

**Bacteria Implementation Group  
Meeting Summary**

**Tuesday, February 17, 2009**

**Members Present:**

Michael Bloom	Teague Harris	Linda Pechacek
John Blount	Jason Iken	Ceil Price
Pat Buzbee	Tom Ivy	Kathy Richolson
Robert W. Collins	Ron Kelling	Jim Robertson
Carol Ellinger	Helen Lane	Brian Shmaefsky
Catherine Elliott	Jack Murphy	Robert Stokes
Joe Ferro	Raymond Pavlovich	

Marilyn Christian was represented by Snehal Patel  
James Tynan Kelly was represented by Bruce Heiberg  
Craig Maske was represented by Scott Saenger  
Michael Mooney was represented by Ron Kelling  
Becky Olive was represented by Nancy Sullins  
Linda Shead was represented by Carolyn White

**Members Absent:**

Mike Garver	Mitchell Page
Jim Meley	Melvin Solomon

**Guests Present:**

Stephen Archer (Archer Environmental), Thomas Barnett (TCEQ), Tony Bennett (AECOM), Linda Broach (TCEQ), Richard Chapin (City of Houston), Cindy Contreras on phone (TPWD), Ingrid Fairchild (HCFCD), Nicole Hausler (PHA), Mike Heimer on phone (Texas Cooperative Extension), Terry Hershey on phone (Public), Brian Koch (TSSWCB), Kim Laird (TCEQ), Ward Ling (TCEQ), Mark Lowry (AECOM), Charles Maguire (TCEQ), Alisa Max (Harris County), Sarah Metzger (City of Pasadena), Maria Modelska (University of Houston), Philip Moore (Montgomery County), Chip Morris (TCEQ), Tina Petersen (CDM, Inc.), Mary Purzer (AECOM), Nic Ramirez (AEI Engineering), Joseph Reza (TCEQ), Nick Russo (Harris County), Richard D. Smith (CCFCC), Robert E. Snoza (HCFCD), Brenda Templeton (City of Houston), Mike Thornhill (SWWC)

**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-six members were present, forming a quorum.

## **3. Approval of January 20, 2009, Meeting Summary**

Meeting notes were approved with one change, Ron Kelling was present at the January meeting.

## **4. Approval of Proposed Alternates**

The following nominations were approved as alternates:

- Steve Archer for Linda Pechacek.
- Ron Kelling for Michael Mooney.

## **5. Requirements of an Implementation Plan**

Rachel began by stating that TCEQ does not provide a list of requirements for an Implementation Plan (I-Plan), but simply states that the nine elements of a Watershed Protection Plan are critical parts. The EPA also recommends including the nine elements of a WPP, but does not require that they be included. However, the EPA does list five minimum elements of an approvable I-Plan:

- Description of IAs
- Timeline
- List of legal and regulatory controls
- Time required to obtain water quality standards
- Monitoring plan and milestones

TCEQ also supplied H-GAC staff with an I-Plan template, which was in turn provided to all present.

Q: Can you give some examples of what the legal and regulatory controls would be?

A: Legal or regulatory controls could include such things as ordinances, permits, or court orders.

Q: It was mentioned that TCEQ had a list of minimum requirements of an I-Plan. We still have not received that list.

A: What is important as a TMDL I-Plan develops is that we be able to provide reasonable assurances that the plan will happen. There are two ways this is done: for voluntary measures there should be a demonstration that there is cost share or grant funding available that would incentivize implementation, while for regulatory measures the regulatory authority or the ability to enforce must be identified. As the BIG struggles

with developing a plan, TCEQ would like to be in the feedback loop. They could provide feedback where reasonable assurance has not been fully shown.

Much confusion resulted during the meeting regarding the I-Plan. The following day Chip Morris of TCEQ sent the following summary of Ron Stein's comments regarding the topic.

*What we want to get across to the members of the BIG is that this is your project. It is not TCEQ's project. We are not telling you what to do. We want to advise, to help where we can.*

*As to the permits, which pertain to some individual member agencies, you have the freedom and responsibility to let us know if they are just right, too rigid, or too lax -- and we will work with you on that issue however we are able. The BIG has the responsibility of looking at the permit requirements that are currently in place, the nature and magnitude of the problem, and determining if additional permit requirements should be considered. TCEQ will work to implement those changes.*

*As to other components of the Plan you are working on, it is a vehicle for you to say what you want, what you need, and what you will do to address the bacteria impairment in Houston waters.*

The I-Plan:

- will be one regional plan
- will identify who is going to do what, where, and how
- will have reasonable assurances
- will be able to tell each entity what they are expected to do as a result of this plan
- is not restricted to have all implementation activities applied universally
- should be designed as an adaptive strategy so that when new information is found in the future the plan can make use of those findings

The fundamental assumption that the terms of the I-Plan are adopted into the State Water Quality Management Plan, which is a baseline for how we need to function as a group because it will affect permit limits.

BIG members and guests voiced several concerns during the meeting:

- the list of bacteria sources and implementation activities needs to be shortened
- it is too soon to conduct outreach, information shouldn't be taken out to the public until the process is more developed
  - The initial phase of outreach is to let additional stakeholders know about the work of the BIG, the sources that have been identified, implementation activities that are being discusses. This phase is also

meant to generate feedback. The particular focus will be on entities that will have to undertake implementation activities. The document will need to be worded in a way that clearly indicates it is just a draft and that we want opinions and feedback.

- even sophisticated guesses for estimated load reductions should not be publicized, because once information is out in the public it can never be fully retracted
- maybe the plan should not focus on 319 funding for the I-Plan
- sources should be ranked by factual data and not perceived characteristics
  - The Coordination & Policy workgroup is working on prioritization criteria, some criteria will be fact based, and some will be based on best professional judgment.

Q: Who is going to do the calculations for the load reductions?

A: Some are published values while others are not. Staff will identify initial values that can be used to do calculations. We are talking with TCEQ right now, about how modeling might fit into next year's budget. There are several different models out there for determining estimated load reductions and we will be looking into which might be the best for this project. H-GAC is currently using one in the development of the Bastrop Bayou Watershed Protection Plan.

A suggestion was made by Linda Pechacek to use a model that has continuous simulation so that we can see the inter-event period in between the rain events because of the role of antecedent dry conditions on the water quality. One model suggested was the SUSTAIN model that the EPA is developing and will be made public. One benefit of this model is that it directly connects to ArcGIS.

Q: How are we going to ensure that everyone agrees with the assumptions used in the model? This was a problem many had with the TMDL.

A: That is one reason we have the BIG.

Q: One of our focus points of discussions of the BIG and workgroups includes recognition that there are research issues that are still out there and that this will be an adaptive management process. Can we add a separate section in the document that would discuss parallel research activities and research needs?

A: We can do that. It will be incorporated somewhere.

Q: What is the game plan for the next six months for the BIG?

A: The plan for the March BIG meeting is to have a preliminary document to the group to review and approve. We want to go out to the community with the document and let people know what is happening. What we bring out this spring will not include all nine elements. We do not want to hold back on going to the public, as we see those meetings as giving people a heads up on the menu of things we will be looking at. We will gather

information, get initial opinions and input on the I-Plan, and we will continue working on the document.

Q: How do you envision getting from the big list of implementation activities to the draft document?

A: Workgroups have begun working on this task. They have been discussing implementation activities and which ones in general they think are the most important or will be the most important and we will be focusing our attention on those initially.

Q: Is it possible to take our one adopted watershed and start forming it into a document so the group can see what the document will look like.

A: Yes.

Topics brought up that will be discussed at the March meeting include:

- the most important sources to deal with as decided by the BIG
- determining whether or not consensus exists for taking a document out to the public this spring

## **6. Workgroups**

Four workgroups met since the January BIG meeting. The BIG liaison for each of these workgroups gave a verbal summary to the BIG. Workgroup discussions have focused as follows:

- Monitoring – Discussion topics included:
  - “Is *E.coli* the only parameter?” – when we have another parameter in the future we need to be prepared to start with it, but right now *E.coli* is the parameter we have to meet.
  - Sampling types/sites: what constitutes adequate sampling? – This is one of the most densely monitored regions in the state; we will be able to tell when water quality improves.
  - The I-Plan needs to include a database to track everything. Unless continuous monitoring of the database is occurring, we won’t know which activities are working and which aren’t.
  - Discussion on the possible correlation between nutrients and *E.coli*.

The next meeting will determine what kind of applications will need to be monitored.

- Research – Research topics discussed at the January workgroup meeting included: prior land use impacts on *E.coli* loading in soil, the ability of inspections to deter facilities from causing future violations, the possible correlation between turbidity and bacteria, possible methods of treating water in the stormwater system, and what is different about the 2% of waterways that have been sampled in the region and not found to be impaired. Other topics of discussion included research already conducted and in process and research to look for.

- Watershed Outreach – The workgroup began discussing the outreach plan, such as what groups/individuals should be informed of the I-Plan. Methods of geographic prioritization and the criteria that will be used were also discussed. One method brought to the group at a previous meeting was revisited. The proposed prioritization method involved criteria grouped into three categories. The next meeting will focus on fine-tuning this prioritization method with the inclusion of two additional categories. The five categories to be considered include: Activity, Accessibility, Bacteria Level, Implementation Opportunities, and Land Use Changes. The workgroup also discussed the possible development of a one page information sheet on the BIG and the work being done that could be handed out at meetings and other events.
- Coordination & Policy –
  - The workgroup is moving forward with refining the evaluation worksheet tool. They have eliminated the weighted ranking and each appropriate implementation action will now be scored directly.
  - Descriptions are being created for each of the implementation activities developed by the workgroups.
  - The group is exploring the opportunity to use an online survey tool to help in the ranking of implementation activities.
  - The workgroup had a brief discussion about the need for a flexible framework relating appropriate implementation activities to the various jurisdictions. More discussion will follow regarding attributes of the flexible framework given site-specific conditions. If the plan used a flexible framework, it would mean that the I-Plan would not mandate implementation activities that would need to be used by everyone. Communities could select the implementation activities that would work best in their community.

#### **7. Other Business/Roundtable**

- The H-GAC website now has a shared page containing information or links to relevant sites submitted by BIG members or other involved individuals.
- H-GAC is working on a workgroup webpage to post meeting notes and other information.

#### **8. Next Meeting Date**

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

#### **9. Adjourn**

The meeting was adjourned at 3:22 PM.