

**EPA Response to Public Comments on EPA’s Decision to Place Corpus Christi Bay
(Segment 2481_01) on the Texas 303(d) List**

November 14, 2008

Commenter	Date Received	Summary of Main Points in Comment Letter:	Response to Main Points in Comment Letter:
City of Corpus Christi	8/18/2008	<p>1. At no time during TCEQ’s development of this most recent 303(d) list of impaired water bodies did EPA suggest that Corpus Christi Bay should be included. EPA did not state its intention to list Corpus Christi Bay until the end of the process, after the state-approved list was submitted to EPA for review and approval. Therefore, there was no opportunity for stakeholders to evaluate or respond to this decision.</p> <p>2. TCEQ’s assessment guidance states that a methodology for determining how to use beach data to evaluate 303(d) listings will be developed for use in preparing the 2010 303(d) list. It is premature to propose the</p>	<p>1. During the development of the Texas 2008 303(d) list, EPA requested that TCEQ evaluate Texas Beach Watch data and that coastal beaches be considered for inclusion on the 303(d) list if water quality criteria were exceeded per requirements of 40 CFR 130.7(b). EPA could not state its intention to list any such waters on the 303(d) list until which time TCEQ had completed this evaluation and submitted the 303(d) list for EPA approval. TCEQ had partially completed an evaluation of the beach data when the list was submitted in April 2008, but this evaluation did not include beach data from Nueces or Aransas Counties. Upon completion of the evaluation of all beach data in the state, EPA noted that the geometric mean densities of enterococcus were elevated relative to the criteria found in the State’s water quality standards at 5 beach sites in Corpus Christi Bay. However, these impaired beach areas were not identified on the State’s 303(d) list. Therefore, it was then determined by EPA to list these beach areas. Upon making this determination, EPA immediately requested public comment on this action.</p> <p>2. EPA acknowledges that the State’s present assessment guidance lacks a specific implementation procedure for assessing Texas Beach Watch data for 303(d) listing purposes. However, EPA believes that</p>

		<p>listing of Corpus Christi Bay before the appropriate assessment protocols for the Beach Watch data are developed, and stakeholders have an opportunity to review and respond to the proposed protocols.</p> <p>3. EPA has not allowed a sufficient amount of time to adequately respond to this listing (30 days is a very limited amount of time for such a complex matter). The Federal Register Notice that initiated the comment period does not mention Corpus Christi Bay and the City only became aware of it well after the comment period began. This short response period is inequitable and puts the affected stakeholders at a severe disadvantage.</p> <p>4. The EPA Public Participation regulations are violated by this proposed “final action” and the lack of public participation in the development of this major decision. EPA cannot demonstrate that the viewpoints of interested and affected segments of the public have been considered in the final decision to list Corpus Christi Bay, as no public opportunity for review and comment has been afforded until now. The retroactive consideration of comments regarding this “final action” is</p>	<p>enterococci data collected by the Texas Beach Watch program are adequate for assessment against the State’s water quality standards. As such, EPA chose to move forward with listing Corpus Christi Bay. EPA does not believe that this action precludes the State from developing an alternate protocol for assessing beach data in 2010 and allowing stakeholders to have an opportunity to review the proposed protocol provided such a protocol is consistent with applicable water quality standards.</p> <p>3. EPA believes that the provision of a 30 day public notice period is consistent with minimum requirements found at 40 CFR part 25.4(c). EPA acknowledges that it did not include a specific reference to Corpus Christi Bay in the Federal Register Notice and that this may have hampered the City’s ability to become aware of EPA’s action at an earlier time during the comment period. EPA will take note of this comment and in the future provide in the Federal Register Notice a more specific reference to any waters being listed on the 303(d) list by federal action.</p> <p>4. When EPA receives a 303(d) list from a State, it is required to approve or disapprove the list within 30 days of its submission. In the case of the Texas 2008 303(d) list, EPA approved the placement of all water bodies identified on the State-submitted list and disapproved the State’s exclusion of one water body (Corpus Christi Bay) from the list. When EPA disapproves a list, it must identify any affected waters and “shall promptly issue a public notice</p>
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		<p>not consistent with the notion that the public should have an opportunity to be involved in the decision-making process “at an early stage.” See 40 CFR 25.3(b)</p> <p>5. TCEQ prepared a water quality assessment report using the Texas Beach Watch program data. This assessment was not intended to be used to identify 303(d) listings. EPA relied on the data summaries presented in this TCEQ report to justify the 303(d) listing of Corpus Christi Bay.</p>	<p>seeking comment on such listings” and “after considering public comment and making any revisions [EPA] deems appropriate...shall transmit the listing” to the State. See 40 CFR part 130.7(d)(2). Therefore, while EPA has taken final action on the 303(d) list <i>in toto</i>, the above referenced regulation gives EPA flexibility to re-visit its decision to disapprove a listing, or listings, based on public comments and, if appropriate, amend the final decision. EPA believes that it has provided the public with an opportunity to review its decision and provide input. Likewise, EPA believes that it can demonstrate that the viewpoints of interested and affected segments of the public have been considered in its final decision with regard to the listing of Corpus Christi Bay.</p> <p>5. When preparing 303(d) lists, States are required to assemble and evaluate all existing and readily available water quality-related data and information. This includes data and/or information about waters for which water quality problems have been reported by local, state, and federal agencies, members of the public, or academic institutions. See 40 CFR part 130.7(b)(5). EPA believes that this requirement applies to the assembly and evaluation of Texas Beach Watch data collected by the Texas General Land Office. Therefore, EPA believes that the results of the evaluation of these data should be considered in the preparation of the 303(d) list. While these results may not have been intended for use in this context, the above regulations require otherwise.</p>
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	<p>6. We have reviewed the data based used by TCEQ to prepare that assessment report. We believe that the calculated geometric mean densities of enterococci for some of the stations in Corpus Christi Bay that are presented in that assessment report are incorrect. When corrected, the values for these stations are lower than the values in the TCEQ assessment report.</p> <p>7. TCEQ’s assessment guidance states that sampling stations are to be “located in areas determined to be reasonably characteristic of major hydrologic portions of the water body...” In reservoirs, monitoring sites that are used for 303(d) determinations should be located away from shorelines. The same limitation should apply to estuarine water bodies because the considerations are the same. The Beach Watch data were collected at the shoreline and are not representative of the major hydrologic portions of the bay.</p> <p>8. TCEQ’s assessment guidance requires the use of a “temporally balanced data set” and “sampling events should be collected on a routine frequency.” The Beach Watch data are not temporally balanced. When a high bacteria count is reported, the sampling frequency is increased until bacteria counts revert to normal conditions. Therefore, the data set is biased toward times when the bacterial counts are high. The data are inappropriate for use in an impairment assessment, unless a method is developed to account for that bias. A preliminary analysis of Beach Watch data</p>	<p>6. EPA acknowledges that the geometric mean densities of enterococci calculated for 2 stations were incorrect. The geometric means have been corrected for stations NUE029 (60.7 cfu/100ml) and NUE031 (32.8 cfu/100ml) by TCEQ. The corrected geometric means for these stations resulted in a finding that water quality standards are being attained at station NUE031. As such, EPA has removed this station from the list of stations exceeding the geometric mean criterion.</p> <p>7. EPA does not believe that these data should be excluded from an assessment on the basis that they are not representative of “major hydrologic portions of the water body.” Beach data are collected from stations that were originally established to be representative of local beach areas where people gain access to, and congregate for, contact recreation (swimming) activities. To exclude these data from an assessment would not be representative, nor protective, of contact recreation uses occurring along the shoreline.</p> <p>8. When preparing 303(d) lists, States are required to assemble and evaluate all existing and readily available water quality-related data and information. <i>See</i> 40 CFR part 130.7(b)(5). EPA believes that all data collected at the Cole and Ropes Park beaches meet the definition of “existing and readily available” data and that the inclusion of all such data in the assessment is appropriate. EPA does not believe that non-routine data should be excluded from this assessment. EPA believes that the use of both routine and non-routine data</p>
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		<p>was conducted to produce a more temporally balanced data set. Only the routine samples for the two seasons of each year were used, and geometric mean enterococci densities for each of the stations were calculated using these data sets. This calculation indicates that none of the five stations identified by EPA exceed the criterion of 35 organisms/100ml.</p> <p>9. TCEQ’s assessment guidance does not provide for evaluating compliance of a water body with water quality standards based on each individual station if there are multiple stations in an assessment unit (AU). It provides that an AU can be assessed using 1 station or using data combined from several stations. As noted by EPA, all of Corpus Christi Bay is a single</p>	<p>generated by Texas Beach Watch in this assessment increases the probability of detecting potential human health risks associated with swimming when elevated pathogen indicator concentrations are observed in samples collected over multiple consecutive days. This is wholly consistent with the purpose for sampling which is to identify the presence of conditions that may pose a health risk to swimmers, so that a swimming advisory may be issued, and, if warranted, corrective actions taken to prevent the recurrence of such conditions.</p> <p>In the cases of the Cole and Ropes Park beaches, resample data collected following routine sample events indicate that there were periods of time when the bacterial indicator densities were sufficiently high to conclude that the primary contact use was not supported. Concerns about the temporal balance of the datasets can only be resolved by excluding data that may otherwise yield a more accurate characterization of the potential for swimmers to be exposed to elevated health risks. As such, EPA will continue to utilize the assessment approach originally used to list the affected portions of Cole and Ropes Park beaches.</p> <p>9. As noted in the Record of Decision for EPA’s listing of Corpus Christi Bay, at the time of the listing the State had not subdivided the bay into smaller assessment units to adequately represent these localized areas where bacteria densities were above the State’s water quality criteria. Therefore, EPA chose to initially list the entire bay until which time that the State</p>
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		<p>AU. Therefore, it is appropriate to use either all of the stations in the bay or a single representative station. The only time it would be appropriate to base a 303(d) listing on the results at a single station is when that station is representative of the overall quality of the water being assessed. None of the shoreline stations sampled by Beach Watch can be evaluated individually and the results be construed as being representative of the overall quality of the bay. It is agreed that the bay should be segmented into multiple AUs. However, developing appropriate AUs requires significant consideration of the hydrologic features of the water body and consultation with stakeholders.</p> <p>10. It is disagreed that TCEQ did not consider Beach Watch data in the development of the State's 2008 303(d) list. TCEQ concluded correctly that the data could not be used because there is not an appropriate assessment methodology for such data at this time. EPA regulations allow a state not to use "existing and</p>	<p>and/or public could provide additional guidance on how to assign an assessment unit, or units, within the bay that would best represent these locally impaired areas.</p> <p>EPA acknowledges that data collected from localized beach areas should not be used to represent bacterial water quality for the entire bay. It was never EPA's intent to maintain the listing of the whole bay. EPA does, however, believe that individual beach monitoring stations represent high use beach areas where people are known to congregate and engage in swimming activities and that these localized areas should be protected. EPA does not wish to combine data from multiple stations across the bay to best represent the entirety of the bay as it is EPA's intent to address water quality problems at those localized areas where people are most likely to be exposed to high levels of bacteria on a recurring basis.</p> <p>EPA has since received guidance from TCEQ as to how to better define the scale of the listing and will amend the listing accordingly. EPA will change the listing to geographically define the impairment as restricted to only the Ropes Park and Cole Park Beach portions of Corpus Christi Bay as presently delineated by the Texas Beach Watch Program.</p> <p>10. EPA does not believe that the lack of a formal assessment methodology that is specific to Texas Beach Watch data is an adequate technical rationale for not applying the data in section 303(d) listing decisions. TCEQ routinely uses similar datasets to assess attainment of contact recreation uses in waters</p>
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		readily available data” if it has a valid rationale for not using the data. The lack of an appropriate assessment methodology that accounts for both the spatial and temporal characteristics of Beach Watch data is a valid rationale.	throughout the State.
Port of Corpus Christi	8/25/2008	<p>The Port of Corpus Christi does not support inclusion of Corpus Christi Bay on the Texas 303(d) list. Texas Beach Watch data were inappropriately used by EPA based on the following:</p> <ol style="list-style-type: none"> 1. Texas Beach Watch data are used for near shore recreational advisories only. 2. Texas Beach Watch sites are not among those approved by the TCEQ for surface water assessment and reporting. 3. EPA’s proposed listing is based on a few stations that are not representative of the vast hydrologic portion of the entire Bay. 	<ol style="list-style-type: none"> 1. While primarily used for posting beach advisories, EPA believes that the Texas Beach Watch data are of adequate quality and quantity to also evaluate contact recreation uses and associated numeric water quality criteria for enterococcus as described in the State’s water quality standards. EPA believes that the initial assessment of these data by the State is an adequate way to assess the State’s water quality standards specific to contact recreation uses in near shore coastal recreation waters. 2. EPA does not believe that the lack of a formal assessment methodology that is specific to data collected from Texas Beach Watch sites is an adequate technical rationale for not using them. EPA believes that the initial assessment of these data by the State is an adequate way to assess the State’s water quality standards specific to contact recreation uses in near shore coastal recreation waters. 3. EPA does not believe that these data should be excluded from an assessment on the basis that they are not representative of “major hydrologic portions of the water body.” Beach data are collected from stations that were originally established to

		<p>4. Texas Beach Watch sites are sampled on an event driven basis and not on a routine basis.</p> <p>5. There is no documented or approved assessment guidance, protocol or methodology on how to evaluate data such as that obtained through Texas Beach Watch in preparing 303(d) listings.</p> <p>6. The appropriate programmatic approach for this effort would be through the City's MS4 permit and not through the 303(d) listing process.</p>	<p>be representative of local beach areas where people gain access to, and congregate for, contact recreation (swimming) activities. To exclude these data from an assessment would not be representative, nor protective, of contact recreation uses occurring along the shoreline. However, EPA will change the listing to better reflect the locally impaired areas as opposed to the entire bay.</p> <p>4. Samples are collected from Texas Beach Watch sites on a routine basis. They are sampled weekly during the months May through September and bi-weekly during the months October through April. However, extra samples are collected on a daily basis when a routine sample exceeds the criterion. EPA believes that the inclusion of both routine and resample data in the assessment is appropriate. See response to the City of Corpus Christi's comment #8 above.</p> <p>5. EPA does not believe that the lack of a formal assessment methodology that is specific to data collected from Texas Beach Watch sites is an adequate technical rationale for not using them. EPA believes that the initial assessment of these data by the State is an adequate way to assess the State's water quality standards specific to contact recreation uses in near shore coastal recreation waters.</p> <p>6. EPA believes that the implementation of management strategies via the City's MS4 permit could be one possible mechanism for addressing the identified impairments. The State could eventually remove this water from the 303(d) list if it can be demonstrated that the</p>
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			MS4 permit, and/or other pollution control requirements, will lead to the eventual achievement of water quality standards in a reasonable period of time. However, until such a time that this demonstration can be made, or a total maximum daily load (TMDL) is completed, or additional data or alternate assessment protocols establish that water quality standards are being met, the listing of impaired portions of Corpus Christi Bay must remain on the 303(d) list.
Samuel L. Neal Jr., County Judge	8/18/2008	<p>1. At no time during TCEQ's development of this most recent 303(d) list of impaired water bodies did EPA suggest that Corpus Christi Bay should be included. Therefore, there was no opportunity for stakeholders to evaluate or respond to this decision.</p> <p>2. EPA did not intend to list the bay until the end of the 2008</p>	<p>1. During the development of the Texas 2008 303(d) list, EPA requested that Texas Beach Watch data be evaluated and that coastal beaches be considered for inclusion on the 303(d) list if water quality criteria were exceeded. EPA could not state its intention to list any such waters on the 303(d) list until which time TCEQ had completed this evaluation and submitted the 303(d) list for EPA approval. TCEQ had partially completed an evaluation of the beach data when the list was submitted in April 2008, but this evaluation did not include beach data from Nueces or Aransas Counties. Upon completion of the evaluation of all beach data in the state, EPA noted that the geometric mean densities of enterococcus were elevated relative to the criteria found in the State's water quality standards at 5 beach sites in Corpus Christi Bay. However, these impaired beach areas were not identified on the State's 303(d) list. Therefore, it was then determined by EPA to list these beach areas. Upon making this determination, EPA immediately requested public comment on this action.</p> <p>2. As noted above, EPA could not list the bay until the 303(d)</p>

		<p>303(d) list development process, after the state-approved list was submitted to EPA. The timing of this action precluded the possibility of an appropriate scientific review and rebuttal.</p> <p>3. EPA has used an inaccurate data analysis approach to reach the conclusion that the bay is impaired.</p> <p>4. EPA should allow Corpus Christi Bay stakeholders ample opportunity to present EPA with relevant and reliable data and utilize the input of stakeholders when using Beach Watch data for 303(d) listing purposes.</p>	<p>list was completed and submitted for EPA approval. EPA has since provided the public with an opportunity to review and rebut its decision.</p> <p>3. EPA appreciates the comment. However, the comment provides no specific technical argument to describe how EPA's data analysis approach is inaccurate.</p> <p>4. EPA believes that the provision of a 30 day public notice period is consistent with minimum requirements found at 40 CFR part 25.4(c) and provides the public with an opportunity to provide "relevant and reliable data" and other relevant input. By regulation, EPA maintains flexibility to revisit its listing decisions based on public input. However, EPA will take note of this comment and study other ways of notifying the public of EPA actions.</p>
Texas Commission on Environmental Quality	8/21/2008	<p>1. An assessment methodology and the data requirements for listing swimming beaches have neither been considered nor developed by the TCEQ. TCEQ recommends that the EPA not take this action and allow the state to develop quality assurance methods for assessing this type of data and information, to review and document the quality of the available data, and to take public input through our established processes on the listing and appropriateness of a TMDL.</p>	<p>1. EPA appreciates the comment. When preparing 303(d) lists, States are required to assemble and evaluate all existing and readily available water quality-related data and information. This includes data and/or information about waters for which water quality problems have been reported by local, state, and federal agencies, members of the public, or academic institutions. <i>See</i> 40 CFR part 130.7(b)(5). EPA believes that this requirement applies to Texas Beach Watch data collected by the Texas General Land Office. EPA believes that Texas Beach Watch data is of adequate quantity and quality for use in assessing contact recreation uses and criteria as described in the State's water quality standards. EPA does not believe that an adequate</p>

		<p>2. It is inappropriate to use localized urban beach site monitoring results as a basis for listing the entire 123 square mile Corpus Christi Bay as impaired. If EPA retains the listing, TCEQ recommends that the EPA geographically define the impairment as restricted to the Corpus Christi urban beaches (Ropes Park and Cole Park) as currently delineated by the Texas Beach Watch Program, until such time that TCEQ can develop alternative and appropriate assessment units.</p> <p>3. By assigning the impairment to Category 5a (TMDL will be scheduled) the EPA is communicating that a TMDL is appropriate and imminent, rather than that additional information is required to determine the best way to address the listing. TCEQ typically assigns impairments to Category 5c when additional information is needed to determine the most cost-effective way to address an impairment.</p>	<p>technical rationale has been provided to exclude the use of these data in this context. Therefore, EPA believes that this federal listing action should remain in place. However, EPA would welcome a re-evaluation of this listing in the 2010 list cycle at which point the State may consider new listing methods, data quality reviews, and stakeholder input in the assessment of Texas Beach Watch data.</p> <p>2. EPA agrees that localized data should not be used to list the entire bay. Based on these and other comments received, EPA will change the listing to geographically define the impairment as restricted to only the Ropes Park and Cole Park Beach portions of Corpus Christi Bay as presently delineated by the Texas Beach Watch Program. EPA understands that this change may be temporary in nature as TCEQ may subdivide the bay into “alternative and appropriate assessment units” in the near future.</p> <p>3. EPA will re-prioritize the impairment category to category 5C.</p>
Coastal Bend Environmental Coalition	8/19/2008	The identified affected areas in question should be sequestered in EPA’s designation and the City required to take whatever corrective action is necessary to bring the discharges to the proper conditions. All communities along the shores of	EPA agrees that localized data should not be used to list the entire bay. Based on these and other comments received, EPA will change the listing to geographically define the impairment as restricted to only the Ropes Park and Cole Park

		<p>Corpus Christi Bay should not bear the significant economic burden of any corrective action. The situation could be cleared up to everyone's satisfaction by concentrating the studies and actions in the two areas where the discharges exceeded what is allowed.</p>	<p>Beach portions of Corpus Christi Bay as presently delineated by the Texas Beach Watch Program.</p>
<p>Coastal Bend Bays Foundation</p>	<p>8/18/2008</p>	<p>1. The listing of Corpus Christi Bay is not warranted and was not completed using an accepted surface water quality assessment protocol. Beach Watch data are an effective tool for public health awareness, however the data are not being applied in a manner acceptable for surface water quality assessment.</p> <p>2. CBBF's review of the facts shows there are several "hotspots" adjacent to storm water outfalls. Rather than going through the 303(d) listing and subsequent TMDL process this issue would be more appropriately and efficiently addressed as part of the TCEQ's investigation and enforcement program, or through the TCEQ Sanitary Sewer Overflow Initiative and the City of Corpus Christi's MS4 permit ordinance authority.</p> <p>3. The improper 303(d) listing of the entire Corpus Christi Bay hydrologic unit will have a negative impact on all Coastal Bend communities.</p>	<p>1. EPA believes that the initial assessment of these data by the State is an adequate way to assess the State's water quality standards specific to contact recreation uses in near shore coastal recreation waters.</p> <p>2. EPA believes that the implementation of any of the measures identified in the comment could be appropriate mechanisms for addressing the identified impairments. The State could eventually remove this water from the 303(d) list if it can be demonstrated that the MS4 permit, and/or any other pollution control requirements identified in the comment, will lead to the eventual achievement of water quality standards in a reasonable period of time. However, until such a time that this demonstration can be made, or a total maximum daily load (TMDL) is completed, or additional data or alternate assessment protocols establish that water quality standards are being met, the listing of impaired portions of Corpus Christi Bay on the 303(d) list should remain.</p> <p>3. Based on this and other comments received, EPA will change the listing to geographically define the impairment as restricted to only the Ropes Park and Cole Park Beach portions of Corpus Christi Bay as presently delineated by the Texas Beach</p>

			Watch Program.
Coastal Bend Council of Governments	8/18/2008	<p>1. EPA's decision to list Corpus Christi Bay was reached based on limited and perhaps inappropriate data. More time should have been taken to evaluate prevailing conditions as well as better science and technology employed in the process.</p> <p>2. A thirty day public comment period is not an adequate amount of time for the public to review this decision.</p> <p>3. To deem the entire 150 square mile area of the bay as impaired based on limited data does not seem right.</p>	<p>1. EPA appreciates the comment. EPA believes that Texas Beach Watch data is of adequate quantity and quality for use in assessing contact recreation uses and criteria as described in the State's water quality standards. EPA believes that the initial assessment of these data by the State is an adequate way to assess the State's water quality standards specific to contact recreation uses in near shore coastal recreation waters.</p> <p>2. A 30 day public notice period is consistent with minimum requirements found at 40 CFR part 25.4(c). EPA will note this comment and evaluate whether additional time is warranted for public comment on EPA listing decisions in the future.</p> <p>3. EPA agrees that localized data should not be used to list the entire bay. Based on this and other comments received, EPA will change the listing to geographically define the impairment as restricted to only the Ropes Park and Cole Park Beach portions of Corpus Christi Bay as presently delineated by the Texas Beach Watch Program.</p>
Quail Valley Utility District	8/18/2008	The District enclosed copies of the District's previous comments to TCEQ on the Oyster Creek (Segment 1245) TMDL for bacteria and dissolved oxygen.	EPA appreciates the comments. Although these comments did not substantively address the specific basis of EPA's action to list Corpus Christi Bay, EPA will maintain these comments in the comment file for the Corpus Christi Bay listing action for future consideration.
Corpus Christi Chamber Infrastructure Committee	8/15/2008	1. The test data used by EPA do not warrant EPA's decision to list Corpus Christi Bay.	1. EPA believes that Texas Beach Watch data is of adequate quantity and quality for use in assessing contact recreation uses and criteria as described in the State's water quality standards. EPA believes that the initial assessment of these data by the

		<p>2. EPA should either delete the listing or reclassify the listing to category 4b or 5c of the State's integrated report which are more appropriate categories based on available test data.</p>	<p>State is an adequate way to assess the State's water quality standards specific to contact recreation uses in near shore coastal recreation waters.</p> <p>2. EPA will re-prioritize the impairment category to category 5C.</p>
Texas General Land Office	8/15/2008	<p>The Texas Beach Watch Program is a non-regulatory program that evaluates near-shore waters, which may not be representative of the major hydrologic portion of the entire water body. It may not be appropriate to use the data from the Texas Beach Watch Program as the sole reason for the designation of the entire bay as impaired on the 2008 303(d) list.</p>	<p>EPA believes that Texas Beach Watch data is of adequate quantity and quality for use in assessing contact recreation uses and criteria as described in the State's water quality standards. EPA believes that the initial assessment of these data by the State is an adequate way to assess the State's water quality standards specific to contact recreation uses in near shore coastal recreation waters. However, EPA agrees that localized data should not be used to list the entire bay. Based on these and other comments received, EPA will change the listing to geographically define the impairment as restricted to only the Ropes Park and Cole Park Beach portions of Corpus Christi Bay as presently delineated by the Texas Beach Watch Program.</p>
City of Port Aransas	8/15/2008	<p>1. The City of Port Aransas' drainage system enters Corpus Christi Bay approximately 15 miles from the affected areas identified in the listing. There are no data sources for the portion of the bay bordering the City of Port Aransas. The bay should be subdivided into distinct water body districts that would separate the drainage impacts occurring within the City of Corpus Christi from those impacts in Port Aransas.</p> <p>2. The bay should be re-categorized from category 5a to category 5c.</p>	<p>1. Based on this and other comments received, EPA will change the listing to geographically define the impairment as restricted to only the Ropes Park and Cole Park Beach portions of Corpus Christi Bay as presently delineated by the Texas Beach Watch Program.</p> <p>2. EPA will re-prioritize the impairment category to category 5C.</p>

<p>Nueces River Authority</p>	<p>8/13/2008</p>	<p>1. Texas Beach Watch data are biased towards high readings as monitoring is continued daily until bacteria levels fall below grab sample criteria after an initial exceedance.</p> <p>2. The intent of Beach Watch data was not for assessment purposes.</p> <p>3. Beach Watch stations are not representative of the entire bay. Because Corpus Christi Bay is a single assessment unit (AU), the decision by EPA to list based on data from two locations causes the entire bay to be listed. The bay should be delisted and then subdivided into multiple AUs for evaluation in the 2010 assessment which would allow for listings to only affect localized areas.</p>	<p>1. Please see response to comment #8 from the City of Corpus Christi above.</p> <p>2. EPA believes that Texas Beach Watch data is of adequate quantity and quality for use in assessing contact recreation uses and criteria as described in the State's water quality standards. EPA believes that the initial assessment of these data by the State is an adequate way to assess the State's water quality standards specific to contact recreation uses in near shore coastal recreation waters.</p> <p>3. Based on this and other comments received, EPA will change the listing to geographically define the impairment as restricted to only the Ropes Park and Cole Park Beach portions of Corpus Christi Bay as presently delineated by the Texas Beach Watch Program.</p>
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