



**Draft Meeting Summary**  
**Tuesday, October 16, 2012**

**Members Present:**

Michael Bloom  
Marilyn Christian  
Catherine Elliott  
Carol Haddock  
Teague Harris  
Bruce Heiberg  
Jason Iken

Tom Ivy  
Ron Kelling (phone)  
Craig Maske  
Cathy McCoy (phone)  
Jack Murphy  
Raymond Pavlovich  
Mitchell G. Page

Linda Pechacek  
Ceil Price  
Kathy Richolson  
Jim Robertson  
Linda Shead  
Brian Shmaefsky

John Blount was represented by Alisa Max  
Mike Garver was represented by Linda Shead  
Helen Lane was represented by Bethany Foshée  
Michael Mooney was represented by Ron Kelling  
Becky Olive was represented by Mary Purzer  
Bob Stokes was represented by Scott Jones

**Members Absent:**

Joe Clark  
Robert Collins

Shannon Hicks  
Mike Lindsey

Michael Turco

**Guests Present:**

Latrice Babin (Harris County), Dennis Basinger (Port of Houston Authority), David Beyer (Stormwater Solutions), Susie Blake (City of League City), Linda Broach (TCEQ), Lawrence Childress (City of Houston), Danielle Cioce (Harris County), Cherie Cross (Environmental Allies), Tom Douglas (Sierra Club), Bryan Eastham (TCEQ), Angie Hallimore (R.G.Miller), Jonathan Holley (HCFCD), Anita Hunt (Hunt & Hunt Engineering Corp.), Diane Jones (Harris County), Randy Jones (Terra Visions, LLC), Kimberly Kembro (City of Huntsville), Brian Koch (TSSWCB), Kim Laird (TCEQ), Jason Leifester (TCEQ), Jason Maldonado (LAN), Maria Modelska (UH), Chip Morris (TCEQ), John Moss (Eco Services), Jim Neece (TCEQ), Nwachukwu Sam Okonkwo (TCEQ), Carol Reed (City of Huntsville), Carol Serna (AEI Engineering), Chavonne Slovak (Harris County), R.D. Smith (Cypress Creek Flood Control Coalition), Barabara Sullivan (TCEQ), Paula Warren (Harris County Judge Emmett), Jennifer Wheeler (Harris County, on phone), Carolyn White (HCFCD), Guyneth Williams (City of Houston), Jasmin Zambrano (City of Houston, on phone)

**H-GAC Staff Present**

Rachel Powers, Todd Running, Jeff Taebel, Justin Bower, Kristi Corse, Will Merrell, Jeff Murray, Andrea Tantillo

### **1. Call to Order and Introductions**

Rachel Powers called the meeting to order at approximately 1:30. Rachel welcomed and thanked everyone for coming. She initiated self-introductions and reviewed the agenda.

### **2. Certification of Quorum**

Twenty-six members or alternates were present, forming a quorum.

### **3. Approval of Proposed Alternates and Members**

Bethanee Foshée was approved as an alternate for Helen Lane.  
Scott Nichols was approved as an alternate for Mike Lindsey.  
Matt Carpenter was approved as an alternate for Ray Pavlovich.  
Jonathan Holley had been approved as an alternate for Catherine Elliott, and the roster will be updated to reflect the change.

### **4. Approval of May 14, 2012, Meeting Summary**

Meeting notes were approved as written.

### **5. Public Comment**

No public comment was given.

### **6. Presentation by TCEQ: I-Plan Review**

Rachel reviewed the changes that had been made to the ground rules since the BIG approved the I-Plan for submittal to TCEQ in August 2011.

Changes were proposed or made in this sequence:

- The TCEQ provided comments prior to the BIG meeting in May 2012
- At its annual meeting, the BIG approved changes to the plan in response to TCEQ comments
- The TCEQ responded to the changes approved by the BIG
- A compromise text was proposed in response to TCEQ response. This proposal incorporated comments from BIG members in response to the TCEQ response. No objections were indicated by the BIG.
- The TCEQ provided an updated plan for its Agenda Item for the meeting of the Commissioners in June
- The TCEQ, in a memo regarding "Changes since backup," proposed additional changes prior to the TCEQ agenda meeting.

- The I-Plan was the subject of a public comment period, including four local public comment meetings. No comments were received from the public. TCEQ received and resolved internal comments without changes to the I-Plan.

Rachel indicated that the changes were communicated to the BIG via e-mail, in person, and by phone. A summary of the changes was included in the packet. The summary has been available on the H-GAC website since July.

Rachel reviewed the summary, indicating that the typical response she heard was disgruntlement but not objection, particularly to the changes related to sanitary sewer systems.

The City of Houston indicated that it was disappointed that the TCEQ chose to weaken the language relating to the inclusion of asset management requirements for sanitary sewer systems into permits. Several other BIG members concurred. TCEQ had changed the recommendation to address TCEQ concerns about its ability to include such language in permits.

The BIG agreed to accept the current version of the I-Plan, and to pursue the possibility of changes to the I-Plan through the work group process.

Rachel will work with TCEQ to gather more information about their reasons for changing the language, and will arrange to share that information with the Sanitary Sewer System (SSS) work group when it meets this winter. The SSS work group may then choose to recommend a course of action to the BIG. Rachel also indicated that they could examine WWTF permits and permit renewals to track whether requirements for utility asset management are voluntarily included in the permits. H-GAC could also work with permit holders to identify voluntary asset management efforts that are being initiated outside of the permit process.

After the BIG accepted the current version of the I-Plan with no objections, Chip Morris indicated that the I-Plan could be considered by the commissioners as soon as January 16, 2013.

## **7. Presentation by TCEQ: I-Plan Review**

Jason Leifister provided a quick update on ongoing TMDL projects going on in and around the BIG area.

- Clear Creek Additions: TCEQ is developing TMDLs for four small tributaries in the Clear Creek Watershed. More information about the waterways is in the presentation given at the BIG annual meeting in May, and the presentation is available on the BIG website. Dr. Hanadi Rifai is doing the technical analysis. The TMDLs will be included in Texas' Water Quality Management Plan update. Stakeholders will have the opportunity to provide comments through the regular WQMP update process.
- Houston Metro additions: TCEQ is developing TMDLs for six tributaries in the Clear Creek Watershed. More information about the waterways is in the presentation given at

the BIG annual meeting in May, and the presentation is available on the BIG website. Dr. Hanadi Rifai is doing the technical analysis. The TMDLs will be included in a Water Quality Management Plan update after the Clear Creek additions go through the process. Stakeholders will have the opportunity to provide comments through the regular WQMP update process.

- Watersheds Upstream of Lake Houston: These projects include areas within and outside of the BIG project area for which TMDLs were not initiated. TCEQ expected to raise the in-stream standard for *E. coli* from 126 cfu to 206 cfu, in which case, the streams would have met standards. The TCEQ did not end up changing the standard, so TMDLs are being initiated now. Technical documents may be available as soon as spring 2013.
  - Inside BIG project area: TCEQ has just begun developing TMDLs for two areas upstream of Lake Houston and inside the BIG project area:
    - Upper Panther Branch (geomean over 200)
    - Lower Panther Branch (geomean over 200)
    - Peach Creek (geomean 162)

TIAER at Tarleton State is doing the technical analysis. Once complete, TMDLs will be included in a Water Quality Management Plan. Stakeholders will have the opportunity to provide comments through the regular WQMP update process.

- Outside the BIG project area: TCEQ has just begun developing TMDLs for areas upstream of Lake Houston and outside the BIG project area:
  - Western part of Lake Houston (geomean 150)
  - East Fork San Jacinto River (geomeans for Assessment Units--around 200)
  - West Fork San Jacinto River and Crystal Creek (geomeans about 265)

TIAER at Tarleton State is doing the technical analysis. Once complete, TMDLs will be included in a Water Quality Management Plan. Stakeholders will have the opportunity to provide comments through the regular WQMP update process.

Overall, geomeans for the new TMDL assessment units are not high relative to geomeans for some of the AUs inside the BIG project area. In these new areas with low bacteria levels, actions taken by BIG stakeholders can make a big difference in causing a delisting.

The BIG asked whether the new Lake Houston TMDL watersheds outside of the current TMDL project area would be covered by the I-Plan. Rachel used the question to segue to the next agenda item.

## **8. BIG Discussion: Implementation for New TMDLs**

Section 9.4.5 of the I-Plan indicated that once a new TMDL is developed for a waterbody adjacent to or near the BIG project area, stakeholders may petition the BIG at its annual meeting to apply the I-Plan to the new TMDL areas and become active stakeholders of the BIG project. Because the TMDLs probably won't be complete in time for the 2013 annual meeting, the first chance to petition the BIG will probably be at the 2014 annual meeting.

Rachel has begun talking informally with stakeholders to get a sense of whether they would prefer to develop unique implementation plans or adopt the BIG I-plan. So far, most of the major stakeholders have indicated that they anticipate signing on to the BIG rather than developing a new I-Plan. Rachel asked if anyone at the meeting had different expectations, but everyone concurred with the expectations.

What mechanism will be used? Once a TMDL is developed, we will get resolution of support from stakeholders before the BIG meeting. If approved, the I-Plan will be updated to show the new project area, and the revisions can be adopted by TCEQ through the WQMP process.

How do we establish official stakeholders that can petition us? The Watershed Outreach workgroup is well suited to identify and reach out to stakeholders in specific watersheds. The BIG can rely on the Watershed Outreach workgroup to make a recommendation to the BIG about representative stakeholders. The BIG will look for objections more than anything else. BIG members in the watersheds represent the City of Conroe, Montgomery County, the San Jacinto River Authority, and the Woodlands.

Watersheds for TMDLs within the BIG project area are already covered by the I-Plan, and do not need to be incorporated through a separate process.

The BIG concluded that the Watershed Outreach work group will identify appropriate stakeholders.

## **9. Review of Permit Limits for and Discharge Monitoring Reports from Wastewater Treatment Facilities (WWTFs)**

Analysis of Permitted WWTFs within the BIG.

Working under an approved Quality Assurance Project Plan (QAPP), H-GAC compiled and analyzed permit limits for new permits and renewals for WWTF permits in the BIG project area.

- 576 WWTF in the BIG. Can be municipal, private, industrial, and unknown.
- All domestic WWTF that discharge to a non-tidal stream and that have been renewed since the requirement went into effect on January 1, 2010, have a bacteria limit.
- 2 facilities have limits for Enterococci.
- 265 permitted facilities, or 46%, have a limit for *E. coli*.
- 186 out of 265 permitted facilities have 63 as their limit.
- 233 permitted facilities have been renewed since January 1, 2010.
- 58 out of 233 permitted facilities have 126 as their limit. While a few of these should have had 63 as their limit, these were among the first and the issue seems resolved. Most of the remainder are in Clear Creek (which only requires limits of 126) or had a notice of intent to renew published before the deadline.

H-GAC also analyzed data from Discharge Monitoring Reports. The data was provided by TCEQ using DMR data provided by permittees. H-GAC did not review individual DMRs, only the data compiled by TCEQ.

- 131 WWTF, or about half, have reported *E. coli* data at least once within the last 18 months, based on the TCEQ report.
- 12 WWTF, or 9% of the facilities for which we have *E. coli* data, have exceeded their limits for daily average *E. coli* levels at least once.

Overall, the number of exceedances is low.

H-GAC has a few things left to figure out:

- Why do 134 facilities in the dataset from TCEQ not include bacteria monitoring reports even though they have bacteria limits?
- Of the facilities that do have data, why don't the number of reports correspond with the frequencies indicated in the permits?

Three facilities seem to be responsible for the majority of the exceedances. They seem to be spread out. H-GAC intends to reach out to these facilities to let them know that they stand out. Harris County asked for information about facilities that are within their jurisdiction. Rachel indicated that she has visited, coincidentally, one of the three facilities, which is at a mobile home park and is known to have problems.

H-GAC will continue looking at this information in preparation for the WWTF work group meeting this winter. H-GAC will look for the missing data, look for more 'outstanding' facilities, and will look into what sort of enforcement TCEQ has initiated in response to the DMR data. Rachel asked that if anyone had questions for investigation, H-GAC would welcome suggestions.

## **10. Workgroup Assignments**

At the fall meeting, it is the BIG's responsibility to assign tasks to the workgroups for the development of the annual report in preparation for the annual meeting.

Rachel recommended some rearrangement:

- Combine the Watershed Outreach and Research work groups with the water quality monitoring portion of the Monitoring and Plan Revision work group. Hold one meeting for the combined group.
- Combine the Coordination and Policy work group with the plan revision portion of the Monitoring and Plan Revision work group. This combined meeting will be the last among all of the workgroup meetings, and will review recommendations from the work groups before the BIG annual meeting.

Work group meetings will start with the OSSF meeting on November 14, which is scheduled to facilitate CEUs for designated representatives (CEUs are anticipated but are pending TCEQ approval). The plan is to have two workgroup meetings each month through March.

Each workgroup will be asked to report on progress as described in the I-Plan, focusing on whether identified milestones and bacteria levels in waterways indicate whether changes should be made to the plan. H-GAC will draft a report, and the workgroups will provide input and review. The Coordination and Policy and the Plan Revision group will review the draft sections and recommendations of the workgroups before presentation to the BIG.

### **11. Annual Report and Meeting**

At the BIG annual meeting, BIG members raised concerns about the annual report and the “clicker exercise.” Since then, following up on a BIG recommendation, Rachel met with an ad-hoc committee to discuss the annual report.

The committee discussed the purpose of the report, modifications to the report for clarity, and additional improvements. The purpose of the report is described in Implementation Activity 9.4 of the I-Plan, which indicates that H-GAC shall prepare a report and the BIG shall review the report to determine whether identified milestones and bacteria levels indicate that changes should be made. To make the plan easier to read, the group discussed the importance of making sure the report reflects workgroup recommendations and providing easy-to-comprehend summaries. The ad-hoc committee provided additional input and recommended meeting with some additional stakeholders.

Based on the input from the committee and the additional stakeholders, Rachel developed concepts for additional presentation of information in the annual report. The new format includes information at four levels of detail.

- 1) At-a-glance: A one-page, ledger sized paper which includes basic information about the BIG on the outside—including pictures and a graph—and a table on the inside showing implementation activities, milestones, and progress organized by implementation strategy. This document would be a companion to the full report.
- 2) Strategy Summary pages—for each implementation strategy, include the relevant excerpt from the at-a-glance document. Supplement it with specific workgroup recommendations regarding progress, achievements, focus areas for the coming year, and revisions to the I-Plan. These pages would be embedded within the report. Pages would indicate workgroup participation (or lack thereof) so that the BIG can see what was involved with development of the section.
- 3) Annual report—a narrative explanation of information presented in the at-a-glance document and the strategy summary pages. This would be similar to the document

presented at the annual meeting, but it would include the summary pages and would be accompanied by the at-a-glance document.

- 4) Web-based back-up information—the H-GAC website and BIG pages would include backup information to explain content in the report. For example, H-GAC has already published MS4 annual reports from the region which are now available online. H-GAC expects this to become more robust over time.

H-GAC can report numbers, the workgroups can assess progress and provide additional information about successes.

Rachel asked for input on the proposed template of the plan. The general response was positive.

The BIG asked about workgroups that had low participation last year. Residential had only a few participants, and nobody attended the scheduled meeting for Animals & Agriculture. Rachel reassured the group that key workgroup members—Brian Koch for Animals & Agriculture, for example—were contacted directly, and that all workgroup participants had the opportunity to comment on the draft in response to e-mails.

The BIG asked if workgroup meetings could be combined, especially for related topics. Rachel said she would see what she could do.

Rachel indicated that rooms were available on May 14, 2013, for the annual meeting. BIG members indicated that they liked the format of some presentations and some stations for display. While it would be nice to have workgroup participants or BIG members help man the stations, many of those people might also want to be able to visit the other stations.

## **12. Other Business/Roundtable**

Twelve spots remain for the Microbial Effluent Loading workshop at H-GAC on November 2, presented by the Texas Engineering Extension Service (TEEX).

The PCB/Dioxin TMDL stakeholder meeting is scheduled for November 27, 2012, the Tuesday after Thanksgiving.

Jeff Taebel asked that meeting attendees participate in a survey relating to a planning project being undertaken by H-GAC and many partners. Visit [www.ourregion.org](http://www.ourregion.org).

Michael Bloom reported that TCEQ is reviewing comments on the general permit for small MS4s. A response to comment document may be available soon. The proposed permit language, which usually does not include information about specific pollutants, includes specific references to bacteria. The new language is similar to recommendations to the BIG.

The Armand Bayou Partnership had its 501c3 designation approved. The next meeting for the general public will be on November 13 in the evening at Clear Lake Park.

The San Jacinto River Authority has submitted a grant application to TCEQ to do a Watershed Protection Plan for the Lake Conroe watershed.

Alisa Max reported that there has been progress on the implementation activity relating to reimbursement for development including Low Impact Development (LID) features. TCEQ intends to work with a group of stakeholders to develop standard and fair guidelines that TCEQ can use to determine whether a LID feature is reimbursable.

On November 14 in the morning H-GAC is hosting a “Welcome to the MS4” workshop.

The BPA water quality symposium will be on December 5 at the United Way. The keynote speaker will be the deputy manager of the San Antonio River Authority.

### **13. Next Meeting Date**

The next meeting will be in late spring 2013, possibly on May 14.

### **14. Adjourn**