

**Bacteria Implementation Group
Meeting Summary**

Tuesday, January 20, 2009

Members Present:

Michael Bloom	Ron Kelling	Linda Pechacek
Pat Buzbee	Helen Lane	Ceil Price
Carol Ellinger	Craig Maske	Kathy Richolson
Catherine Elliott	Michael Mooney	Jim Robertson
Teague Harris	Jack Murphy	Brian Shmaefsky
Jason Iken	Mitchell Page	Melvin Solomon
Tom Ivy	Raymond Pavlovich	Robert Stokes

John Blount was represented by Alisa Max
Marilyn Christian was represented by Snehal Patel
James Tynan Kelly was represented by Bruce Heiberg
Becky Olive was represented by Nancy Sullins
Linda Shead was represented by Carolyn White

Members Absent:

Robert W. Collins	Mike Garver
Joe Ferro	Jim Meley

Guests Present:

Charlie Adams (TCEQ), Henry Aghedo (Nosaedo Enterprises), Stephen Archer (Archer Environmental), Amy Branom by phone (TCEQ), Linda Broach (TCEQ), Karen Carroll (Brazoria County), Richard Chapin (City of Houston), Harvey Denman (Citizen), Bryan Eastham (TCEQ), Rick Felan (TCEQ), Nicole Hausler (PHA), Brian Koch (TSSWCB), Kim Laird (TCEQ), Fred Lazare (Avenue Community Development Corp.), Ward Ling (TCEQ), Charles Maguire (TCEQ), Ed Matuszak (URS Corporation), Yuhayna McCoy (HPARD), Maria Modelska (University of Houston), Philip Moore (Montgomery County), Chip Morris (TCEQ), Sam Okonkwo (TCEQ), Tina Petersen (CDM, Inc.), Mary Purzer (AECOM), Nic Ramirez (AEI Engineering), Nick Russo (Harris County), Scott Saenger (Jones & Carter, Inc.), Ron Stein (TCEQ), Brenda Templeton (City of Houston), Terri Thomas (BPA), Mel Vargas (Parsons)

H-GAC Staff Present:

Jeff Taebel, Carl Masterson, Rachel Powers, Erin Anderson

1. Welcome & Introductions

Rachel Powers welcomed and thanked everyone for coming. She initiated self-introductions of BIG members, H-GAC staff, and TCEQ staff.

Rachel then reviewed the agenda.

2. Certification of Quorum

Twenty-five members were present, forming a quorum.

3. Approval of November 18, 2008, Meeting Summary

Meeting notes were approved with no changes.

4. Approval of Proposed Alternates

The following nomination was approved as an alternate:

- Fred Lazare for Linda Pechacek.

BIG members noted the following necessary changes:

- Bob Stokes noted that the list did not contain his second alternate, Scott Jones, approved at the November meeting.
- Nancy Sullins noted that TCB needed to be changed to AECOM.

5. Report Contents and Structure

Rachel reviewed the contents and structure of the Implementation Plan (I-Plan). For reference, TCEQ provided H-GAC with a draft of the I-Plan for Three Total Maximum Daily Loads for Bacteria in the San Antonio River Area. TCEQ recommended emulating the format, particularly the tables. The tables contain the nine elements of a Watershed Protection Plan (WPP), which are needed if eligible communities are going to apply for 319 funding. Source workgroups have been using the table and so far, have filled out the first two columns: causes/sources and implementation activities (IAs). Those identified to date were included in the meeting handouts.

Q: Has TCEQ confirmed that the nine elements will meet the requirements by TCEQ for an I-Plan?

A: There are additional requirements, which were discussed at previous BIG meetings, but they do encompass much of the information that will be needed.

Q: What will the tables be used for?

A: Workgroups will fill out the tables. They will form the basis of the I-Plan.

Q: What are the column titles in the table?

A: Causes/Sources of Impairment; Implementation Activities; Estimated Potential Load Reduction; Technical and Financial Assistance Needed for Each Activity; Education Component for Each Activity; Schedule of Implementation Activity; Interim, Measureable Milestones for Each Activity; Indicators to Measure Progress; Monitoring Component; and Responsible Entity.

Q: The nine key elements are what is needed to go after 319 funding, but are there other elements needed in an I-Plan?

A: Yes. We went over that to an extent at the last meeting. The EPA requires reasonable assurances that load allocations will be achieved, a description of the public participation process, and recognition of other watershed management processes and programs such as local source water protection and urban stormwater management programs. TCEQ has some requirements, but between the nine elements and the EPA requirements, they are addressed. We also have the San Antonio plan that has everything required and we will be using it to develop the document.

Consensus was that the group would like to have a document that clearly lists the bare minimum of what is required in an I-Plan.

Q: Can we ask the TCEQ to address this? I thought they were going to give us an outline of about 3-5 pages. I understand maybe there is not one filled out in the State yet, but I thought the format was pretty well defined.

A: What you see on the screen is the template that TCEQ uses at the agency to develop the Implementation Plan. It includes an executive summary; introduction; summary of the TMDLs, which will contain problem definition, source analysis, linkage and TMDL expressions; implementation strategies, which includes a list of control actions and the tables (what the workgroups have been working to fill in) are included as well as a narrative summary; implementation tracking; review strategy; and communication strategy.

Q: What was the project time span for San Antonio?

A: Just like ours, it is a five-year plan, meaning it will be revisited every five years. If progress is being made at an expected rate the process will continue along the same path, if progress is not as expected the plan can be revised.

Q: Is there going to be one document for all watersheds or one document for each watershed? How is this going to be adopted in the State Water Quality Management Plan such that all of the jurisdictions in that watershed are involved and will fall under the requirements?

A: We will create one document as simple as we can make it, but there will be supplemental documentation with the information presented in different forms so that it will be relevant for various communities. The most useful way of organizing this document would be to have a separate Summary of the TMDL and Implementation Strategies for each major watershed. Dividing it by watershed (BWO, Sims, Brays, Clear Creek) will make it easier for TCEQ to deal with.

GIS maps of the Cypress Creek watershed were shown to the BIG and guests as an example of what can be done using GIS. Available data and layers will be used where possible, but the maps will have to be based on TCEQ segments, which is not how other

agencies have developed their maps. With these maps we will be able to look at the impaired waterways, look at the stream segments within the larger watershed, represent the geographic drainage area for each impaired segment, and look at each segment and identify which IAs will be applied in that drainage area.

Q: It had been discussed that the document would be available on the web. Has there been further discussion?

A: No. The term “document” is being used very loosely and it is expected that it will be presented through electronic media in addition to paper format.

Q: When the term “segment” is used, does this refer to stream segments or to some sublevel of classification?

A: Each stream is broken into segments based on where the water quality monitoring stations are. TCEQ breaks it down into assessment units based on the monitoring stations.

A list of causes/sources and IAs the workgroups have come up with so far was distributed. It was noted that the list only includes topics discussed through the December meetings. Topics from the January meetings had not been added.

Audience comments: A one-page document listing the nine key elements and additional necessary elements would be very helpful so that all involved would have a better understanding of what needs to be done.

6. Workgroups

The BIG liaison for each workgroup gave a verbal summary to the BIG. Workgroup discussions have focused as follows:

- *Agriculture & Animal*: Discussions for both source workgroups—which are held together—have focused on the completion of the causes/sources and IAs lists, in addition to the criteria that should be used in prioritization. Criteria mentioned included cost, political acceptability, low hanging fruit, largest load reduction, existing programs, biggest bang for the buck, and number of people that would benefit. Education will be an important IA for both workgroups, education of the programs/funding that are available for agriculture and education for animal sources for which there are no regulations.
- *Construction & Land Development*: The Construction workgroup discussion has focused on improving enforcement and implementation of the Construction General Permit and the MS4 construction programs. The group also discussed national effluent guidelines under development, the effect that increasing enforcement would have on staffing levels, and nutrients. The Land Development workgroup discussed differences in the ease of implementation between regulated MS4s and other areas and prior land use and its effect on bacteria levels in runoff. One concern in both workgroups was the fact that those attending the meetings were largely consultants and from Harris County. They

would like to encourage those from outside Harris County to get involved. The next meeting will focus on land development.

- *Illicit Discharges & Dumping:* The IDD workgroup has discussed causes/sources and IAs. Through discussions three main themes have developed:
 - There is a need for an inventory of illicit discharges. Many can be found by traversing the waterways. HCFCFCD already does this.
 - A regulatory framework exists for most of the communities but there needs to be improvement: penalties need to be imposed more quickly, judges need to be on board in order to prosecute, and there may need to be some legislative changes if communities are to have the power to implement existing programs.
 - Specific activities that need improvement, such as monitoring “honey-wagons” and improvements to dumpsters (design/maintenance).
- *On-site Sewage Facilities:* The group has discussed incentives, obstacles, and options, as well as what may or may not be financially feasible. The group came up with a three step process:
 - Inventory of all septic systems (largely using GIS, but also visual inspections)
 - Determine which ones are failing
 - With this knowledge a group could go to the legislature and say that help (\$) is needed for inspections, new WWTPs, to replace septic systems, and collection system installation.
- *Residential:* The group discussed specific sources of bacteria, Harris County’s public education program that is already in place and how it could be offered to other communities on a cost-share basis, other outreach and education programs such as the City of Pasadena’s program and the Galveston Bay Estuary Program’s Public Participation and Education program, how to communicate personal responsibility and awareness of the waterways to the public and what the methods are to achieve this.
- *Sanitary Sewer System:* Workgroup discussion topics have included a variety of IAs; capacity, management, operations and maintenance; subscriber systems; permit requirements; penalties and incentive programs; TCEQ’s SSO initiative; the importance of system inspections using smoke testing and remote television; and enforcement gaps including regulatory gaps and staffing gaps.
- *Stormwater:* One of the problems the group has been having is that everything comes into the storm system and they will need to delegate some of their discussion material to the different workgroups. The group has tried to identify the different elements of the storm system (such as street gutters, inlets, pipes, outfalls), which are being called facilities. The group has divided their strategy into 3 categories: legislative and administrative, education, and structural devices (projects like Mason Park- constructed wetlands). The group had two specific topics for the research group:

- What exactly are we trying to fight? The focus is bacteria but is this really the health hazard? What pathogens/health indicators should we be focused on?
- Once bacteria are in the storm sewer system they are there. What is a practical method to kill these bacteria?
- *Wastewater Treatment Facilities:* The group came up with a list of causes/sources and IAs and have worked to refine the list. The group discussed new requirements of testing effluent for bacteria. The group talked about the cost vs. effectiveness of suggested IAs and how the design of a facility should be based on the experience of the operator in addition to the engineer's experience. Prioritization discussions resulted as follows: the #1 priority for sources is the effluent and the #1 priority for IAs is monitoring. A common theme of improved rules and enforcement exists throughout the IAs.

The four nonsource-related workgroups focused their discussions as follows:

- *Coordination & Policy:* The Coordination & Policy workgroup developed a worksheet that source workgroups and the BIG could use to evaluate and rank IAs. The worksheet includes 19 factors on which to rate IAs. Factors will be weighted, although the weights have not yet been determined. Additionally the worksheet contains a column titled "Applicable Factors," the use of which should help to normalize the scores to make up for situations where a factor is not applicable. The workgroup requested that comments on the worksheet be made to help in the refinement.

A recommendation was made that a factor analysis be done before the factors are weighted; we may find that there is a high correlation between factors like cost, cost per unit, public acceptability and political acceptability.

Once the factor list has been refined and consensus achieved, a test ranking will be conducted before finishing the weights. H-GAC's transportation department used a similar ranking system and their method could be reviewed for consideration by the workgroup. The workgroup stated that source workgroups could go ahead and begin to fill out the first column of the worksheet.

The group requested that each workgroup should make a list of legal questions that come up in discussions and this list should be passed on to the Coordination & Policy workgroup.

- *Monitoring:* The group has categorized the monitoring suggestions into four groups: ambient monitoring (will measure progress), BMP effectiveness monitoring, discharge monitoring (outfalls), and administrative monitoring (tracking of activities).
- *Research-* The Research workgroup's topics of discussion have included Use Attainability Analyses, prior land use, a possible correlation with bacteria and some other pollutant, a paired watershed study to assess the impact of pet

waste, the real health risk/appropriate indicator, the acceptable bacteria level for secondary contact recreation, and if the bacteria standard of 126 cfu/100mL is even achievable. A comment was made that maybe research topics should be prioritized once workgroup IAs have been prioritized/ordered and could be based on what the workgroups come up with as the top priorities.

- *Watershed Outreach*: The group's two main tasks are to prioritize which waterways to focus on first and to communicate to the public what is being done by the BIG. So far, the group has focused on how to prioritize the waterways. Criteria for prioritizing might include the presence of other pathogens besides *E. coli*, recreational usage rates, costs, bacteria levels, population density around the waterways, percent of base flow that comes from WWTPs, community needs, effect on drinking water, and upstream vs. downstream.

7. Other Business/Roundtable

- The next Bacteria Permit Limits – Rulemaking Stakeholder Meeting will be January 23, 2009, at 9:00 AM. The agenda was provided in the handouts.
- TCEQ has just completed the establishment of the management structure for TMDL and the new Team Leader is Ron Stein.
- TCEQ is looking to take the Buffalo/Whiteoak TMDL to agenda for adoption on April 8, 2009. The main document will not change, but an appendix will be added. The new appendix will include the equations used to generate new allocations if and when the criteria for bacteria change.

8. Next Meeting Date

The next regularly scheduled meeting will be on February 17, 2009.

9. Adjourn

The meeting was adjourned at 3:36 PM.