



**Meeting Summary**  
**Tuesday, March 16, 2010**

**Members Present:**

Pat Buzbee	Craig Maske (phone)	Kathy Richolson
Catherine Elliott	Cathy McCoy (phone)	Jim Robertson
Carol Haddock	Michael Mooney	Linda Shead
Jason Iken	Becky Olive	Brian Shmaefsky (phone)
Tom Ivy	Raymond Pavlovich	Melvin Solomon
Ron Kelling	Linda Pechacek	Michael Turco
Helen Lane	Ceil Price	

Michael Bloom was represented by Jason Maldonado on the phone.

John Blount was represented by Alisa Max.

Marilyn Christian was represented by Snehal Patel.

Joe Ferro was represented by Jesse Espinoza.

James Tynan Kelly was represented by Bruce Heiberg.

Robert Stokes was represented by Lisa Miller-Marshall.

**Members Absent:**

Robert Collins	Cathy McCoy	Mitchell Page
Mike Garver	Jack Murphy	
Teague Harris		

**Guests Present**

Bob Adair (HLWSF), Steve Archer (AEC), Adam Aschmann (GHBA), Mike Bagstad (CH2M Hill), David Batts (HLWSF), Tom Beck (TxDOT), Tony Bennett (AECOM), David Beyer (Storm Water Solutions), Richard Chapin (City of Houston), Lisa Clark (GHBA), Catarina Cron (Harris County), Richard Cron (Cron Public Affairs), Daya Dayanada (City of Pasadena), Robb Fishman (Jacobs), Jedediah Greenfield (City of Houston), Angie Hallimore (R.G. Miller Engineering), Jack Higginbotham (TCEQ), Millie Holifield on phone (City of Missouri City), Jonathan Holley (HCFCD), Brian Koch (TSSWCB), Carol LaBreche (City of Houston), Regina Lindsey (Greens Bayou Corridor Coalition), Teri MacArthur (Legacy Land Trust), Frank Manigold by phone (City of Friendswood), Harris Masterson (GHBA), Maria Modelska (UH), David Munn (AECOM), Scott Saenger (J&C),

Carol Serna (AEI Engineering), Craig Smith (TCEQ), Nancy Sullins (Self), Arthur Talley (TCEQ), Michael Thornhill (SWWC), Julie Villeneuve (City of Deer Park), Jim Wolfe (Severn Trent Services)

## **H-GAC Staff Present**

Rachel Powers, Erin Livingston, Todd Running, Jeff Taebel

### **1. Welcome & Introductions**

Rachel Powers welcomed and thanked everyone for coming. She initiated self-introductions of BIG members, those on the phone, and H-GAC staff. Rachel then reviewed the agenda.

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

Twenty-five members and alternates were present, achieving a quorum.

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

Carol LaBreche was approved as an alternate to Jason Iken, replacing Walid Samarneh.

### **4. Approval of February 16, 2010, Meeting Summary**

Meeting notes, as sent out on March 15, were approved without any changes.

### **5. Implementation Plan Report**

#### ***Draft sections sent to workgroups***

Rachel reported that the sections sent to workgroups include:

- Construction
- Illicit Discharges and Dumping
- OSSF
- Recommendations regarding geographic priorities
- Animals & Agriculture
- Stormwater & Land Development
- Monitoring
- Sanitary Sewer Systems
- Residential
- Research

Rachel provided a table of the implementation activities that were included in the drafts. The main purpose of the table is to provide a comprehensive list of activities that are being included

in the drafts, so that stakeholders who have not read all of the draft sections can have a better understanding of what is being addressed.

She explained that, on occasion, the details of the activities did not match what was discussed in the workgroup meetings, largely because the specific mechanisms for implementation were usually not discussed in detail. However, these are still drafts and we anticipate receiving and incorporating comments and suggestions, so if anything is objectionable, we encourage workgroup participants to comment.

Rachel then reviewed a table included in the handouts that indicates how various entities, such as a coordinating agency, TCEQ or TSSWCB, cities, counties, permit holders, or other stakeholders, might be involved in the various activities. Rachel provided a few examples of how the table could be interpreted. This table is included in the handouts posted to the BIG webpage for the March 2010 BIG meeting.

Q: Who will be the 'coordinating agency' shown in the table? Is it EPA?

A: Many of the section drafts refer to "H-GAC or another appropriate entity," but this entity has not been determined yet. EPA plays a roll and will be added to the table as appropriate.

Q: Shall we indicate that bacteria reduction activities should not preclude other water quality efforts?

A: There were no objections to including such a statement in the document.

Q: How were the types of entities in the table selected? For example, neither industrial permit holders nor utility districts are specifically identified.

A: The categories are broad. We will modify this table based on the conversation, and any other suggestions we receive.

### ***Draft sections not yet sent to workgroups***

Rachel reported that the sections that will soon be sent to workgroups include:

- Introduction in TMDL format
- Rewrites
- Estimated load reductions
- Nine-element tables
- Summary for communication purposes

### ***Summary of Substantial Comments***

Rachel reported that the vast majority of comments relate to wording and grammar changes. A few comments have asked for additional clarification, specified corrections, or suggested formatting. Some comments have asked for additions or removals of implementation activities.

So far, it seems reasonable to expect that seemingly-substantial suggestions will be satisfactorily addressed, although we are still working on these.

Q: What happens if there is a disagreement regarding an activity?

A: If there is a deadlock, the issue will be presented to the BIG for resolution. The workgroups will decide whether an issue needs to be presented to the BIG. The BIG had agreed to include a section in the final document that details any substantial disagreement or comments that BIG members feel are necessary.

The concern was expressed that the draft I-Plan will include items for which consensus was reached. H-GAC staff assured all present this would not be the case.

### ***Upcoming Schedule***

Over the next several weeks, the following activities will occur:

- H-GAC will finish drafting the sections of the document and sending these to the workgroup.
- H-GAC will receive and incorporate comments before resending the drafts to the workgroups.
- Once the workgroups have reached consensus on the sections, which may mean consensus about referring an item to the BIG for resolution, then the sections will be submitted to the BIG for review.
- H-GAC will develop nine-element tables for each implementation activity once it appears that the activities are adequately described.
- H-GAC will prepare a summary.
- We anticipate having a document in June that the BIG will be able to approve for the purpose of soliciting public support.
- Over the summer, we plan to solicit formal support.
- We plan to have a document to present to TCEQ for consideration by September 1, 2010.

### **6. I-Plan Activity Tracking**

At the November 2009 BIG meeting, the monitoring workgroup brought up the question of how we are going to continue the BIG effort once the plan has been completed. Workgroup participants have said H-GAC should be the coordinator, H-GAC feels this is appropriate, and TCEQ has asked us to provide a budget, but this is a question that the BIG needs to answer. There are other organizations that could do this, and other models that can be used.

H-GAC proposed that at a minimum, funds from TCEQ should be directed toward the following:

- Creating an annual report which would include an analysis of geomeans over time and a compilation of activities that were undertaken to reduce bacteria loading
- Continuing BIG meetings, albeit less frequently

The report would compile information provided in progress reports, such as those required for MS4 permits, and in reports received in response to reasonable requests and reminders. The report would not distinguish between non-reporting and non-action, so the burden would be on the stakeholders to report activities.

Q: Have we determined that geomeans over time is the acceptable way to determine improvement or decay?

A: No. TCEQ's proposed water quality standards focus on geomeans for determining

Comment: Stakeholders should not be asked to develop a separate report for activities if those activities are already included in a report.

Response: H-GAC would just ask for a copy of such a report.

Rachel then asked that the BIG consider whether H-GAC should be the entity to coordinate the post-plan activities and whether the minimum activities seem appropriate.

Q: Who will pay for the monitoring?

A: Currently, H-GAC receives funding from TCEQ to manage the local Clean Rivers Program (CRP), which coordinates monitoring activities for eight monitoring partners.

Q: Will the monitoring workload change?

A: The ambient water quality monitoring program, which currently has over 300 monitoring sites, would not change substantially. More discrete monitoring projects, that look at specific situations such as wet-weather discharges, would not be included in the CRP.

We hope that we would be able to develop a regional quality assurance plan that could be used by stakeholders that would assure that monitoring methods are consistent. Data collected under the quality assurance plan could then all be contained in a database similar to the CRP database, and be available to stakeholder and the public for use and analysis. This idea is included in the monitoring section of the I-Plan.

Comment: We need to be careful about creating additional reporting requirements.

Q: What other models or entities exist for post-planning activities?

A: Some watershed planning groups end up creating a non-profit organization that can receive funds and oversee activities. Sometimes there is an existing non-profit organization that is appropriate for the task. Sometimes river authorities or TCEQ will undertake the task.

Q: Is the Galveston Bay Association doing it for Clear Creek?

A: The audience indicated that it wasn't.

The Dickinson Bayou model calls for each of the local government agencies—cities and counties—to contribute money to pay for a watershed coordinator. This is a fairly common model.

Comment: Whoever develops the plan usually ends up doing monitoring and coordination.

Comment: H-GAC seems like an appropriate entity to track activities and identify improvements in water quality. Mandatory measures addressed through permits require reporting to the entity that grants the permit. We don't want to require double reporting or double requirements.

Response: We don't anticipate double reporting. For example, wastewater treatment facilities will report bacteria sampling results to TCEQ. H-GAC would not collect the same data. Instead, it would access TCEQ's database to perform statistical analysis of whether the data is being reported as required and whether TCEQ is responding to reported exceedances.

Q: It seems like we have consensus. We won't require double reporting. How do we address situations in which implementation activities have not been undertaken? Does TCEQ come and complain? Or does the BIG convene and make decisions about an appropriate response? How do we make changes to the plan based on actual implementation?

A: In some implementation activities, there are specific deadlines and mechanisms for evaluation of and response to non-implementation. Some other plans in Texas have specified a biennial review and revision to the plan.

Q: What teeth are available if a voluntary activity is not undertaken?

A: For some activities, if a voluntary activity is not undertaken, then we would request that it get added to the permit.

We also hope that peer pressure will encourage many communities to participate in voluntary activities. This model has worked in our region for other voluntary plans. The annual report and biannual meetings might provide a forum for comparisons.

Comment: We hope TCEQ will be looking for broadly defined progress on voluntary activities, instead of focusing on specific activities. Hopefully, TCEQ would communicate any dissatisfaction and then ask the BIG to determine appropriate means for improving performance.

Q: How will TCEQ evaluate progress? How will TCEQ respond to inadequate progress?

A: Informal conversations with TCEQ have indicated that they are interested in seeing general progress and it will take some time. We do not anticipate very specific requirements.

Comment: Many stakeholders already have permits that require progress. This required progress should be recognized and included in reports made to the BIG.

Q: We have discussed a situation in which each entity selects from a menu of activities. Will this still be the case?

A: Everyone will be expected to do something. Some activities will be required and some will be voluntary, but not every entity will be expected to undertake every activity.

Q: You mentioned that you anticipate reviewing the self-reported data from wastewater facilities that is collected by TCEQ. Have you asked TCEQ how this data will be recorded?

A: No. TCEQ already collects similar data, for example, bacteria sampling data for UV plants. We will confirm with TCEQ that the data will be available.

As an aside, Rachel reported that the database that H-GAC queried regarding self-reported flow data had temporary security measures in place that may have prevented complete retrieval of that data.

Rachel concluded the discussion, saying that H-GAC would proceed preparing a budget for TCEQ, including the salient points from the discussion. H-GAC will incorporate elements of this discussion into the draft.

## **7. Staff Presentations**

Rachel reported that she provided the standard BIG public engagement presentation to the Water Resources Committee of the HCEC on March 5 and to the Sierra Club on March 11.

### ***Proposed Surface Water Quality Standards***

Rachel presented a map showing the assessment units that would meet the standards that have been proposed for the Surface Water Quality Standards. A list of the assessment units in tabular form is provided in the handout. These changes are based on the new geometric mean requirement, and do not address the changes in high-flow situations or single sample requirements.

## **8. Other Business/Roundtable**

Tony Bennett provided a brief update on permit applications for wastewater treatment facilities (WWTF). EPA recently denied eight permit applications, raising questions about the standards for bacteria in effluent that are being applied to WWTF in TMDL project areas. In particular, EPA appears to have concerns about how the more stringent standards will not be applied until three years into the

permit. Tony has not received a complete report on why EPA denied the permits. Tony asked anyone concerned with this issue to weigh in on the issue.

Linda Pechacek provided a report from the International Conference of Urban Drainage last month. Clemson University released some results from sampling of bacteria coming from construction projects with sedimentation basins. The results seem to suggest that water coming out of the sedimentation basins had significantly higher *E. coli* levels than the water entering the basins. The sediment was similarly contaminated. Linda provided a copy to Rachel, who will make the report available upon request.

Rachel invited those present to attend the CMOM workshop that H-GAC will be hosting on April 7, 2010, as part of its Clean Waters Initiative workshop program. Speakers will include Jana Harvill from EPA, Lynley Doyen from TCEQ, and representatives from Texas City, a local CMOM success story.

Rachel encouraged those present to participate in Trash Bash on March 27, 2010. Visit [www.trashbash.org](http://www.trashbash.org) for more information.

#### **9. Next Meeting Date**

The next regularly scheduled meeting will be on April 20, 2010.

#### **10. Adjourn**

The meeting was adjourned at approximately 2:55 PM.