centerline of Gilleland Creek and its tributaries is in addition to the requirement that WWTFs are properly operated and maintained. The intent of this management measure is to provide information to the Gilleland Creek stakeholders

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002-006 (cont.)				<p>about the inspection, maintenance, and repair of WWTFs in the watershed.</p> <p>No changes were made to the I-Plan based on this comment.</p>
002-007	9/8/2010	Joan Zahornacky Pflugerville Resident	Ms. Zahornacky suggests that all chlorine residual WWTFs be required to monitor as often as UV disinfectant WWTFs are required to monitor.	<p>While WWTFs that rely on chlorine for disinfection are not required to monitor bacteria as often as UV WWTFs, chlorine residual WWTFs are required to monitor the facilities chlorine residual at the same frequency that a UV WWTF monitors bacteria. In addition chlorine residual WWTFs are required to monitor bacteria on a frequency based on flow. In the case of WWTFs with flow between 1 to 5 million gallons per day, bacteria monitor frequency is once per week. According to 30 TAC Section 319.9(a), chlorine residual is required to be monitored in the effluent from a municipal WWTFs using chlorination at the same frequency as flow monitoring. Facilities using UV disinfection system will monitor bacteria, instead of chlorine residual, at the same frequency as flow monitoring. In addition, 30 TAC Section 319.9(b) also requires bacteria monitoring for a wastewater treatment facility using chlorination at a frequency based on flow. A properly operating wastewater treatment facility with an adequate disinfection system is expected to meet the stream criterion for bacteria.</p> <p>No changes were made to the I-Plan based on this comment.</p>

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003-001	9/21/2010	Travis County	<p>Travis County is committed to the reduction of bacteria concentrations in the Gilleland Creek watershed through the approach outlined in the Gilleland Creek I-Plan</p> <p>As a formal measure of support of Travis County, a formal resolution was passed unanimously on September 21, 2010 by the Commissioners Court.</p>	<p>TCEQ appreciates Travis County's active participation in the TMDL process, and its support of the Gilleland Creek Implementation Plan. The County's commitment within the Gilleland watershed to prioritize inspections of on-site septic systems facilities, to enforce compliance with regulations when malfunctioning on-site septic system facilities are detected, and to develop revisions to the Travis County code is important to the success of this I-Plan.</p> <p>Travis County's resolution and support letter were added to the appendix of the I-Plan.</p>
004-001	9/23/2010	Lower Colorado River Authority (LCRA)	<p>LCRA supports the proposed Gilleland I-Plan to reduce bacteria concentrations identified by the TMDL process. LCRA comments that it actively participated in the development of the TMDL for Gilleland Creek and is committed to assisting with the proposed recommendations of the I-Plan to restore water quality in this tributary of the Colorado River. LCRA also appreciates the efforts and planning thus far and recognizes the importance of restoring water quality in Gilleland Creek. LCRA welcomes the opportunity to participate and utilize any of its existing Water Quality programs that may be of use to the implementation process.</p>	<p>TCEQ appreciates the LCRA's active participation in the TMDL process, and its support of the Gilleland Creek I-Plan. LCRA's participation is important to the success of this I-Plan.</p> <p>LCRA's support letter was added to the appendix of the I-Plan.</p>
005-001	9/27/2010	City of Austin (COA)	<p>The COA would like to thank TCEQ for the opportunity to show our support for the Gilleland Creek TMDL I-Plan. COA notes that the I-Plan contains six management measures that when put into action may help lower the amount of bacteria in Gilleland Creek and expresses their willingness to assist in implementing those measures. COA recognizes that if the voluntary measures fall short of lowering bacteria, that 30 TAC §309.2(b) authorizes TCEQ to establish effluent limitation criteria to supplement the measures and help to achieve the contact recreation standard for Gilleland Creek.</p>	<p>TCEQ appreciates the COA's active participation in the TMDL process, and its commitment to implement measures of the Gilleland Creek I-Plan.</p> <p>The COA's support letter was added to the appendix of the I-Plan.</p>

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005-002	9/27/2010	COA	COA comments that the I-Plan lists five MS4 permittees; however, one permittee, TxDOT, has no responsibility for implementing the plan. TxDOT's role should be made explicit, or absent one, an explanation should be provided as to why they do not have one.	<p>TxDOT's role as an MS4 permittee is described in paragraph 2 on page 7, "To the extent that the MS4 permittees are implementing their respective storm water management plans (SWMP), their permits are considered consistent with the Gilleland Creek Bacteria TMDL and this I-Plan. The MS4 permittees are committed to a focus that optimizes implementation of measures within the Gilleland Creek watershed. Each permittee will implement its SWMP, as necessary, to target reductions in the waste load of bacteria from those portions of their MS4s that are located within the Gilleland Creek watershed."</p> <p>No changes were made based on this comment.</p>
005-003	9/27/2010	COA	COA comments that no mention is made of how the I-Plan would affect the TCEQ's Construction General Permit (CGP). Since this seems to be the type of permit that would be affected by a TMDL, the I-Plan should discuss how the I-Plan affects the GCP.	<p>The initial development of the I-Plan does not address TCEQ's CGP. This item will be discussed with the stakeholder group once the I-Plan is approved. Adaptive management of the I-plan creates the opportunity for the plan to be adjusted as needed based upon feedback from stakeholders at annual meetings. COA is encouraged to participate in the annual review of the plan.</p> <p>No changes were made based on this comment.</p>
006-001	9/27/2010	TSSWCB	In order to eliminate confusion between I-Plans and other tools to restore water quality, and to reduce confusion between strategies in this I-Plan and requirements for a specific grant program, TSSWCB recommends deleting the last paragraph on page 2 which references EPA's Grant Guidelines for Clean Water Act (CWA) § 319(h) grants.	<p>TCEQ appreciates the TSSWCB concern that confusion may exist between other tools to restore water quality and I-Plans. When drafting this I-Plan, stakeholders relied on the framework identified in the last paragraph on page 2 (identifying causes and sources of the bacterial impairment, management measure descriptions, estimated potential load reductions, technical and</p>

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006-001 (cont.)				<p>financial assistance needed, educational components for each measure, a schedule of implementation, measurable milestones, indicators to measure progress, monitoring components, and responsible entities). This framework describes the building blocks for the I-Plan and is mentioned throughout the report. Cost and management measures identified in this I-Plan fulfill the requirements for CWA §319(h) base funding, and therefore, meet the requirements for this specific grant program. TCEQ recognizes that the combination of TMDLs and TMDL I-plans have the potential to satisfy EPA's Grant Guidelines for CWA §319(h) grants. Since the framework was used by stakeholders as the building blocks for this I-plan and because TMDLs and TMDL I-Plans comply with EPA's grant guidelines, the last paragraph on page 2 was not removed and instead was revised. The text was revised to read: "This I-Plan also includes causes and sources of the bacterial impairment, management measure descriptions, estimated potential load reductions, technical and financial assistance needed, educational components for each measure, schedule of implementation, measurable milestones, indicators to measure progress, monitoring components, and responsible. Consequently, projects developed to implement unregulated (nonpoint) source elements of this plan that meet the grant program conditions may be eligible for funding under the EPA's Section 319(h) grant program."</p>

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006-002	9/27/2010	TSSWCB	TSSWCB comments that on page 10, paragraph 2, "Guadalupe River Authority's" should be replaced with "Guadalupe-Blanco River Authority's."	The reference on page 10, paragraph 2 was corrected as requested.
006-003	9/27/2010	TSSWCB	TSSWCB comments that on page 16, paragraph 3; page 19, paragraph 2; and Page 19, paragraph 5 should reference "FY2011" instead of "FY2010."	In response to the comment, FY2010 was changed to FY2011.
006-004	9/27/2010	TSSWCB	TSSWCB comments that on page 22, Table 4, regarding the potential load reduction and associated calculations in Appendix C, that according to the 2007 Census of Agriculture, the average farm size in Travis County is 216 acres. Additionally TSSWCB notes that for the Creekside Conservation plans funded by TSSWCB between 2004-2009, the average size of treated acres per operation was 287 acres and was much smaller for just those operations in Travis County (185 acres). As such, the goal of 400 acres (LCRA) and 50 acres (Natural Resources Conservation Service-NRCS) may over-and under-estimate the acreages that can reasonably be expected to be signed up by a participating landowner. TSSWCB recommends that the calculations for the LCRA Creekside Conservation Program and NRCS Farm Bill Programs be changed to one plan each at 216 acres. Additionally, TSSWCB recommends that a note be added that the goal is the total acreage under plan, not the number of plans.	In response to the comment, the loading calculation for the natural resource management measure was adjusted to reflect one LCRA Creekside project at 216 acre and one NRCS project at 216 acre. A note was also added to Appendix C that the goal is the total acreage, not the number of plans.
006-005	9/27/2010	TSSWCB	TSSWCB comments that on page 22, Table 4 that the fecal coliform loading rate for feral hogs may over-estimate the reductions that may be achieved from removing 20% of 383 feral hogs. In TR 347 (http://twri.tamu.edu/reports/2009/tr347.pdf), Texas Water Resources Institute (TWRI) notes that the loading rate in Metcalf and Eddy is for domestic hogs. TWRI concludes that 1.21E9 colony forming units (cfu)/day is an appropriate fecal coliform loading rate for feral hogs. TSSWCB recommends recalculating these reductions using 1.21E9 to obtain a more realistic reduction estimate.	In response to the comment, TCEQ adjusted the loading calculation for feral hogs based on the TWRI conclusion that 1.21E9 cfu/day is an appropriate fecal coliform loading rate for feral hogs. As part of the I-Plan process stakeholders will meet annually and adjust reduction estimates as deemed appropriate by the stakeholder group. The TSSWCB is encouraged to participate in the annual review of the plan.

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006-006	9/27/2010	TSSWCB	TSSWCB comments that on page 27, the fifth educational activity bullet, notes that AgriLife Extension and TSSWCB are developing an on-line version of the Texas Watershed Steward Program curriculum. As such, TSSWCB recommends referencing the program website by adding the following to the bullet point: "More information about the Texas Watershed Steward Program is available at http://tws.tamu.edu/ ."	The online reference to the Texas Watershed Steward Program was added to the fifth educational activity bullet on page 27.
006-007	9/27/2010	TSSWCB	TSSWCB comments that on page 37, Table 9, the sum of (the effluent limits)*(the permitted flows) appears to deviate from the WLA for WWTFs in the TMDL (as described in Table 2). TSSWCB notes three of the WWTFs have been permitted at 126 cfu/100mL rather than 120 as called for in the TMDL and asks where this additional loading was obtained. TSSWCB asks whether TCEQ will modify these permits to be consistent with the TMDL.	<p>One of the permits has already been adjusted to 120 cfu/100mL and, in response to the comment; this change was noted in the I-Plan. The other two permits were issued at 126 cfu/100mL in 2008 and will be modified to 120 cfu/100mL when they are renewed. Therefore, a clarification statement that explains this was also added to the I-Plan.</p> <p>Any adjustments that are necessary to balance the TMDL equation will be included in updates to the Water Quality Management Plan.</p>