

**Bacteria Implementation Group
Meeting Summary**

Tuesday, October 28, 2008

Members Present:

Michael Bloom	Jason Iken	Ceil Price
John Blount	Tom Ivy	Kathy Richolson
Pat Buzbee	Craig Maske	Jim Robertson
Marilyn Christian	Michael Mooney	Linda Shead
Robert W. Collins	Mitchell Page	Brian Shmaefsky
Carol Ellinger	Raymond Pavlovich	Melvin Solomon
Catherine Elliott	Linda Pechacek	Robert Stokes

Joe Ferro was represented by Johnny Arrendondo.
Ron Kelling was represented by Michael Mooney.
James Tynan Kelly was represented by Bruce Heiberg.
Helen Lane was represented by Kay Hale.
Jim Meley was represented by Cathy McCoy.
Jack Murphy was represented by Brian Craig.
Becky Olive was represented by Nancy Sullins.

Members Absent:

Mike Garver	Teague Harris
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Guests Present:

Charlie Adams (TCEQ), Stephen Archer (Archer Environmental), Steve Barry (Jones & Carter), Thomas Barnett (TCEQ), Charles Maguire (TCEQ), Linda Broach (TCEQ), Ralph Calvino (AECOM), Susie Cavazos (City of League City), Richard Chapin (City of Houston), Jon Connolly (Lone Star College – Kingwood), Brian Craig (City of League City), Harvey Denman (), Helen Drummond (GBEP), Dixon D. Dryden (Environmental Construction Services), Steven R. Johnston (GBEP), Brian Koch (TSSWCB), Kimbalyn J. Laird (TCEQ), Kathy Lord (Bayou Preservation Association), Ruben Martinez (Montgomery County Environmental Health), Ed Matuszak (URS Corporation), Alisa Max (Harris County Watershed Protection Group), Maria Modelska (University of Houston), Philip Moore (Montgomery County Environmental Health), Scott Nichols (Montgomery County Environmental Health), Jack Northey (On-Site Sewage Facility Program), Beverly O'Neal (Spring West MUD), Allen Peach (URS), Tina Petersen (CDM, Inc.), Donna Phillips (TCEQ), Mary Purzer (AECOM), Nic Ramirez (AEI Engineering), Nick Russo (Harris County), Scott Saenger (Jones & Carter, Inc.), Richard D. Smith (Cypress Creek Flood Control Coalition), Robert Snoza (HCFCD), Mark Stendahl (Nottingham Country Municipal Utility District), Linda Stice (City of Houston, Public Works & Engineering), Nancy Sullins (AECOM), Brenda Templeton (City of Houston), Michael Thornhill (Southwest Water Company),

Janice Van Dyke Walden (Van Dyke Walden & Associates), Mel Vargas (Parsons, Inc.), Ashley K. Wadick (TCEQ), Carolyn White (HCFCD), 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. She initiated self-introductions of BIG members, H-GAC staff, and TCEQ staff.

Rachel reviewed the agenda, pointing out that Charles Maguire of TCEQ would be speaking and that discussion topics on the agenda specify opportunities for audience members to participate. Rachel then introduced Charles Maguire.

2. Reorganization at TCEQ

Charles Maguire, Assistant Division Director for the new Water Quality Planning Division in the Chief Engineer's Office of TCEQ, began by thanking the attendees for coming and by expressing his excitement. He then discussed reorganization at TCEQ. The changes are meant to address water quality policy issues in a more effective manner and be more responsive.

The changes combined various water programs into the Chief Engineer's Office. Water programs came from three offices, as follows:

- Office of Compliance & Enforcement—Surface Water Quality Monitoring Group, Data Management Group, Clean Rivers Program
- Office of Permitting & Remediation—Water Quality Standards Group, Non-Point Source Group
- Office of the Chief Engineer—The TMDL team, Galveston Bay Estuary Program, and Coastal Bend Group remain in the Chief Engineer's Office

These changes became effective on September 1, 2008, and became functionally effective October 1. TCEQ is still in the process of hiring the TMDL team leader and other team leaders.

Charles briefly discussed water quality standard rules, which are being revised. The next stakeholder meeting may be in early January. The TCEQ commissioners are being briefed in November. At the same time, the commissioners are being briefed on a proposed new approach to TMDLs.

The Executive Director's Office has been reorganized. For the first time in quite a while, it has a deputy director and an assistant deputy director.

Charles then asked for questions.

Q: You mentioned that you would be briefing the commissioners regarding a new approach to the TMDL program. Could you expand?

A: When the new division was created, we were asked to step back and reevaluate the approaches being used to see if there might be ways to involve stakeholders more, to develop more consensus with stakeholders, and to provide a more sound scientific footing. Our standard for contact recreation is one that is so high that it creates a lot of impairments and which might not be the right level. We must address the TMDLs using the current standard at the same time we evaluate those standards. This should be more apparent in the rule changes, which are included in the briefing. About 80% of these briefings focus on the contact recreation standard.

Q: Will the January stakeholder meeting be before the publication of the Texas Register of the standards language, or will it be a preliminary draft?

A: An additional stakeholder meeting might be required, possibly a two-day meeting. They have booked a room for two days. TCEQ hopes to put standards rule language on the web in advance of the meeting and then work through that language in a proactive stakeholder process. After the meeting, TCEQ might possibly go back to the Commission before developing a proposal that would go to the Commissioners and then be listed in the Texas Register for official comment.

We've got other important issues in the implementation procedures that will travel along parallel with the standards rule revision. Stakeholders seem to be particularly interested in whole effluent toxicity. TCEQ is still working with EPA on permits and implementation procedures.

Charles closed his presentation by complimenting participants for coming together as a group. He recounted his experience with the Bosque River Advisory Council, a diverse and hard-working group. Charles acknowledged the commitment of time and energy of participants. He expressed appreciation for everyone's contributions, commitment, and hard work. "Left to themselves, bureaucrats never come up with the correct answer." He encouraged the group to carry this effort forward. He looks forward to working with the group.

3. Certification of Quorum

Twenty-six members were present, forming a quorum.

4. Approval of August 19, 2008, Meeting Summary

Meeting notes were approved with the following change:

- Bob Stokes was present.

5. Approval of Draft Ground Rules

Rachel summarized changes in the ground rules since the last meeting:

- Language was added to provide a specific forum in BIG meetings for audience participation. The purpose is to help keep discussions focused.

- A BIG member on each workgroup will serve as a liaison to the BIG.
- Rachel then circulated the ground rules for signature.

6. Approval of Proposed Alternates

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

- Johnny Arrendondo for Joe Ferro of the City of Webster
- Mike Mooney for Ron Kelling of the San Jacinto River Authority
- Scott Jones for Bob Stokes of the Galveston Bay Foundation

7. Workgroups

Rachel introduced the topic by stating that the general scheme proposed for workgroups—having source workgroups and policy workgroups—appeared to be acceptable. Additional detail was added regarding tasks and charges. Finally, suggestions had been made regarding combinations and splits of the workgroups that had been proposed. Proposed changes were then discussed.

Residential Sources: A residential sources workgroup was added to address interest in providing members of the public with actions they can take to help improve water quality. This group now includes pets, which had been in the animal group. The animal group still contains livestock.

Wastewater Treatment, Onsite Sanitary Sewer Facilities, and Sanitary Sewer Systems: Several comments were received regarding the wastewater treatment systems, on-site sanitary sewage facilities, and sanitary sewer systems workgroups suggested various combinations. Because of the number of people signed up for each group and the small amount of overlap, Rachel suggested keeping them separate. She asked for comments. The group discussed how separating the groups might inhibit cross-pollination, and that the groups should have joint meetings. The group agreed that the groups would be separate.

Carol Ellinger proposed that the charge for the Stormwater System Sources workgroup should not exclude sources that enter stormwater sources from other locations or activities. Following discussion, the BIG agreed to remove the final sentence.

Communication Strategy: The group discussed the strategy for communicating amongst the groups. There will be several ways to encourage communication.

- Workgroups with related or potentially overlapping topics would be scheduled to allow participants to attend more than one meeting with relative ease.
- Meeting notes will be created and distributed by e-mail to all interested parties.
- A BIG member on each of the workgroup will report to the BIG at meetings of the BIG. This will be a standard item on the agenda.

Construction and Land Development: Rachel asked for opinions regarding the separation/combination of construction and development. The BIG agreed to modify the description of the land development source workgroup to include pre- and post-construction planning and operation. There were no objections voiced regarding separating construction from development. Rachel noted sign-up opportunities for the two groups.

Cathy Elliott suggested clarifying the description of the Stormwater System Sources to explicitly include buried culverts and pipes. The group agreed to change "such as" to "including."

Management and Policy Workgroups have been reconfigured and additional detail has been added.

- The **Research Workgroup** and **Monitoring Workgroup** are essentially the same, structurally.
- **Watershed Outreach** and **Education** have been combined. The first of the charges will be modified to clarify that prioritization and classification tasks are specific to implementation activities, as opposed to identification of impairment.
- The **Legal Regulatory, Policy, and Finance Workgroup** has been renamed Coordination & Policy Workgroup. It now includes scheduling of implementation activities.

Audience comments:

Which group is responsible for port-a-potties? By statute, port-a-potties are classified as on-site sewage facilities and will be considered by that workgroup.

If research identifies assumptions in the TMDL calculation that are flawed, will there be a method to incorporate the research into the TMDL calculations? Yes, possibly.

Which group is responsible for industrial facilities? After some discussion, it was decided that industrial sources would fall into three workgroups. Language will be modified to reflect these conclusions.

- Industrial wastewater facilities will be included in the Wastewater Treatment System Workgroup.
- Industrial construction, based on the general permit for construction, will be addressed in the Construction Sources Workgroup.
- Finally, other industrial sources such as solid waste management activities, food manufacturing, restaurant service, etc., should be considered in Land Development Sources.

Is there a deadline for signing up for workgroups? No. Sign up if you wish to receive e-mails even if you don't plan to attend meetings.

The proposed schedule of workgroup meetings was reviewed.

For meetings being held at H-GAC, participants can call in to teleconference. Contact Rachel for instructions.

8. Timeline

Rachel reviewed the timeline for developing the Implementation Plan. Major deadlines:

- February 1, 2009: Initial recommendations from the workgroups
- April 1, 2009: Initial round of outreach
- July 1, 2009: Begin incorporating public comment
- November 1, 2009: Final recommendations from workgroups
- March 1, 2010: Begin second round of outreach, gathering buy-in
- August 2010: Submit I-Plan to TCEQ

9. Other Business/Roundtable

- Rachel asked for comments on the logo for the BIG that was presented.
- Informational Open Houses for the Metro Houston TMDL begin on November 5.
- On November 10, researchers Hanadi Rifai and Robin Brinkmeyer will be presenting information about their research on BMPs and bacteria population dynamics, respectively.
- The City of Houston will be hosting a meeting on Thursday, November 13, at 9:30 AM regarding drinking water source protection in the Lake Houston Watershed. For more information about this topic and additional meetings, contact Brenda Templeton (brenda.templeton@cityofhouston.net).

10. Next Meeting Date

The next regularly scheduled meeting will be on November 18, 2008. The primary item for discussion will be reviewing the outline for the Implementation Plan document.

The December meeting is tentatively scheduled for Tuesday, December 16, 2008.

11. Adjourn

The meeting was adjourned at 3:32 PM.