FEB 24 2005

Mr. L'Oreal Stepney, Director
Water Quality Division (MC-145)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Stepney:

In response to the recently released EPA guidance document, *"Draft National Whole Effluent Toxicity (WET) Implementation Guidance"* (December 28, 2004) and recommendations resulting from the Permitting for Results (PERs) process, EPA Region 6 is reviewing its policies on implementation of the whole effluent toxicity (WET) component of the National Pollutant Discharge Elimination System (NPDES) permitting program. Specifically, the areas of review are: utilization of sub-lethal effects (such as growth or reproduction) for establishing WET limitations and development of predictive reasonable potential determination procedures for ascertaining when WET limits must be included in an NPDES permit.

Region 6 would like to work with our State partners together and individually, in the process of developing an implementation strategy. I am soliciting your Agency's comment on how we may arrive at a mutually acceptable strategy to reach the goal of incorporating these requirements into each State's NPDES permitting implementation procedures. To facilitate this action we are proposing a regional working session to be scheduled by early April for all parties to meet and discuss the implementation of these elements into permits issued in Region 6.

I ask that you respond to this request by March 7, 2005, by providing names of individuals in your agency to work on this initiative. If you have questions or would like to discuss this further, please call me at (214) 665-7101, or reply directly to Willie Lane at (214) 665-8460 or via e-mail at lane.willie@epa.gov.

Sincerely yours,

Miguel I. Flores
Director
Water Quality Protection Division