

Meeting Summary
Buffalo & White Oak Bayous Bacteria TMDL Stakeholder Group

November 1, 2005

STAKEHOLDERS PRESENT: Latrice Babin; Craig Bourgeois; Catherine Elliott; Robert Hauch; Terry Hershey; Bob Hunt; Tom Ivy; Steve Johnston; Trent Martin; Paul Nelson
Todd Running; Linda Shead; Mary Ellen Whitworth;

STAKEHOLDERS ABSENT: Neil Bishop (represented by Mark Lowery; Del Cannon
(represented by Cathy McCoy); Claire Caudill; Bill Manning Sr.; Kerry Whelan (resigned);

SUPPORT TEAM PRESENT: Carl Masterson (H-GAC); Mary Jane Naquin; Tina Petersen; Hanadi Rifai; Ron Stein (via conference call);

OTHERS PRESENT: Jim Coody (Greater Houston Builders Assoc.); Richard Cron (GHBA); Linda Pechacek; Nick Russo (Harris County); Mary Purzer (TCB); Carol Ellinger (City of Houston); Alem Gebriel (TCB); Sharon Crabb (TCB); Bob Adair (Ecosystems); Roger Whitney (City of Houston); Steve Lewis (City of Houston); Susan Mittka (Assoc. General Contractors); Jason Maldonado (PBS&J); Michael Bloom (PBS&J); Sherri Dunlap (HCFCD);

WELCOME & INTRODUCTIONS

Facilitator Mary Jane Naquin welcomed the stakeholders and audience at 4:10 PM and there followed self introductions.

AGENDA REVIEW

Ms. Naquin then reviewed the agenda giving a brief description of each item.

ADOPTION OF August 18, 2005 MEETING SUMMARY

There were no suggested changes to the meeting summary and it was adopted by consensus.

HARRIS COUNTY ILLICIT DISCHARGE DEMONSTRATION PROJECT

Trent Martin, Harris County Storm Water Quality, made a brief presentation of a demonstration project that will track and eliminate illicit discharges to two tributaries of White Oak Bayou – Vogel Creek and Brickhouse Gully. Harris County will evaluate the cost and effort it will take to eliminate these discharges and what water quality improvement is achieved. Luce Bayou with a relatively undeveloped watershed and good water quality will be used as a reference stream for the project. Brickhouse Gully is a concrete lined waterway with an urbanized watershed. The City of Houston has monitored the gully over the years and has a well established baseline of water quality data. Vogel Creek is located in unincorporated northwest Harris County and is an improved non-concrete lined stream. The project will utilize staff from four Harris County divisions – Storm water Quality, Wastewater Permits, Storm Water Permits and Pollution Control. County staff will look for dry weather flows from the storm water conveyances and track it back upstream to identify the cause. Instream monitoring will determine any changes in water quality and samples will be sent to a laboratory in Florida to determine the source of bacteria (human/non-human). Sediment samples from two detention basins will also be collected, differentiate it into its different parts – sand, silt and clays. Sand and silt will be tested to determine the affinity bacteria have for each. The sand and silt will be placed in a sample of water with a known amount of E. coli for an hour and then test the supernatant to determine the concentration of E. coli left. The results of the sediment tests may determine what changes in operation of the detention basin may be needed – increase detention time; add flocculants or

disinfectants or some other action. The County feels that this protocol can be used for pollutants other than bacteria. Trent will update the group as the project progresses.

Q: Will Harris County follow up on all complaint calls to the City of Houston and Harris County Pollution Control?

A: Yes

Q: Will one sample before and after be enough to determine if water quality was improved?

A: In areas where there isn't a good database 15 samples will be collected (1/week) and that should provide statistical robustness.

Q: If there is a discharge from a facility adjacent to Brickhouse Gully will Pollution Control do the investigation?

A: Yes.

Q: Will you be able to distinguish between point sources and nonpoint sources?

A: Samples will be taken in dry weather only and should only be point source related.

MEMBERSHIP ISSUES

Mary Jane Naquin began the discussion by noting that membership changes have occurred throughout this project and that the current makeup includes members who have participated since the project began, some who replaced former representatives of agencies and organizations, and members who are relatively new. She remarked that diversity of views is critical to a successful result. She asked the group to review a matrix of categories (distributed earlier) to determine whether the Stakeholder group had gaps in the views currently represented.

Carl Masterson noted that several names of individuals/groups were submitted by the membership subcommittee nominating a slate of new members to fill existing vacancies. After reflecting on the group's balance of views and representation of interests, the stakeholders identified the need for members from public health, homeowners associations, and from academia. Mary Jane Naquin reviewed the matrix category by category and the group discussed nominations for each. There was a discussion about the type of public health expertise needed for the group, -- a clinical perspective or hands-on water quality expertise. Carl Masterson responded that there have been public health representatives connected with the University of Texas School of Public Health but they were unable to maintain their participation. Members then suggested candidates including: Dr. Cindy Kilborn, Chief Epidemiologist with Harris County Health Dept; Marilyn Christian of the Harris County Health Department (water quality background); Steve Lewis, City of Houston Public Health Engineering; Linda Pechacek, White Oak Bayou Homeowner; Dr. Alice Weisfield (microbiologist, business owner, Baylor College of Medicine professor); Dr. Herb Ward of Rice University; Nancy Brown of the Greater Houston Partnership (Quality of Life Committee). A suggestion was made to seat those nominees who have agreed to serve and who were present -- Richard Cron (Greater Houston Builders Association), Steve Lewis (Public Health Water Quality) and Linda Pechacek (Homeowners). The other nominees would be contacted and asked if they would be willing to participate, and if they accept seated at the next meeting. There were no objections to proceeding in this manner. Latrice Babin agreed to contact the microbiologist and the Harris County epidemiologist and Tom Ivey agreed to contact Herb Ward.

Mary Jane Naquin brought up the need for member alternates as the project moves into the implementation planning phase. The group agreed to have Carl Masterson send an email to all members requesting them to identify an alternate to ensure better representation, and thus discussion, at each meeting.

An observation was made that as the project moves into implementation the group should consider those stakeholders who would be involved in implementing and affected by any BMPs implemented.

IMPLEMENTATION PLAN DEVELOPMENT ORGANIZATION

Carl Masterson presented the concept developed by TCEQ to structure the implementation phase of the project. He distributed a “systems” diagram for participants in an implementation plan. Mary Jane Naquin pointed out that there is a central “watershed protection committee” that could be the current stakeholder group. Carl Masterson added that the diagram is a concept developed by Ron Stein. This model is used by H-GAC for other projects, and consists of a central committee and smaller working subcommittees. The Armand Bayou Watershed Partnership operates similarly. The structure allows the process to reach beyond the central group, bringing more expertise into the process, getting issues identified, discussed in more detail, and brought back to the central committee for recommendations (?) .

Masterson then reviewed individual issues identified as elements of the implementation planning phase. These are for the group to consider, possibly having the Process Planning Group (PPG) review. Ron Stein clarified that there is a definite two-way communication between the “watershed protection committee” and the work groups for individual issues. He noted that one of the primary functions of the overall committee is to ensure that all concerns are addressed and (no concerns are addressed in topic-specific work groups. The work groups are not constrained in any way regarding participation – they are open to all who are interested in participating. Ms. Naquin asked Stein to explain who determines the membership of the work groups – Mr. Stein replied that he hesitated to call them memberships -- that they serve as an outreach effort to ensure that more people have an opportunity to affect implementation plans related to their interests. He told the group that it will be the responsibility of a single watershed coordinator to run the whole operation and making it work. This position will be a full time job funded by TCEQ through H-GAC for the duration of implementation plan development. A similar planning phase in place elsewhere in the state is expected to take about eighteen months to complete. The start up for this structure is relatively soon (within a few months), but its actual functioning must wait for TMDL related events to unfold at TCEQ.

The following summarizes the questions and answers that followed:

Q: Who will make up the “watershed protection committee” would it be this steering committee? Would it be the same stakeholder group?

A: It could be the same as this body but TCEQ will have to go through the same procedure that TCEQ does before initiating any advisory group. The composition will be established at the beginning of the development of the implementation plan.

Q: Will the stakeholder group go away or transition into this watershed protection committee (WPP).

A: The opportunity exists for members of the stakeholder group to participate on the in the WPP but certainly everyone will have the opportunity to participate on the working groups as it affects them and their organization.

Q: What are we classifying in the dry weather discharges?

A: Those things that Trent Martin talked about earlier, flows coming from the storm water system during dry weather and could be an illicit discharge.

Q: This group has spent a great deal of time and energy trying to deal with membership and now we are being told that this group is going away and someone else is going to decide if we can participate and be on this?

A: the watershed protection partnership is really a coordinating committee – with no authority outside the actions that occurs in the work groups, so its function is to coordinate and make sure that all the issues are addressed.

Q: What is the deliverable product for the current stakeholder group, what does the group provide to TCEQ?

A: Provide input into the development of the TMDL.

Q: Why would this group not become the watershed protection committee?

A: In starting up any advisory group TCEQ has to follow a procedure that establishes the group and cannot, as an agency, make a decision by itself that this group of people can be on that group. It will be the same set of procedures used to set up this group to set up the next one.

Q: Will there be input from the legislature as to who will be on this group?

A: Mr. Stein really couldn't say at this point.

Q: Carl can you answer this?

A: It seems that the project would lose a lot of experience if this group was dismissed from the project. The stakeholders have been preparing for the next step as if the TMDL and the Implementation phase were parts of the same project and not completely separate.

Q: Is there going to be a numerical limitation on the coordinating body?

A: It is subject to the same restrictions as other advisory groups (24) but there is no limitation on the work groups.

Q: Is there something that prohibits this group from stepping in to the implementation plan?

A: In forming any of these advisory groups first there is general public outreach to identify all the interested groups, gather those groups together have an open public meeting to determine what type of representation should be on an advisory group. Once made, then you find the individuals.

Q: What is the difference between the stakeholders group and the watershed protection committee?

A: The stakeholders group was formed as an advisory group for the development of the TMDL. Once the TMDL is done, TCEQ has to form an advisory group for the development of the implementation plan. There are two separate advisory groups for two separate entities. Can't think of any circumstances where this group would be changed dramatically. TCEQ is not bringing on anyone new, but this would be a new advisory group and we have to follow set procedures.

Q: Wasn't H-GAC in charge of forming the original group?

A: H-GAC wasn't in charge; we worked with TCEQ and the original facilitator to form the group.

Q: Would the coordinator be like a facilitator or would it be a separate position.

A: It would be a separate position, responsible for coordinating all aspects of the project and serving as a staff person to the advisory group.

At this point a resolution was offered that this group wants to serve collectively as the watershed protection committee and there was no objection to it being reflected in the summary report as the wish of the stakeholder group.

Mary Jane Naquin pointed out that according to one way of operating under the new plan, the different work groups would be chaired by a member of the watershed protection committee, and that would involve a lot of work. Linda Shead offered that each group would be chaired but some on the committee would be part of the central committee and not serve on a work group and some might want to participate on a work group.

Q: In other projects with a completed TMDL, are the TMDL and the plan development advisory groups the same?

A: In all instances that Ron Stein is aware of, the two groups are pretty much the same people. All of the things that brought this group together will be in play in forming the next group. We simply have to go through the requirements that are in place for forming an advisory committee.

OBSERVER COMMENTS/QUESTIONS

Q: Where is the adoption of the TMDL process now?

A: Allocations have not been made yet and there will be a public comment process.

Q: When do you think that comment period will start?

A: Maybe in April 2006.

Q: Will the allocations be available to the stakeholders before the public comment period.

A: A qualified yes. Perhaps not the final report but all the elements that will be in the final report will be available to the stakeholders.

Q: When will this group be disbanded?

A: Maybe when the TCEQ approves the TMDL or maybe when it is approved by EPA.

Q: Can the two advisory groups coexist for a while?

A: Yes.

NEXT MEETING

It is anticipated that the next meeting will be in early January 2005 to receive the results of the Bacteria Source Tracking study and the final TMDL study report.

ADJOURN

The meeting was adjourned at approximately 6:00 PM.