



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

August 18, 2023

TRANSMITTED VIA EMAIL

Cari-Michel La Caille
Director, Office of Water (MC-158)
Texas Commission on Environmental Quality
Post Office Box 13087
Austin, Texas 78711-3087

Re: Approval of site-specific copper criteria for Floyd Branch (tributary to White Rock Creek within segment 0827 - White Rock Lake)

Dear Ms. La Caille:

The Environmental Protection Agency (EPA) has completed its review of the Texas Commission on Environmental Quality's (TCEQ) request for approval of site-specific copper criteria. The site-specific criteria were developed by the North Texas Municipal Water District (NTMWD) Floyd Branch facility in Richardson, Texas (TPDES WQ0010257-001, NPDES TX0023931).

As required by the federal regulation at 40 CFR 131.20, the request for approval of the site-specific criteria was originally submitted to the EPA for technical review in May 2019. In response to the original request, the EPA informed the TCEQ that the site-specific copper criteria were technically approvable. However, the EPA could not take a formal approval action on the criteria under Clean Water Act section 303(c) at that time, as the public participation requirements at 40 CFR part 25 had not been fulfilled. The TCEQ completed the public participation requirements for the site-specific criteria, through the 2022 revision to the *Texas Surface Water Quality Standards* (TSWQS). No comments on these site-specific copper criteria were received during the public comment period for the 2022 revision.

The NTMWD collected data to support a biotic ligand model (BLM) for copper. The BLM calculated site-specific criteria of 32.13 µg/L (acute) and 19.95 µg/L (chronic) for dissolved copper. These site-specific criteria replace the statewide freshwater criteria for dissolved copper in §307.6(c) - Table 1 of the TSWQS. The site-specific criteria apply within the zone of initial dilution and the mixing zone of outfall 001 for the NTMWD Floyd Branch facility. The statewide copper criteria apply to the remaining portions of Floyd Branch and to downstream waters. Based on our review of the BLM study, the site-specific criteria have been demonstrated to protect aquatic life and are approved for Clean Water Act purposes.

Section 7 of the Endangered Species Act states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or

carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." The EPA has determined that approval of the site-specific copper criteria will have no effect on federally listed threatened and endangered species or on critical habitat.

If you have any questions, please call me at (214) 665-8138, or have your staff contact Diane Evans in the Water Quality Protection Section at (214) 665-6677.

Sincerely,

**CHARLES
MAGUIRE**

Digitally signed by CHARLES MAGUIRE
Date: 2023.08.18 14:38:25 -0500

Charles W. Maguire
Director
Water Division

cc: Michael Pfeil
TCEQ - Water Quality Assessment Section (MC-150)

Deba Dutta
TCEQ - Wastewater Permitting Section (MC-148)

Debbie Miller
TCEQ - Water Quality Standards Group (MC-234)