

**MEETING SUMMARY**  
**NATURAL RESOURCES ADVISORY COMMITTEE**  
**May 7, 2009**

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The May 7<sup>th</sup> meeting of the Natural Resources Advisory Committee was held in the Houston-Galveston Area Council Conference Room A at 3555 Timmons Lane, Houston, Texas. The meeting began at 1:32 PM. Chairman Dennis Caputo presided.

**NRAC voting members present (18):**

Bill Bandiga	Jamie Brewster	Kathy Burris
Glenda Callaway	Dennis Caputo	Lori Gernhardt
David Hubenak	Andrew Isbell	Jim Kachtick
B.Z. Karachiwala	Carole Lamont	Jack Miller
Tom Northrup	Ellis Pickett	Ronald Schultz
Linda Shead	Brian Shmaefsky	Pudge Willcox

**NRAC voting members not present (14):**

Jeff Brennan	Patrick Buzbee	Del Canon
Jim Dannenbaum	Reed Eichelberger	Aston Hinds
Andy Icken	Jim Joyce	Brett Kolaja
Sarah Metzger	John O'Connell	Adam Smith
Mike Talbott	Kerry Whelan	

Andy Icken Delegated Carol Ellinger; Glenn Laird represented Mike Talbott but was not delegated; Calling in to the meeting were Patrick Buzbee, John O'Connell and Cathy McCoy (delegated by Del Canon). Justin Bower represented Adam Smith. Delegated representatives can vote on Committee business; non delegated representatives count toward quorum but cannot vote.

**Current Vacancies:**

Environmental Groups (1)	Waller County	Wharton County
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**NRAC advisory member (0):**

**H-GAC Staff Present (5):**

Amy Boyers	Carl Masterson	Rachel Powers
Todd Running	Jeff Taebel	

### **Others Present:**

Kay Willcox (citizen, Chambers County); Brandt Mannchen (Sierra Club); Ruthanne Haut (City of Houston); Snehal Patel (Harris County Attorney's Office);

### **Certify Quorum**

Carl Masterson confirmed a Quorum via roll call.

### **Approve Meeting Report**

On a motion by Linda Shead and a second by Glenda Callaway, the February 5, 2009, meeting notes were approved by the Committee.

### **Membership**

Carl reported on membership. He noted that the Policy Subcommittee had discussed and agreed with staff recommendation to seek a replacement for Mary Ellen Whitworth from Bayou Preservation Association and have that person fill out the current term that ends in 2010. The NRAC heard and agreed with staff recommendation that Linda Shead, who is leaving the Trust for Public Land, complete the current term representing the Texas Coastal Partners, also an Environmental Group

### **Subcommittees**

*Policy Subcommittee:* Carl Masterson reported that the Policy Subcommittee met on April 2, 2009 to discuss changes to the current Bylaws that would allow members to participate in meetings, be counted present and be able to vote via telephone and/or email prior to a meeting. After discussion on voting by email, it was removed from the Policy Subcommittee's recommendation to the NRAC, as it was decided that voting by email effectively removed the member from discussion at the meeting which could change any final outcome. During the discussion of the Committee, it was pointed out that voting by phone limited the ability of the caller to observe body language and other non-verbal communication that might occur. The discussion also addressed the lack of a limit on the number of times a member could avail themselves of attendance via telephone and it was recommended that the amendment include a limit of no more than twice a year (2 of 4 meetings) telephone attendances and that editorial errors be corrected. The amended proposal was voted upon (motion by Linda Shead with a second by Glenda Callaway) and received all "aye" votes with one abstention. The final amendment also included some corrections in agency names and moved the "Electric Utility" representative to the category "Industry" which now has three representatives. The amended proposal will be taken to H-GAC's Board for their adoption prior to the August 6, 2009 NRAC meeting.

*Parks and Natural Areas Subcommittee:* Rachel Powers provided a brief presentation of the Parks and Natural Areas Awards Winners. Winners were chosen for each of the four categories;

projects \$500,000 or more, projects under \$500,000, planning process, and policy tools. A special 'best in show' award went to Mason Park Treatment Wetland Project. This project is particularly notable because of documented water quality improvements. Rachel announced the 2009 request for submittals will be sent out the beginning of July.

### **Topics of the Day**

Jeff Taebel, Director of Community & Environmental Planning for H-GAC, presented on the Eco-logical project and how it might fit into a regional parks plan, conservation priorities, and quality of life strategies. Jeff suggested that now is the time to think about where our conservation priorities are, because population growth will occur and put pressure on the natural environment and water quality. Many of the areas we might have thought did not need protection could be impacted or gone entirely in the future. The current economic slowdown might give us the time we need to plan more for future development. Eco-logical was developed to help regional planning agencies better integrate an ecosystem approach into their long-range transportation plans.

Q: Will there be funding to implement the things put on paper? Is H-GAC going to house whatever is done as part of the Transportation Plan or is there anything beyond that in mind?

A: We envision it more as a federated system. We have a mandate to continue doing GIS and geographic work. So, will there be a server it can exist on? Yes, but we have more of an interest in having a partnership with academic entities, resource agencies, land trusts, and others to help us keep it up to date. H-GAC will periodically be collecting land use data through Clean Rivers and other avenues, but some of the other knowledge is what others will need to provide.

Q: Are there plans to expand the Eco-logical project into the other counties?

A: We have the land cover for the other counties, but time cannot be charged to the grant for work in other counties. Once the metrics have been set it would not be a large expense to expand to the other counties.

Q: Conservation lands have an economic impact on a community. Are there resources available for a county to do a study on the economic impact of its environmental holdings? Knowing the economic impact of ecological services can assist a community when developing plans and gathering local resources.

A: The Audubon Society has done this in the past. H-GAC probably will not be able to do a full-blown study on each of the thirteen counties. There was great work done on an economic impact of the state parks in our area. The Trust for Public Land has been doing a national study to develop methodology for determining economic values. There have been real estate studies done that indicated lands next to a national forest had a higher value than those not adjacent to a national forest. There are probably studies from the New York area (when they bought land to protect drinking water) that relate to water quality, quantity, and economics. TPL has reports on source water protection.

Comment: These slow economic times might be a good time to acquire land for open space and conservation that would normally be too costly.

Q: Where in the process is the cross-connection with the transportation people? Many designers view the whole environmental system as a pain in the rear. It is not viewed as anything productive or important, just a delay in getting roads on the ground. Where is the connection to transportation to get buy-in and is the point of this project to take some of the pain out of the environmental process?

A: Transportation staff people are basically auditing every move of the Eco-logical project, so there is a reality check present in the room.

Q: What about the disconnect between the H-GAC transportation department and implementing engineers? If something comes in at the end of a project, they will not even be open to discussing it.

A: That is the whole point of the project, to have the discussions from the start. The implementers will need to comply with whatever the policy makers adopt if they would like federal funding. Sometimes it is that the process is so difficult that those implementing will give up.

Comment: If we could do something to adjust the process, a way to identify the areas we want to preserve, we could probably generate the revenue to solve some of the problems and save many of the areas we would lose if we continued in the current direction.

Amy reported that the Eco-logical project will be placed on the H-GAC website so that developers and people outside of the transportation industry will be able to access it and make decisions based upon it.

Legislative update: Snehal Patel, with Harris County, reported on the current legislative session occurring in Austin.

Almost at the end, 7,154 bills were filed this session, not much has gotten out of committee. House environmental regulations committee had 94 bills and only 20 are out. The senate natural resources committee had 262 with 130 out.

Interesting developments: TCEQ has 3 commissioners – Commissioner Brian Shaw, a Professor at Texas A&M, had his confirmation hearing and he was approved and will be a commissioner for the next 6 years.

Below are some bills that have traction and have passed out of committee:

## *Waste*

SB275 requires TCEQ to adopt new rules for surface facilities associated with the commercial hazardous waste injection wells in Montgomery County, and it includes a phrase that it applies to permits that have not been issued on or before this act.

HB1890 requires notification of future actions to groundwater conservation districts on industrial and municipal waste injection wells, and it gives opportunities for the groundwater districts to make recommendations to the TCEQ in the same manner as an applicant on any aspect.

HB284 Tracking of international E-waste requires a regular reporting program for overseas shipment of obsolete electronic equipment. This prevents our toxic waste from getting into developing countries and keeping a better record of it.

SB433 has to do with mandatory public meetings when there are TCEQ applications for municipal solid waste permits. Currently the regulations state that TCEQ “may” hold a meeting and they are changing all every “may” to “shall”. This will increase public participation in the system.

## *Air*

HB432 relates only to state agencies not local agencies, increases the number of low emission vehicles in the state fleet (20,000 vehicles) from 10% to 20%.

HB3089 authorizes the commissioners’ court of any county to order any vehicle that is retired from the clean vehicle program to be crushed and recycled without having to go through the competitive bidding or auction process.

HB469 establishes incentives for the implementation of projects to capture and sequester CO<sub>2</sub> in geological formations; it authorizes a tax credit with a \$100 million cap that people can use for these types of projects.

HB1553 requires certain entities to develop a climate adaptation plan

Bills doing really well this session are energy efficiency, alternative fuels, and greenhouse gas emissions. Many of these types are moving and are expected to pass.

SB16 it updates energy codes for residential and commercial construction to be based on the latest version of the international residential code and international energy conservation code, promotes a capture of CO<sub>2</sub> emissions, creates a greenhouse gas registry, encourages developing emission reduction technologies to reduce NO<sub>x</sub> and other emissions, provides grants for projects to offset the cost of emission reduction, new plug-in hybrid purchase credit program, energy efficient appliance purchase incentive program, LIRAP- low income repair assistance program is continued and funding increased, One issue that is a problem for industry in this bill is about cumulative impacts (this one probably won’t go all the way)

HB826 requires the agency to set any penalty as high as the economic benefit gained from breaking the law, but there is a cap of \$10,000 per day

House committee on public education

HB4208 school bus idling bill

HB1839 would require school districts to develop school siting plans that include assessing environmental factors

HB4581 requires TCEQ to use advanced technology to monitor emissions

HB4346 requires a comptroller to prepare a report to the legislature on greenhouse strategies

### *Water*

Fee Bill - Increases the fees for wastewater treatment plants, some cities are fighting this

SB245 requires the commission to issue rules concerning the disposal of sewage from boats, it expands the language from “fresh water” to “surface water”, and other portions have become more specific

Q: Do you know anything about eminent domain?

A: It passed

Interest was expressed in the full list of summaries that Snehal had made. She stated she would clean it up and give it to Carl for distribution purposes.

Q: Have any of the bills regarding emergency power generation had any traction?

A: It has not been one that has come up as “moving along” it could be pending still.

Todd Running reported that he had a meeting with the Harris County Watershed Protection Group the previous day. There have been some proposed rules brought forth by EPA regarding effluent limit guidelines for the CGP related to turbidity. There will be a national guideline set at 13 NTU. For reference the drinking water standard is 5 NTU. This could be very problematic for construction sites in this area of the country. These guidelines were developed at five sites in Washington State and Oregon. What this would mean for our area is that there would need to be full capture and treatment before being released off of construction sites. H-GAC is working with Harris County and looking at Clean Rivers data for ambient monitoring. They collect secchi depth results and they are converting these numbers to NTU. Harris County is purchasing three turbidity meters to be used on the regular sampling runs. They want to look at the ambient turbidity results to determine if the EPA standard is reasonable.

Linda Shead reminded everyone that turbidity contributes to the bacteria problem.

Todd also reported that the Clean Rivers program has completed their 2008 land cover assessment and has posted it on the website. In the coming months they will begin comparing the 2002 map to the 2008 map to see where big changes have taken place.

Todd also reported that the coordinated monitoring meeting was held in March where monitoring was scheduled for the next year for over 330 sites; H-GAC submitted the draft CRP workplan to TCEQ for review; the 2009 Basin highlights report will be coming out soon, hopefully later this month; and there are 14 new volunteers with Texas Watch

Bastrop Bayou - first case of cholera originating in the US since 2004 was found in Demi-John recently, has to do with failing septic systems in the area, the Bastrop Bayou WPP is going on down there, they are looking to have the stakeholders approve the plan later this month, one of the big priorities is to fix those septic systems, H-GAC is working with TCEQ to determine how the repairs will be funded. The woman affected believes she came into contact with the contaminated water while mowing her ditch.

In 2007 there were food-borne cholera cases which originated outside of the US.

Some stimulus money is coming down through the 604 program, and staff developed a work plan for a WPP for the San Bernard River (2 year project). H-GAC will be providing support to local governments to incorporate BMPs, a web-based publication that outlines the BMPs that are best suited to certain areas, developing a clearinghouse of model ordinances that have been developed to reduce non-point sources and will hold a series of workshops to promote them and provide education to local municipalities and governments. There will be a follow-up mail survey to see if some of the things have been incorporated.

Carl announced that at the August meeting there may be a presentation on the Ike Dike. People have contacted the H-GAC stating that they would like to make a 20 minute presentation to the H-GAC board and they are likely being referred to the NRAC for the presentation. It is coming from the economic development sector. Carl has a slide show on the Ike Dike that he could send to any interested.

### **NRAC Roundtable**

Glenda Callaway reported that May 16<sup>th</sup> is Bay Day at the Kemah Boardwalk from 11-5. Anyone interested in volunteering can go to the Galveston Bay Foundation website within the next day.

### **Next Meeting Date**

The next regularly scheduled meeting date is Thursday, August 6, 2009, at 1:30 p.m.

### **Adjourn**

The meeting was adjourned at 3:40 PM.