

The Texas Commission on Environmental Quality (TCEQ) proposes to withdraw the *Fourteen Total Maximum Daily Loads for Nickel in the Houston Ship Channel* TMDLs through the Water Quality Management Plan (WQMP) update process. In 2012, the U.S. Environmental Protection Agency (EPA) provided a memorandum describing certain situations where TMDLs may be revised or withdrawn with one of the situations being where waterbodies were incorrectly placed on the *State of Texas 303(d) List*. After a public comment process, the commission certifies a WQMP update and it is submitted to the EPA for final approval.

On August 16, 2000, the Texas Natural Resource Conservation Commission (TNRCC), predecessor agency of the TCEQ, adopted the TMDLs. The TMDLs were approved by the EPA on May 9, 2003.

Prior to 1993, the approved procedure for sampling metals in water (including nickel) allowed one person to both handle the sample container and to collect the sample itself. Sometimes this procedure contaminated samples, so concentrations may have been reported 10 times greater than their true value, causing the appearance of an impairment. When the potential for contamination was discovered, all pre-1993 metals data were invalidated. However, due to the absence of reliable data the concern remained and the TMDLs were written as a precaution. Since then, the EPA has implemented a new sampling method, which requires a two-person team to collect the samples, solving the contamination problem and providing reliable data.

Reevaluation of the underlying data determined that the Houston Ship Channel (HSC) was not impaired for nickel and the 303(d) listing was an artifact of the sampling procedure. Analysis of past and present water quality data demonstrates that the water bodies were incorrectly placed on the *State of Texas 303(d) List*. Subsequent information also indicates that the HSC will continue meeting water quality standards for nickel. Therefore, based on the reevaluation and analysis of data the TMDLs are not necessary.

Overall, the segments are currently meeting the water quality standards for nickel. The Texas Pollutant Discharge Elimination System program will continue to require permit discharge limitations as needed to ensure these segments continue to meet the state's water quality standards for nickel. In addition, TCEQ and the Clean Rivers Program partners will continue to monitor these segments to verify that they continue to meet the state's water quality standards for nickel.