

More permissive standards sought

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More permissive levels of E. coli colonies in recreational waters are among the sweeping water quality standards changes proposed in March by the the Texas Commission on Environmental Quality.

Beaches closed over the weekend at Lake O' the Pines as the bacteria was found in higher concentrations than currently permissible, but will the elevated level of E. coli be out of bounds if the "TCEQ's Proposals for Changes to the Texas Water Quality Standards" are adopted?

"At Lake O' the Pines, we don't have the numbers yet, but we know the amount of bacteria is very high and they're going to keep the beaches closed until the numbers come back below some standard," said Rick Lowerre, spokesman for the Caddo Lake Institute, one of a clearinghouse of organizations in the Cypress Basin Watershed concerned about possible looser restrictions on water quality.

"Right now that standard would be 100 (E. coli colonies per ml). You'd have to get it below that before it is safe. But if the rules change, that number will be 200 and have doubled the chances for people to get sick," said Lowerre.

Officials with the U.S. Corps of Engineers indicated storms two weeks ago washed the bacteria into the lake along with chicken litter and other cattle sources known as significant sources for pollutants flowing into the Big Cypress Creek and Lake O' the Pines. Seven beaches were closed and additional testing has been conducted, according to a Longview News-Journal report.

"People should be saying that they don't want more of this stuff in there," said Lowerre. "With bacteria, they measure the E. coli, but what comes out of sewage plants and animals is not just E. coli but all kinds of viruses and other things. When you say we can have more E. coli, you are saying we can have more of everything that is bad."

At the current state standard of 126 colonies per milliliter, it is expected that eight out of 1,000 people will get sick, he added. The new standard would allow for 10 people to become ill out of every 1,000.

"They're not all going to get sick from E. coli. They're going to get sick from viruses and other bacteria in the water," said Lowerre. "E. coli is the simple measure that the water is polluted. If we increase the standard, then all those pollutants will increase."

Representatives of the TCEQ were unavailable for comment by presstime, however, spokeswoman Andrea Morrow responded to inquiries from The Texas Observer.

Current standards were set "optimistically" and when little was known about many bodies of water, so small and seasonal streams are held to the same recreational use standards, according to her written response to the Observer.

"Now because of the agency's strong commitment to conduct restorative actions (pollution clean-up plans) for water bodies that don't meet standards, it's become important to ensure the standards for specific water bodies provide appropriate, realistic targets," she wrote.

Included in the proposal is a system for assigning the amount of bacteria permitted in each different body of water by its use and potential for recreation. The most restrictive limit on bacteria would be for lakes and rivers where people swim or ski or "primary contact recreation." The limit is now at 126 E. coli colonies per milliliter and that would increase to 206.

"It's going to save the state money and it's going to save some small cities money in regards to what they can discharge, but it's the people that swim, water ski, canoe and get exposure to the water that will pay because more of them will be sick, go to the hospital, go to the doctor," said Lowerre.

There are 62 water bodies projected to be removed from the "2008 List of Impaired Water Bodies," by having the permissible level elevated above the level at which the body of water became in violation. With 62 of sites eliminated from the list for state response, "cost savings, at a minimum, are estimated to be \$1 million divided equally over a three year period."

Lakes and streams that see mostly "secondary contact," such as boating or shoreline activities like fishing, are also held to 126 colonies of E. coli per ml, which would change to 630 colonies per 100 ml.

"The Lake O' the Pines situation is just an example of the bacteria (escalating). If we don't manage those wastes we can have dangerous levels and we only know about some of the problems," said Lowerre. "TCEQ and the Corps of Engineers don't test everywhere people swim. They test the beaches, but that doesn't mean that there are not other areas bad, just not tested. Nobody tested after the rains. Was it safe? Well, no one knows."

Waters with lesser contact could be permitted to have to 20 times the amount of E. coli in the current standard for recreational bodies of water with 1,030 colonies for scarcely used streams and for those considered "non-contact" the standard would rise to 2,060, according to the proposal.

TCEQ points to the Federal Water Pollution Control Act, also called the Clean Water Act, which requires all states to adopt water quality standards of surface water and also requires them to be reviewed every three years for possible revision, according to an introductory summary of the proposal.

If the changes are adopted, they will be submitted to the U.S. Environmental Protection Agency for review for compliance with the Clean Water Act and will not be subject to enforcement until approved by the EPA, according to the summary.

"Under the Clean Water Act, when there is a violation of these standards, the state of Texas is required within a period of 12 years to address the problem, not just fix the problem but (prevent it). It's a very long process, and the longer it is, the more money it costs. The fewer violations they have the less money overall it costs," explained Dr. Roy Darville, ecologist at East Texas Baptist University.

Darville conducts local water quality tests on streams in the Cypress Basin and at Caddo Lake in cooperation with the TCEQ's monitoring of water quality.

"These changes that are being proposed now have to be approved by the commissioners of the TCEQ in a few weeks, and its part of a 400-page document that is obviously very detailed and has a lot of proposed changes," he said. "From what I've been able to ascertain so far, is that there are going to be some very controversial changes that the EPA will want to look at very closely."

Darville added the last time TCEQ commissioners adopted changes to the Texas Water Quality Standards, it took the EPA seven years to finalize the last of them with some rejected and others modified.

The current proposed changes to TWQSs include "changes to (lower) the pH criteria for Caddo Lake and four other water bodies in the Cypress Basin to allow more acidic conditions" and also lower dissolved oxygen levels for four streams in Cypress Basin.

An anti-degradation clause included in the Clean Water Act says states are not allowed to let water quality degrade.

"The problem is TCEQ, rather than trying to fix the low dissolved oxygen problems and the bacteria being too high, they want to change the standards so that they are no longer in violation," Lowerre said.