

Response to Public Comment
One Total Maximum Daily Load for Bacteria in the Lower San Antonio River
 July 2008

Summary of Request or Comment	Summary of TCEQ Action or Explanation
<p>The Texas Commission on Environmental Quality (TCEQ) approved the release of the draft TMDL document for public comment on May 7, 2008 and the document was made available on the agency web page for a comment period which ended on June 21, 2008. A public meeting was conducted by TCEQ staff at the Parish Hall of the Immaculate Conception Catholic Church, in the City of Goliad on May 28, 2008. 19 stakeholders registered for the public meeting and 2 provided the following.</p> <p>(1) I would suggest that, consistent with the application of the I-Plan, to alleviate contamination, proceed to the bottom of Page 36 of the report, where it states that, “water quality management plans are designed to achieve a level of pollution prevention or abatement determined by the TSSWCB, to be consistent with the state standards for surface water quality”. I recommend within the document, that sentence be clarified that it not only be consistent with, it would be 100% compliant with the states’ standards for surface water quality as set forth in this document itself and the TCEQ Surface Water Quality Standards dated 2000.</p> <p>(2) Oral and written comments from the San Antonio River Authority (SARA) are addressed later in this table.</p>	<p>1. The word “consistent” has been replaced with the word “compliant” in the last sentence on page 36 of the Implementation and Reasonable Assurance section.</p>
<p>The Texas and Southwestern Cattle Raisers Association (TSCRA) submitted the following written comments.</p> <p>(1) 85% of the watershed land use is rangeland or forestland and they are very few public access points. Therefore, it is highly unlikely that much contact recreation occurs and is a proper classification for the segment. More realistic surface water quality standards are needed.</p>	<p>1. While some parts of the water body may be shallower than others, the TCEQ has learned through stakeholder meetings that canoe, kayak, and boat enthusiasts assemble annually to participate in the LSAR Summer Flotilla. Led by citizens of Goliad County, Canoe Trail Goliad is a public-private</p>

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<p>(2) TSCRA disagrees with the process of using U.S. Department of Agriculture (USDA) census data to determine cattle density in the watershed. Cattle raisers frequently move their animals in and out of the watershed for sale, breeding, and grazing purposes and the USDA census data is simply a snap shot in time, a book value that is not reflective of the actual number of cattle that fluctuates every day.</p>	<p>partnership organized to create a safe integrated system of public access points on the Lower San Antonio River (LSAR). Texas Parks and Wildlife (TPWD) and SARA promote recreation, via more public access points and paddling trails on the LSAR. www.tpwd.state.tx.us/fishboat/boat/paddlingtrails/inland/goliad/. www.riverrec.org/.</p> <p>The water quality standards revision process occurs approximately every three years and is currently underway. TCEQ has held several stakeholder meetings specifically focused on the review and revision of recreational use criteria for surface water in the State of Texas. While proposals for revisions to water quality standards to address contact recreation uses are currently under consideration, a preliminary examination of this classified segments indicate a low probability that a lower use is applicable or likely to be approved by the EPA. The current use, contact recreation, is an existing use.</p> <p>2. The TCEQ attempts to use the best available and accessible information. In the instance of cattle or other livestock numbers, there is no data source publicly available except at a countywide level. The TCEQ agrees that more specific information, at a subwatershed level, would improve accuracy of cattle numbers. The TCEQ has indicated in several stakeholder forums that the agency would substitute more specific information if it were provided.</p>
<p>San Antonio River Authority (SARA) submitted the following written comments.</p> <p>(1) SARA is concerned about the length of time it took to develop the report and make the findings available to the public.</p>	<p>1. At the April, 2006 Goliad meeting, stakeholders were pleased to know that the TCEQ delayed the LSAR TMDL project to allow time to address contentious issues in both Leon River below Proctor Lake and Peach Creek watersheds that would influence the outcome of the LSAR TMDL. From the inception of the</p>

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<p>(2) Waste Water Treatment Facility (WWTF) reductions are excessive.</p> <p>(3) Define assessment unit (AU).</p> <p>(4) The “upper/middle flow” regime is not conducive to contact recreation and is therefore not an appropriate critical condition to determine compliance with water quality standards.</p>	<p>project, the LSAR has lagged behind other segments of the Area 2, Basin Groups D&E Bacteria project, in terms of development. This delay was deliberate to avoid duplicative mistakes, and to allow the Bacteria TMDL Task Force the time needed to develop the Bacteria TMDL Task Force Report and recommendations. The Texas State Soil and Water Conservation Board and TCEQ approved the recommendations from the Bacteria Task Force on June 29, 2007.</p> <p>Because of these delays, contentious issues were addressed, and the LSAR TMDL satisfies recommendations of the Bacteria TMDL Task Force Report and has consensus from stakeholders to move forward through adoption.</p> <p>2. Karnes City has not complied with its permit limits, and regardless of location, municipal wastewater treatment facilities must achieve full and consistent disinfection of treated effluent at all times. Based on documented noncompliance due to overflow and upsets, an overall 63% reduction in bacterial loads from WWTFs is needed.</p> <p>3. A definition of AU has been added to the 2nd paragraph of the Water Quality Data section of the TMDL report.</p> <p>4. As stated in the Critical Condition section of the TMDL report, the “upper/middle flow” regime was determined to be the critical condition, and is appropriate for determining compliance with state criteria because it represents general wet-weather conditions, which may persist over longer periods (seasonally) when contact recreation is likely.” Wet weather conditions, specifically, the “upper/middle flow” regime are appropriate for canoeing, a form of recreation, that stakeholders and others participate in on the LSAR. “The “high flow” regime was not selected to represent the critical loading condition because contact recreation is rare and physically dangerous under the highest of stream discharge events.</p>

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<p>(5) Is there a reason the USDA would not disclose chicken data?</p> <p>(6) Station 12793 on page 23, is labeled incorrectly to be on State Highway 279. Station 12793 is actually on State Highway 239.</p> <p>(7) Station 12790 on page 23 uses the term “at this station twice,” and should be deleted.</p>	<p>5. In order to protect the privacy of operators in the watershed, the USDA did not disclose Agricultural Census chicken numbers. Such disclosure would easily allow identification of a single or small number of poultry growers.</p> <p>6. Station 12793 on page 23, has been corrected and is now labeled to be on State Highway 239 instead of State Highway 279.</p> <p>7. Station 12790 on page 23 now states “at this station twice” once, instead of twice.</p>
<p>The Texas Department of Agriculture submitted written comments and requested a delay in approval of the TMDL to:</p> <p>(1) allow time to collect additional data and consider verification that the current contact recreation standard for LSAR is appropriate.</p> <p>(2) allow TCEQ to bring sewage collection systems and septic systems in the watershed into compliance with existing permits and rules, Karnes City to bring their new WWTF online, and give voluntary load reduction efforts by landowners an opportunity to be implemented and evaluated.</p> <p>(3) recommends using median flow as the critical condition.</p>	<p>1. See response to Texas and Southwestern Cattle Raisers Association question on surface water quality standards.</p> <p>2. The TMDL does not establish the timeframe for permittees (or any other entity) to meet the water quality standards. By definition, the TMDL only defines allowable loadings. The TCEQ does not expect dischargers to have a new upgrade in place immediately after TMDL adoption. TCEQ permits routinely allow up to 3 years compliance time, once such limits are placed in a permit. Implementation to restore stream standards, comes through other actions; permits (which allow time for compliance), best management practices, or other measures. Karnes City is already under a compliance schedule to bring their new plant on line.</p> <p>3. See response to Texas and Southwestern Cattle Raisers Association question related to “upper/middle flow” regime and the critical condition.</p>

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<p>Texas Parks & Wildlife Department submitted the following written comments:</p> <p>The TPWD supported approval of the TMDL, offered assistance with implementation related to wild animal population estimates and load contributions, and made suggestions for improvements to modeling efforts for other TMDLs.</p>	<p>The TCEQ appreciates TPWD’s support to move forward with the LSAR TMDL, and their willingness to assist in the estimation of species in the watershed, and improve and restore water quality through the TMDL process. Information provided by TPWD is very useful and essential for ensuring development of appropriate water resource protection plans and stakeholder confidence. Assistance from the TPWD in species identification is encouraged for development of the respective Implementation Plan (I-Plan).</p> <p>The Bacterial Source Tracking (BST) data provided by Texas A&M El Paso Agricultural Research and Extension Center (AREC) provides an indication of the sources of bacteria in the study area. The TCEQ interprets BST results with a high degree of caution, and in preparation of this report, results only verify the “presence” or “absence” of indicators. As shown in AREC’s report, the capability of the method for discrimination of different sources is such that the results are two to three times better than random. The TCEQ agrees that it would not be appropriate to translate them into a load, and therefore did not. A higher number of samples, from a much smaller study area, should be collected in the I-Plan phase of the project to determine sources more accurately.</p>

