

**Bacteria Implementation Group  
Meeting Summary**

**Tuesday, August 19, 2008**

**Members Present:**

Michael Bloom	Tom Ivy	Raymond Pavlovich
John Blount	Ron Kelling	Linda Pechacek
Pat Buzbee	James Tynan Kelly	Ceil Price
Marilyn Christian	Helen Lane	Kathy Richolson
Carol Ellinger	Craig Maske	Jim Robertson
Catherine Elliott	Michael Mooney	Brian Shmaefsky
Joe Ferro	Jack Murphy	Melvin Solomon
Teague Harris	Becky Olive	Robert Stokes
Jason Iken	Mitchell Page	

Jim Meley was represented by Cathy McCoy.

**Members Absent:**

Robert W. Collins	Mike Garver	Linda Shead
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**Guests Present:**

Sarah Metzger (City of Pasadena), Richard D. Smith (Cypress Creek Flood Control Coalition), Richard Chapin (City of Houston), Anthony Bennett (TCB), Mark Stendahl (Nottingham Country Municipal Utility District), Nancy Sullins (TCB), Michael Thornhill (Southwest Water Company), Charlie Adams (Texas Commission on Environmental Quality), Stephen Archer (Archer Environmental), Michael Bagstad (URS Corporation), Linda Broach (Texas Commission on Environmental Quality), Glenn Buckley (Texas Stream Team), Ralph Calvino (TCB, Inc.), Susie Cavazos (City of League City), Jeanine Cephas (City of Houston), Catarina Cron (Harris County Judges's Office), Jennifer Davis (Parsons), Winston Denton (TX Parks and Wildlife Department), Helen Drummond (GBEP), Nicole Hausler (Port of Houston Authority), Brian Koch (Texas State Soil and Water Conservation Board), Lindsey Lippert (Galveston Bay Estuary Program), Maria Modelska (University of Houston), Judith Momanyi (City of Houston), Scott Nichols (Montgomery Co Health), Rock Owens (Harris County, County Attorney's Office), Allen Peach (URS), Nic Ramirez (AEI Engineer), Nick Russo (Harris County), Scott Saenger (Jones & Carter, Inc.), Linda Stice (City of Houston, Public Works & Engineering), Brenda Templeton (City of Houston), Shuba Thakur (City of Houston), Lauri Debrie Thanheiser (Environmental Infrastructure Planning), Ying Wei (City of Houston), D. Ray Young (WaterEngineers, Inc.)

## **H-GAC Staff Present:**

Jeff Taebel, Carl Masterson, Erin Anderson, Rachel Powers

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

Rachel Powers welcomed everyone and then thanked everyone for coming.

Rachel explained the sign-in sheet system. BIG members have a special sheet, and only have to initial beside their names. When representing a BIG member, BIG members' alternates should also sign in on the BIG sheet. Guests sign in on a separate sheet. If guests know their contact information is on file, there is no need to fill it out again.

Rachel reviewed the agenda, and then initiated self-introductions of BIG members, H-GAC staff, and TCEQ staff.

### **2. Presentation Focusing on Ethics and Environmental Justice**

Rock Owens, Environmental Section Chief at the Harris County Attorney's Office, began a discussion of some of his experiences with environmental legal cases by describing the Harris County Attorney's Office. He then described several cases he has seen related to bacteria in the waterway. Most of the cases he described involved failing septic systems and a variety of potentially responsible parties.

Mr. Owens highlighted some of the questions that these cases bring to light. Was the outcome fair? Was it just? How do you deal with the human elements?

Mr. Owens concluded by warning that increasing development and aging infrastructure will probably result in more, complex situations in which possible outcomes must be carefully considered.

### **3. Certification of Quorum**

Twenty-seven members were present, forming a quorum.

### **4. Approval of July 8, 2008, Meeting Summary**

Meeting notes were approved with the following changes:

- A sentence needs to be moved on page five
- Linda Pechacek's suggestion that water quality science be coupled with research needs to be included in the "Organization of Work Groups" section of the notes
- The spelling of Carol Ellinger's name needs to be corrected
- The "draft" watermark needs to be removed

### **5. Approval of Draft Ground Rules**

The following changes were suggested:

- On page three, changing "...agenda items may be added by members..." to "agenda items may be suggested by members...."

- On page two, changing “...in the watershed and obtain commitments...” to “...in the watershed and seek to obtain commitments....”
- On page two, changing “Assist in developing a monitoring plan...” to “Develop a monitoring plan....”

A discussion followed about the commitment of alternates to the ground rules. The group agreed that the ground rules would be modified to include a statement that alternates must abide by the ground rules.

These changes will be made to the ground rules and presented at the next meeting for signature.

## **6. Approval of Proposed Alternates**

In addition to the list of alternates provided in the handout, the following nominations were approved as alternates:

- Carol Ellinger nominated Alex Van Keuren
- Pat Buzbee nominated Phil Moore
- Ty Kelly nominated Mary Ellen Whitworth
- Helen Lane nominated Gina Donovan
- Kathy Richolson nominated Phylis Frank
- Brian Shmaefsky nominated John Connelly
- Melvin Solomon nominated Ron Green

Additional alternates will be considered for approval at future meetings.

## **7. Timeline**

Rachel reviewed the timeline that was handed out. Generally speaking there are four stages in the timeline.

- 1) Workgroups do preliminary review of existing and potential implementation measures (sometimes known as BMPs or load reduction activities). Workgroups will suggest to the BIG a possible prioritization and schedule for activities.
- 2) BIG reviews the suggestions of the workgroups. Once the preliminary suggestions have been approved, the suggestions will be promulgated to community leaders, elected officials, residents, homeowners, business owners, professional organizations, and others to get feedback.
- 3) Workgroups will conduct a more rigorous review of existing and potential implementation activities. This review will incorporate comments received during the public outreach period. The results of this review will be part of the draft Implementation Plan.
- 4) BIG reviews the recommendations of the workgroups and will then attempt to get official buy-in from the community.

Concurrently, the BIG will meet on a monthly basis. Some workgroups, primarily the non-source workgroups, may function on an ad hoc or continuous basis. A timeline will be created for each workgroup.

Jeff clarified that the H-GAC staff will draft the I-Plan, while the workgroups and the BIG will provide policy decisions. An H-GAC staff person will be assigned to each workgroup to provide administrative support. The process will be iterative, with many stages for modification and input. The interaction between the workgroups and the BIG will be complex, or multi-dimensional.

Several people offered meeting spaces for workgroup meetings. Carl asked that anyone who would like to volunteer a meeting space should e-mail Rachel or Carl with suggestions.

## **8. Workgroups**

Rachel began the discussion by explaining that the proposed list of workgroups combines the initial list provided at the first meeting with suggestions from Harris County. She asked if the list was missing anything, or if it was too specific. The following topics were discussed:

***The Watershed Workgroup:*** How will the watershed workgroup work? Initially, the workgroup will meet to develop criteria for prioritizing or classifying streams segments. Once those criteria have been determined, the individual watersheds will apply those criteria to waterways in their areas. Later on in the process, the watershed work groups will play a critical role in reaching out into the community and identifying key stakeholders. The watershed workgroup probably won't meet as frequently or with the same intensity as some of the other work groups.

***Scheduling:*** There is no group assigned to coordinate scheduling of the load reduction activities that are included in the I-Plan. Presumably, there will be years or decades of activities and a broad range of activities. Coordination will probably merit its own workgroup, although it might fit in to the watersheds workgroup.

***Animals and Agriculture, Horticulture, Fertilizer, and mulch:*** It was suggested that livestock might be moved from the animals work group into the agriculture workgroup. Discussion ensued, touching on the following topics:

- Commercial livestock operations vs. 'backyard' or non-commercial livestock
- Runoff source: Cattle vs. use of fertilizer
- Livestock as its own group
- Livestock as point sources or non-point sources
- Regulated activities vs. unregulated activities
- Recreational livestock ownership
- Homeowner type animals could be included in outreach and education

- Maintenance of one's personal/household loads to the system (pet waste, yard maintenance, etc.)
- Fertilizer and mulch as commercial vs. non-commercial sources
- Feral animals and managed animals that are found in the same places as commercial livestock operations
- Lack of interchangeability of the following terms: point/non-point, regulated/unregulated/voluntary, wet-weather/dry-weather, stormwater/otherwater, commercial/non-commercial, specific/non-specific, etc.

The first two proposed source groups, Agriculture and Animals, could be broken into three work groups as follows:

- Commercial sources, to include agriculture, silviculture, fertilizer, mulch-production facilities, golf courses, business parks, professional landscaping services, and other sources that are the result of commercial operations.
- Non-commercial sources, to include residential dwellings, recreational horses on a ranch, residential landscaping, pets, etc.
- Wildlife and other ecological sources

This discussion will help determine what activities each workgroup will need to undertake. H-GAC staff will develop detailed write-ups for consideration at the next meeting. The BIG will define the scope of each workgroup's task, but the workgroups will determine prioritization within those scopes.

**Research:** Will the research workgroup identify research that needs to be conducted? Will it be just local? Will it address other topics, such as particles associated with microorganisms, the partitioning of those microorganisms? Should this workgroup include water science?

**Roads and Highways:** Where do roads and highways fit in to the workgroups? Different elements or roads and highways will be considered in various workgroups: construction, stormwater, development, etc. It does not need to be its own workgroup.

**Wrap up:** Rachel asked that attendees send comments in the next few days. The BIG will plan to consider more detailed charges for each of the workgroups at the next meeting, and the workgroups should start meeting shortly thereafter. There will be a member of the BIG on each workgroup who is responsible for reporting to the BIG.

## 9. Other Business/Roundtable

- The BIG now has a website: [www.h-gac.com/BIG](http://www.h-gac.com/BIG)
- Rachel reviewed the schedule of upcoming TMDL meetings included in the handout, including TCEQ Commissioners meetings and the Houston Metro outreach meetings coming up in early October.

- The Bayou Preservation Association Symposium, entitled *Sustainable Water Resources: Preserving Our Natural Assets as the Region Grows*, will be on October 20 and 21, 2008.
- The 11<sup>th</sup> Annual EPA Region 6 MS4 Operators Conference will be held in Houston in the summer of 2009: [www.cleanwaterways.org/ms42009](http://www.cleanwaterways.org/ms42009).

#### **10. Next Meeting Date**

The next regularly scheduled meeting will be on September 16, 2008. The primary agenda item will be refining and approving workgroups.

The October meeting is tentatively scheduled for Tuesday, October 28, 2008. Subsequent meetings will be on the regularly-scheduled, third Tuesday of the month.

#### **11. Adjourn**

The meeting was adjourned at 3:37 PM.