

**Bacteria Implementation Group
Meeting Summary**

Tuesday, April 21, 2009

Members Present:

Michael Bloom	Jason Iken	Linda Pechacek
John Blount	Tom Ivy	Ceil Price
Pat Buzbee	Ron Kelling	Kathy Richolson
Marilyn Christian	Cathy McCoy (by phone)	Linda Shead
Catherine Elliott	Michael Mooney	Brian Shmaefsky
Joe Ferro	Jack Murphy	Melvin Solomon
Teague Harris	Becky Olive	

Carol Ellinger was represented by Richard Chapin
James Tynan Kelly was represented by Bruce Heiberg
Craig Maske was represented by Scott Saenger
Raymond Pavlovich was represented by Michael Thornhill
Jim Robertson was represented by Richard "Dick" Smith

Members Absent:

Robert W. Collins	Mike Garver	Robert Stokes
Helen Lane	Mitchell Page	

Guests Present:

Thomas Barnett (TCEQ), Tony Bennett (AECOM), Linda Broach (TCEQ), Cynthia Brum (GBEP), Susie Cavazos (City of League City), Winston Denton (TPWD), Helen Drummond (GBEP), Bryan Eastham (TCEQ), Kathryn Hale (Houston Audubon Society), Mike Heimer on phone (Montgomery County), Brian Koch (TSSWCB), Bruce Krewinghaus (SWH 2000), Kim Laird (TCEQ), Ward Ling (TCEQ), Mark Lowry (Independent Consultant), Charles Maguire (TCEQ), Ed Matuszak (URS), Alisa Max (Harris County), Steven Mitchell (TPWD), Maria Modelska (University of Houston), Jarl Molander (KLP), Philip Moore (Montgomery County), Chip Morris (TCEQ), Allen Peach (URS), Nic Ramirez (AEI Engineering), Nick Russo (Harris County), Robert E. Snoza (HCFCD), Mark Stendahl (Nottingham), Linda Stice (City of Houston-PWE/DWO), Barbara Sullivan (TCEQ), Lauri Thanheiser on phone (Environmental Infrastructure Planning), Carolyn White (HCFCD), Ray Zobel (CCFCC)

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 and H-GAC staff. Rachel then reviewed the agenda.

2. Certification of Quorum

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

3. Approval of Proposed Alternates

No alternates were proposed.

Rachel reported that Jim Meley asked to resign from the BIG due to personal commitments. Jim suggested that the BIG consider Cathy McCoy, his alternate, for his replacement. None present were opposed to this appointment.

4. Approval of March 17, 2009, Meeting Summary

Meeting notes were approved with no changes.

5. Results of March 17, 2009, Prioritization Exercise

Rachel reviewed the results of the prioritization exercise from the March meeting. A graph depicting the top sources of bacteria selected during the meeting was presented. The top sources selected by the BIG members were wastewater treatment facilities (WWTFs), sanitary sewer systems, stormwater, and illicit discharges and dumping. A graph of the top implementation activities (IAs) was also displayed. For discussion purposes, Rachel presented a list of the top ten IAs selected by the BIG. She explained that the list that will be distributed during the public engagement plan would encompass more than just the top ten. The full list for distribution was available for viewing in the meeting handouts. Rachel explained that the prioritization results were incorporated into the public engagement documents. Comments and questions were as follows:

- Change septic tanks to OSSF.
- When will we start looking into effectiveness and cost? The next phase of evaluation will look at these. We will start at the top of the list and work our way down.
- Have we included IAs for which we do not have jurisdiction? These are recommendations that we are making and presumably they will be adopted by communities in our region and they will be put into the I-plan, which, when approved by TCEQ, would then become a part of the State Water Quality Management Plan. Anything that becomes part of a permit would have to be done by TCEQ.
- The IA “impose bacteria monitoring on all WWTFs” is already being done by TCEQ. Why has this been included in the list? One comment during the workgroup discussion of that topic was that the bacteria limits proposed by TCEQ may not be appropriate for our region and we may need to suggest more strict or more lenient limits.

- What does CMOM stand for? Capacity, Management, Operation, and Maintenance. It is a voluntary program for communities with persistent sanitary sewer collection system issues to resolve problems. In the public engagement documents, we will spell out acronyms or use other terminology.

6. Public Engagement Plan Phase I

Rachel reported that she had updated the public engagement plan documents based on comments received at the March meeting. She also updated the stakeholder list and timeline. Stakeholders to add to the list include The Woodlands, the City of Montgomery, city attorneys, Lone Star Groundwater Conservation District, Conroe/Lake Conroe Area Chamber of Commerce, and Southern Montgomery County Chamber of Commerce. Rachel pointed out that an asterisk next to a stakeholder indicated that a BIG member or alternate was affiliated with that stakeholder. BIG members will be asked how H-GAC staff should approach the stakeholder with which they are affiliated. A draft public engagement letter was included in the handout. The concepts and order of the letter are similar to the Public Engagement Message seen by the group at the last meeting.

Comments and questions received from BIG members or alternates were as follows:

- Add health departments under contacts for counties and add public works or utility directors.
- Is there a plan on how to contact subdivisions? No. A suggestion made was to reach subdivisions by contacting homeowners associations (HOAs). There is a group called the Community Associations Institute that is a consortium of HOAs. There are also some companies that manage many HOAs.
- Are MUDs on the list? Yes, under special districts.
- Add operators under special districts. Many of them will be contacted through the Sam Houston Water Utilities Association or the Texas Association of Water Board Directors, but they will specifically be added.
- We need to let those approached during Phase I of the Public Engagement Plan know that their comments/suggestions will not necessarily become a part of the I-Plan. The BIG is ultimately developing the I-Plan.
- The concern was expressed that we have not yet developed a mechanism for dealing with comments received during the public engagement efforts. How are we going to respond to each of the comments received? H-GAC will compile the information and respond to each person. It might just be “thank you, we have received your comment and it is being considered by the BIG.” H-GAC will provide the comments to the BIG verbatim when possible for consideration and review. Some responses will be “we have a workgroup that addresses your concern and you are welcome to attend meetings.”
- Maybe we should have a response to comments document as part of the I-Plan or on the website.
- How do we handle huge opposition to a top IA should it arise? It was suggested that the BIG would take a vote and could vote to not address those comments

and would send them a letter stating as such. If there is a large discrepancy between what the BIG is thinking and how the stakeholders are responding the situation will have to be considered carefully.

- Would it be helpful in the letter to encourage their participation in workgroups? Put something in that says workgroups will be addressing comments and you are invited to attend. Let them know that there is a process for vetting suggestions and that it is not just the BIG. It should go in “next steps”. Suggested wording: any comments you submit will be considered by the BIG and will be addressed in the process.
- We need to make the long list of IAs available so that people do not suggest something that is already being looked at.
- If we encourage stakeholders to come to workgroups, do we need to explain workgroups in more detail? There is information about workgroups on the website. Maybe we don’t need to specifically call out workgroups and we could just leave it as “we are also hosting several forums for discussion” to make it more inclusive.
- Include the URL for the workgroups webpage.
- Instead of using the word “waterway” we should use more specific terms such as streams, bayous, etc.
- The last two bullets under WWTF seem the same. Maybe they should be combined or one should be eliminated. (But these are handled by different sections of the TCEQ so maybe don’t combine.)
- Second bullet under Illicit Discharges & Dumping should read, “Walk channels to detect and eliminate illicit discharges” because just mapping would not do much.
- In the second bullet under Construction, detention should be changed to sedimentation basins.
- The last sentence in the background section should be removed. The second to last sentence should be reworded to say, “We want you and others in your organization to review our preliminary list of major strategies and provide us with any comments you may have.”
- Change “requirements” to “strategies” in the second bullet under Stormwater & Land Development Sources.
- More clearly define “green infrastructure.” Maybe we should leave it ambiguous so they will think what they want. Maybe we should direct them to the EPA website.
- Outfalls were not mentioned under Stormwater.
- H-GAC has experience handling large numbers of comments. In the past, comments have been compiled into a summary list. H-GAC responds in detail to detailed comments. There have been times when overwhelming opposition has not changed a vote by the policy council.
- While we should encourage stakeholders to attend workgroups, there may not be much time for workgroup meetings during the public engagement process. We don’t want to raise false expectations about short-term opportunities for participation.

- We need to balance technically accurate language with plain talk.

Audience comments and questions were as follows:

- Someone should attend the Association of Water Board Directors seminar this summer to report on the BIG and the work being performed. Teague reported that he will be making a presentation at the seminar regarding those topics and additionally will suggest to AWBD members that they begin monitoring their WWTFs for bacteria in advance of the upcoming TCEQ requirements.
- The letter should be kept short and possibly should be distributed electronically instead of or in addition to regular mail.
- Will outdoor advertising, like the Harris County billboards, be utilized? The residential workgroup has been discussing just that. We will not be publicizing I-Plan development through billboards, although specific messages identified in the plan might eventually be publicized this way.
- The letter should really grab people's attention and then direct them to the website where they can get additional information.

At the last meeting, a suggestion was made to create a list of frequently asked questions (FAQs) and their answers. Questions suggested during the meeting include:

- Why should I care?
- Why should I do anything?

H-GAC will provide meeting information and a web-based forum for people to make comments. A link will be provided to FAQs.

Rachel requested that comments regarding the public engagement letter be submitted within the next week. She will then incorporate the comments and send the updated letter out via email for final approval. Rachel explained that a non-response to the email would be considered an approval.

7. Workgroup Reports

Eight workgroups met since the March BIG meeting. The BIG liaison for each of these workgroups or an H-GAC staff member gave a verbal summary to the BIG. Workgroup discussions have focused as follows:

- Construction – At the last meeting, the group discussed the Construction General Permit (CGP) and the effectiveness of fines in improving compliance. Consensus is that the CGP is good but that compliance and enforcement need to increase and that the CGP should be expanded to areas outside of Phase I and II communities.
- Land Development – During the previous meetings, four main IAs have been discussed and include: evaluate and implement post-construction BMPs and encourage their use throughout the region, petition TCEQ to allow MUDs to fund water quality BMPs, provide incentives to preserve and create open spaces and natural reserves, and establish and maintain vegetation. Discussion also focused

on BMP research already completed and the areas where more research is needed.

- Watershed Outreach – During the last meeting, the group worked on a spreadsheet that is being developed to evaluate the different assessment units and prioritize those that should be addressed first. This group is working to determine where IAs should be implemented first. In order to make the determinations the group is looking at activity level, accessibility level, bacteria level, implementation opportunities, and land use changes. H-GAC will be developing a geographical representation of these criteria.
- Residential – The workgroup discussed promoting water conservation for homeowners and the challenges of this. Education programs on fats, oils, and grease were also discussed, as were private laterals and the problems that exist with these when they become clogged with grease. Discussion then focused on the Harris County public education program and the possibility of expansion to other communities. This workgroup has no meetings scheduled at this time.
- Coordination & Policy – The discussion began with policy or legal needs of the other workgroups, and how we need to begin planning now for the next legislative session. The group then discussed the prioritization screening tool. Feedback had been received from other workgroups. Comments received include:
 - the screening tool really creates qualitative results vs. quantitative results
 - many of the criteria are difficult for a group of people to agree on a score.Possibilities include streamlining the tool to make it more quantitative and creating a web-based application where individuals could input their individual scores.
- Illicit Discharges & Dumping – The group began by reviewing the results of the prioritization exercise from the March BIG meeting. It was felt that IAs had been ranked appropriately. Discussion then focused on refining IAs. Pasadena’s program to monitor waste haulers was suggested as one to look at. This workgroup has no meetings scheduled at this time.
- Agriculture & Animals – The group began by reviewing the results of the prioritization exercise from the March BIG meeting. No IAs from either of these groups were identified by the BIG as a top priority although two IAs did receive votes from audience members (control of feral hogs and livestock controls). Group consensus was that the results of the exercise were appropriate. These workgroups have no meetings scheduled at this time.

8. Other Business/Roundtable

- TCEQ Commissioners approved the Buffalo/Whiteoak TMDLs on April 8th.
- The Clear Creek TMDL was approved by the EPA.
- There will be an MS4 conference from June 22 to 25.
- In August, H-GAC will be hosting a presentation by Harris County for Phase II communities in the region. Harris County will present information about its MS4

public education program and opportunities for phase II communities to participate in the program.

- A Frontline program titled Poisoned Waters is being broadcast on television on April 21, 2009, from 9:00 PM to 11:00 PM. It focuses on non-point source pollution, runoff and in particular Chesapeake Bay and Puget Sound. More at <http://www.pbs.org/wgbh/pages/frontline/poisonedwaters/>.
- TCEQ is considering conducting one or more Recreational Use Attainability Analyses (UAA) in our region and they would like the BIG's input regarding appropriate locations. Suggestions are to be sent to Rachel and she will pass them on.
 - What is a UAA? It is the analysis that must be conducted to change a waterway's designated use based on how the waterway is being used.
 - How does this relate to the UAAs that have already been done in this area? The one done on Buffalo Bayou is being used as a prototype.
 - If there is evidence that a waterway is being used for swimming, but it is not a location appropriate for this activity, how it will be addressed? They would like the local government and stakeholder groups to decide what should be done because it is their waterway.
 - A concern was expressed that maybe there is not currently primary contact recreation in a waterway, but there are groups actively working to increase accessibility and usability of the region's waterways. There may be greater use in the future.
 - In addition to trying to prove what is not existing, another element is to prove one of the six criteria in the regulations that would demonstrate that a particular use is not attainable without widespread economic and social harm. Five of the six apply to recreation.
 - Brickhouse Gully is an option for a Recreational UAA. It is in a very highly industrialized area, with vertical sidewalls, one inch of water, and completely concrete.
 - The TCEQ should look at segments that are highly channelized, highly urban/industrialized, with little or no existing recreational/park areas around them.
 - One of the components of the Harris County Bacteria Reduction Plan is to classify every stream in Harris County for its intended use. They are in the process of getting this done.
- At one point TCEQ had mentioned wet weather stream standards. Is this something they are still evaluating? They are still working on the last version of the rule. They have received many comments. There probably will be some sort of high flow exemption in the standards rule.
- Dick Smith reported that CCFCC recently became aware of frequent contact recreation, in the form of skimboarding, occurring in Cypress Creek. Two weeks prior, there were over 150 people in attendance for a cancer benefit. It was suggested that information about the bacteria problem needs to be distributed the HOAs.

9. Next Meeting Date

The next regularly scheduled meeting will be on May 19, 2009.

As the primary topic of discussion will be workgroup reports, Rachel asked the BIG whether they would like to have a presentation on a relevant topic, discuss a particular topic they feel needs discussion, or have a short meeting. Consensus was to have a short meeting.

10. Adjourn

The meeting was adjourned at 3:27 PM.