



**Draft Meeting Summary  
Tuesday, July 19, 2011**

**Members Present:**

Michael Bloom  
Marilyn Christian  
Joe Clark  
Catherine Elliott  
Teague Harris  
Bruce Heiberg

Jason Iken  
Tom Ivy  
Michael Mooney  
Jack Murphy (on phone)  
Mitchell G. Page  
Raymond Pavlovich

Linda Pechacek  
Kathy Richolson  
Jim Robertson  
Linda Shead  
Brian Shmaefsky (on phone)

John Blount was represented by Alisa Max  
Pat Buzbee was represented by Mike Lindsey  
Robert Collins was represented by Mike Lindsey  
Ron Kelling was represented by Michael Mooney  
Craig Maske was represented by Scott Saenger  
Becky Olive was represented by Liz Stone

**Members Absent:**

Mike Garver  
Carol Haddock  
Shannon Hicks

Helen Lane  
Cathy McCoy  
Ceil Price

Robert Stokes  
Michael Turco

**Guests Present**

Mike Bagstadt (Zarinkelk Engineering), Tom Beck (TxDOT), Linda Broach (TCEQ), Richard Chapin (City of Houston), Russell Cosbey (Huitt-Zollars), Tom Douglas, Bryan Eastham (TCEQ), Denise Hall on phone (Harris County), Greg Hall (City of Conroe), Jonathan Holley (HCFCD), Anita Hunt (Hunt & Hunt Engineering Corp.), Steve Hupp (Bayou Preservation Association), Brian Koch (TSSWCB), David Kocurek (City of Alvin), Kim Laird (TCEQ), Carole Lamont (Harris County Precinct 3), Ruben Martinez (Montgomery County), Maria Modelska (UH), Chip Morris (TCEQ), Nwachukwu Sam Okonkwo (TCEQ), Snehal Patel (Harris County Attorney's Office), Tina Peterson (CDM), Mary Purzer (AECOM), Nick Russo (Harris County), John Richner on phone (City of Houston), Walid Samarneh (City of Houston), Carol Serna (AEI Engineering), Robert Snoza (HCFCD), Ron Stein (TCEQ), Jennifer Wheeler on phone (Harris County), Guyneth Williams (City of Houston), Jim Wolfe (STES), Maggie Yancey (GHBA)

## **H-GAC Staff Present**

Rachel Powers, Todd Running, Jeff Taebel, Justin Bower, Will Merrell

### **1. Call to Order and Introductions**

Rachel Powers called the meeting to order at approximately 1:30. Rachel welcomed and thanked everyone for coming. She initiated self-introductions of BIG members, those on the phone, TCEQ, TSSWCB, and H-GAC staff. Rachel then reviewed the agenda.

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

Sixteen members or alternatives were present, forming a quorum.

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

Shannon Hicks, City of Webster Director of Public Works, was approved as a replacement for Joe Ferro.

Robert Snoza was approved as an alternate for Catherine Elliott.

### **4. Approval of July 19, 2011, Meeting Summary**

Meeting notes were approved as written.

### **5. Public Comment**

No public comment was given.

### **6. Review of Solicitation of Formal Support**

A list of entities was provided to attendees that have resolved to support or are expected to support the BIG I-Plan. Rachel said she is confident that the five counties involved will pass a resolution of the BIG. City of Houston passed a resolution of support, and several more large cities are in the process of formally supporting. The goal of ten small cities may be the hardest group of resolutions to obtain. Resolutions are still needed from about 55 MUDs. For the districts with which his firms works, Mitchell Page has added an agenda item for a resolution for support for the I-Plan.

### **7. Review of Concerns, Comments, and Minority Reports**

No minority reports have been received, although one set of comments was received since the BIG met in March. The Greater Houston Builders Association (GHBA) sent a letter reiterating some of the comments that it had provided during the comment period. The comments pertained to nutrients and to a reference to a study not specific to bacteria. Changes had already been made to the draft plan in response to the comments. The BIG was given a brief opportunity to review the original comments and the resultant changes before it determined that the changes seemed appropriate. No further changes would be made in response to the letter, although Rachel would follow up with the GHBA to close the loop.

## **8. Additions to the I-Plan**

H-GAC has made a few corrections to the plan, none of which change the substance of the document.

H-GAC intends to make a few cosmetic changes to the plan to make it look cleaner and more pleasing aesthetically.

H-GAC proposed additions to the plan: a signature page, excerpts from endorsements, and acknowledgements.

The BIG asked about the term “favorably review” on the signature page. Ron Stein clarified that TMDLs are *adopted* by the Commissioners and incorporated into the state water quality plan. The Commissioners *approve* implementation plans as being appropriate for the reasonable assurances section of the plan. The BIG agreed that, on the signature page, the term “favorably review” should be replaced with the term “approve.”

The BIG also agreed that the signature page would include affiliations for each of the members. The page would be expanded if necessary. Each BIG member should let Rachel know the appropriate affiliation. Each BIG member is expected to obtain appropriate authority from the group that he or she represents. The BIG discussed whether the signature page should specify that the BIG members have appropriate authority to sign on behalf of the organization they represent; Rachel will follow up with BIG members. Alternates will not be asked to sign the plan, except in the event that the BIG member asks that the alternate sign on his or her behalf.

Excerpts from letters and resolutions of support will be added, as shown in the example.

In the acknowledgements section, the BIG agreed that everyone who has contributed should be acknowledged, including past alternates. A disclaimer will be included that indicates that some BIG members and alternates and workgroup members are no longer participants, although they have contributed. The BIG agreed that Kim Laird of TCEQ’s regional office should be recognized along with TCEQ project managers, in recognition of the level of her participation.

## **9. TCEQ Process for I-Plan Review**

Ron Stein, TMDL Program Manager, described the review process for the I-Plan once it has been submitted to TCEQ.

### *Preparations for Commissioner Consideration*

TMDL staff will develop a document that better matches the format of TCEQ-produced I-Plans, and will submit that to the commissioners with the BIG-approved I-plan as an appendix. TCEQ commissioners will be asked to approve the plan for the purpose of soliciting public comment. The public comment period will last 30 days. After the public comment period, TCEQ will respond to comments. If there are substantial comments, TCEQ will consult the BIG. Once that is done, it will be taken back to commissioners for approval. This will be done as a formal agenda item for the agency. The whole process from start to finish will probably take 6 months. It could be as little as 5 months, or as long as 7 to 8 months. Internal review may be completed by mid October.

The first agenda for release for public comment will probably be in December. For the approval phase, it will probably be in the March or April time frame. The approval process, like the adoption process, is fairly long.

Q: What happens in the process after the approval?

A: The TCEQ commissioners will approve the plan as being adequate and appropriate for reasonable assurances and provisions of TMDL. Other than that it is pretty much in the BIG's hands; no formal involvement with the agency after that.

Q: During internal review, if there were comments you would get back to us?

A: Yes.

Because the I-Plan is more substantive and complex than a typical I-Plan, TCEQ will modify and condense the I-Plan to match the TCEQ template. Hopefully, the brevity and familiar template will facilitate and speed the internal review process. Because TCEQ does not want to remove sections from the plan, it will be appended to the document TCEQ produces. The TCEQ document will refer to the I-Plan.

The BIG indicated concerns about using another document. The language in the I-Plan was carefully negotiated, and summaries or even slight word changes might change the substance of the plan.

Ron responded that TCEQ will not change language or intent. They will provide the BIG with the opportunity to review the TCEQ document before it is sent to the Commissioners. The commissioners will review both the TCEQ document and the BIG I-Plan. The TCEQ document is being prepared so that upper level managers have an abbreviated and familiar document for quick review.

#### *Internal Review*

The draft has been reviewed by the TMDL staff. It will be reviewed by the managers of the Water Quality and Water Quality Planning Divisions before it goes to the deputy director of the Office of Water. Because of the high profile of the project, briefings will be provided to the Deputy Director and to the Executive Office. There is a good chance Ron will be asked to brief the commissioners.

Ron hopes that the review will give us comments on the template document and not the BIG document, but there are no guarantees. If Ron receives comments on the BIG document, he will bring them to the BIG. There is a possibility that someone can dig into your document and offer opinions. Scheduling briefings may extend the review process.

Q: If the template is a summary and references back to the main document, then how can they have comments on the template and not the main document? We spent all this time on this document, and then something else will be sent to the commission.

A: The template will broadly summarize and point to specific sections. It will be familiar enough so that the plan may not be scrutinized because of the unfamiliarity. Hopefully, the familiar format will expedite the review. It will probably be 20-40 pages long.

Comment: If there is a format that is familiar, why was that not given to this group in the first place? TCEQ Commissioners are not reviewing the work being put into this, but a summary.

Q: What is driving TCEQ's desire to have an expedited review and approval?

A: Ron explained that he thought the effort put into the plan merits quick approval.

The BIG expressed its pride in the document. Hundreds of people have been involved with this consensus document and are proud of the document, so seems ill advised to have a summary for expeditious review. Rather, the plan deserve to be reviewed as a standalone document.

The BIG discussed how TCEQ, H-GAC, and the BIG could work together on the document. Chip and Rachel will work together to try to identify a solution that will be acceptable to the BIG.

Comment: We need assurance that the I-Plan will be a standalone document.

Q: What if in the course of staff review, and some problem surfaces – does the staff essentially have veto vote before it is seen by upper management?

A: In terms of staff, staff will not see it. No other staff will review the document, but management will. Management could have concerns about things. What I would do then is bring these concerns to the BIG to have the BIG resolve them.

## **10. Proposed Annual Report and Meeting Format**

### *Annual Meetings*

Rachel proposed that the BIG have two annual meetings. The first would be in late May, would be timed to take advantage of the annual release of the Basin Highlights report, and would be in a half- to full-day symposium format. The BIG will discuss geographic expansions, implementation activities, changes to be made to the plan, updates to the roster, and revisions to the by-laws.

Between the first and mid-year meetings, the workgroups will meet in person to identify potential revisions to the relevant sections of the plan.

The second meeting would a midyear update in October/November. The BIG will have reports from workgroups and will consider recommendations from workgroups.

After the mid-year meeting, the workgroups will work electronically and, if necessary, in person to further develop any recommendations approved by the BIG at the mid-year review.

This process is not intended to require the same level of effort and involvement as the initial drafting took.

Every five years, the review will be an in-depth review. At the five-year review, public comment and support will be sought from local governments and organizations.

### *Annual Report*

The annual report will be provided in three formats:

- A brief, high-level executive summary, possibly in a report card format
- A more in-depth review organized around the activities described in the plan
- An on-line database with detailed information about activities

Rachel passed around a few examples of documents that could be used as models.

The BIG expressed no objections to the proposals for the meeting and report formats.

Comment: I haven't heard anything about the distribution of the plan.

Response: Many stakeholders already know about the plan, but not all. H-GAC is continuing to reach out to stakeholders, both directly and through broader media such as presentations and press releases. The region is talking about it at operator meetings, trainings, inspections, and WWTFs; the word is getting out.

### **11. Other Business/Roundtable**

TCEQ has approved TMDLs for watersheds and streams upstream of Lake Houston.

H-GAC is working with Texas AgriLife Extension to offer a Texas Watershed Steward Workshop in Baytown on August 30, 2011. This is a full day training, advocacy, science based watershed education.

H-GAC and Texas Stream Team are partnering to offer the statewide Meeting of the Monitors in Clear Lake September 29-October 1, 2011.

TCEQ reminded the BIG that as part of the 2010 303(d) List, there are several new listings for bacteria-impaired waterways within existing TMDL watersheds. TCEQ has initiated the process for new segments in the Clear Creek Watershed. Next fiscal year, TCEQ will begin work on segments in the Houston Metro area. This is part of a statewide process.

### **12. Next Meeting Date**

The next meeting will be Tuesday, August 16, 2011. The meeting will, hopefully, be followed by a celebration.

### **13. Adjourn**

The meeting concluded at about 3:25 PM.