

Response to Public Comment
Implementation Plan for One Total Maximum Daily Loads Zinc in Oyster Tissue in Nueces Bay
 August 20, 2007

Tracking Number	Date Received	Affiliation of Commenter	Summary of Request or Comment	Summary of TCEQ Action or Explanation
001	5/24/2007 Letter, Public Meeting	Port of Corpus Christi Authority (PCCA)	PCCA agrees with the TMDL conclusion that the source of elevated zinc concentrations in Nueces Bay oyster tissue is the sediment in specific locations of the bay and that these sediment accumulations should be managed as a legacy pollutant issue.	No changes were made to the document based on this comment.
002	5/24/2007 Letter, Public Meeting	PCCA	The IP implies that existing, continuing water quality monitoring programs will be used to track improvement in oyster zinc concentrations. However, because the contaminated oyster beds are of limited spatial extent, TCEQ should reexamine the goals and objectives of its oyster tissue monitoring program in Nueces Bay.	No changes were made to the document based on this comment. The TCEQ is planning to develop a specific monitoring plan to assess zinc attenuation in oyster tissue for specific areas of Nueces Bay. Texas A&M–Corpus Christi will assist in the development and implementation of a monitoring plan to accomplish this task. Development of the monitoring plan will be done with input from stakeholders to ensure that sampling is done in the most efficient manner possible.
003	5/24/2007 Letter, Public Meeting	PCCA	No additional monitoring of point sources discharging to Nueces Bay and the Inner Harbor is justified, because the surface water monitoring data compiled by TCEQ for the TMDL clearly demonstrate that existing water column concentrations in the bay are low.	No changes were made to the document based on this comment. Monitoring requirements for existing discharges to the bay and the Inner Harbor will ensure that additional loadings of zinc will be minimal. The data resulting from this requirement will allow TCEQ to evaluate potential sources of zinc and exclude those with minimal or no additional contributions.
004	5/24/2007 Letter, Public Meeting	PCCA	The TPDES permit for the discharge from the Nueces Bay Power Station (NBPS) should be reopened before the power station is allowed to begin operation so that its affect on Nueces Bay water quality can be thoroughly evaluated.	The TCEQ agrees with this comment and will address the existing TPDES permit if the NBPS does in fact decide to restart operations. The final sentence of the second paragraph in the Measure 1 section has been changed to reflect this. Specifically, "...might be a useful additional

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004 cont.				monitoring method.” has been changed to “...will be necessary.”
005	5/24/2007 Letter, Public meeting	PCCA	The total zinc criterion of 29 µg/L developed in the TMDL is not scientifically supported and should not be proposed as a revised water quality criterion for Nueces Bay.	<p>This criterion will be considered during the triennial revision process for the Texas Surface Water Quality Standards. This criterion was developed using the most appropriate data available applying methods identical to those for similar criteria in the Texas Surface Water Quality Standards.</p> <p>The TCEQ encourages PCCA to provide information that would assist the TCEQ in the review of the proposed Nueces Bay-specific surface water quality criterion for zinc, participate in the triennial revision process, and provide input pertaining to concerns related to this proposed criteria.</p> <p>If revised criteria are not adopted or different criteria are adopted then the implementation goal would be adjusted. The following statement has been added to the I-Plan to address this, <i>“If through the triennial revisions process different criteria are established, this implementation goal would likewise be adjusted.”</i></p>
006	5/24/2007 Letter, public meeting	PCCA	Adoption of the proposed zinc criterion will have an adverse affect on all point sources that discharge to Nueces Bay.	<p>No changes were made to the document based on this comment.</p> <p>The TCEQ agrees with the comment that this criterion would not be appropriate for the application to TPDES permitting. For this reason the application of the total zinc criterion currently under consideration would be limited to 305(b) assessment purposes.</p>

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007	5/24/2007 Letter, Public meeting	PCCA	PCCA recommends that any future monitoring program to assess oyster tissue zinc concentrations and related water quality conditions focus on the sediment-bottom water-oyster interface.	No changes were made to the document based on this comment. The TCEQ agrees with this comment. The proposed monitoring that will be initiated in FY08 will evaluate zinc concentrations in tissue and sediment as well as in the water column.
008	5/24/2007 Letter	TCEQ Office of Public Interest Council (OPIC)	OPIC recommends that the Commission include a TCEQ-initiated amendment to the NBPS TPDES permit, less than 30 TAC section 305.62(d), as part of the implementation plan.	As mentioned in Comment 004, in the event that the NBPS reopens, TCEQ will initiate the necessary actions to incorporate monitoring requirements into the existing TPDES permit.
009	6/18/2007 Public meeting	Coastal Bend Bays and Estuary Program (CBBEP)	We support what the TCEQ is doing and has arrived at a very reasonable and responsible Implementation Plan; as far as monitoring and watching what's going on out there, both in terms of water and sediment quality, and in terms oyster tissue. The Department of State Health Services (DSHS) should be involved in the monitoring and the CBBEP offers assistance.	No changes were made to the document based on this comment.