Meeting Summary
Clear Creek Bacteria TMDL Kickoff Meeting

April 5, 2006

ATTENDING: Linda Broach (TCEQ); Gian Villarreal (TCEQ); Bob Stokes (Gal. Bay Foundation); Latrice Babin (Harris Co. Environmental Public Health); Catherine Elliott (Harris Co. Flood Control); Vaness Hamilton (Clear Lake Shores); Carter Miska (Texas State Soil & Water Conservation Board); Martin Hamilton (Clear Creek Environmental Foundation); Jim Coody (Greater Houston Builders Assoc.); Alisa Max (Harris County); Bobby Whisenant (Pearland); Diana Stevens (Gal. Co. Health District); Mel Measeles (Friendswood); Karen Atkinson (TCEQ); Steven Johnston (Gal. Bay Estuary Program); Jack Murphy (League City); Clyde LeBlanc (Gulf Coast Waste Disposal Auth.); Berna Detta Williams (League City); Trent Martin (Harris County);

SUPPORT TEAM PRESENT: Carl Masterson (H-GAC); Mary Jane Naquin; Hanadi Rifai (UH); Ron Stein (TCEQ); Monica Suarez (UH)

WELCOME & INTRODUCTIONS

Carl Masterson gave a brief general welcome to the TMDL process at 6:06 PM and facilitator Mary Jane Naquin asked that everyone introduce themselves and who they represented...

AGENDA REVIEW

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

OVERVIEW OF TMDL PROGRAM

Ron Stein, TCEQ Project Manager, gave an introductory presentation that covered the TMDL process. He spoke to the program's origins in the Clean Water Act and how TMDLs are a method for restoring water quality in streams that are on the State List of Impaired Waters (303d List). He walked the group through the general TMDL process, describing the relationship between TCEQ, and EPA regarding TMDL and Implementation Plan development. He noted that six water bodies in the Clear Creek Watershed that are on the 303d List for exceeding the contact recreation standard. These are Clear Creek Tidal (Segment 1101); Chigger Creek (Segment 1101 B); Clear Creek Above Tidal (Segment 1102); Cowarts Creek (1102 A) Mary's Creek/North Fork Mary's Creek (Segment 1102 B) and Robinson Bayou (Segment 2425 C). Mr. Stein spent some time describing the elements of a TMDL and noted a separate advisory group is needed for the TMDL development and the Implementation Plan development. He emphasized that implementation can be phased based on progress in achieving water quality improvement and could take years. Whatever form implementation takes, monitoring progress is crucial. Mr. Stein discussed control actions addressing TMDL allocations for discharges regulated by permits and best management practices for dischargers not regulated by permits. The bottom line is that the TMDL process is designed to determine the source of the problem and establish load limits while the Implementation process determines the plan that will return the water bodies to their designated uses.

Questions (Q), Answers (A) and Comments (C)

Q: How are segments identified?
A: They are defined by the Water Quality Standards team. The segments are based on defining water bodies for which one set of water quality standards apply. A description of the segments can be found in the Texas Surface Water Quality Standards, chapter 307.1-307.10 of the Texas Administrative Code.

Q: Does the study area include portions of Armand Bayou?
A: No.

Q: Has Clear Creek ever met the standard for contact recreation?
A: Not enough data is available before the 1990's to evaluate compliance with the standard. Segments 1101 and 1102 have been identified as not meeting the standard since 1996.

Q: Has TCEQ done or will it do a feasibility study to look at the health benefits of getting water bodies back to standard and how much would that cost. Would TCEQ do a Use Attainability Analysis (UAA)?
A: TCEQ has not done a feasibility study and such a study is not planned. Case law has determined that a TMDL cannot be based on feasibility.

Q: When will there be a finished TMDL model?
A: There will not be a model constructed for this project, rather a load duration curve will be done to analyze loads and how to separate them into point and nonpoint source loads.

C: It is crucial to do a UAA before we try to return water bodies to contact recreation.
A: Again, there will be no UAA, unless directed to by the Commissioners. The bacteria concentrations in these segments are not extremely high and it appears that achieving compliance with the contact recreation standard can be achieved.

C: If the standards violations are not as severe as in Buffalo and White Oak Bayous, it begs the question on how feasible it is to spend public funds.
A: Case law, the courts will not allow cost to be considered in a TMDL.

DATA REVIEW

Mr. Stein's presentation continued with a look at historical bacteria data and how the data related to the contact recreation standard for water quality. He noted potential sources of bacteria in the watershed that include: 23 permitted municipal wastewater discharges (15 in Clear Creek Above Tidal, Segment 1102); 13 permitted industrial wastewater discharges; sanitary sewer overflows; septic systems (an estimated 5,600 in the watershed); storm water from urban areas; and dry weather storm sewer discharges. Water quality sampling in 2005 showed violations of the contact recreation standard and more sampling is scheduled for 2006. Although there were numerous exceedences of the standard, Mr. Stein felt that they were still within a manageable/treatable range.

Questions (Q), Answers (A) and Comments (C)

Q: How many dry weather discharges exceeded standards?
A: That information has not been determined at this time.

C: Some data has already been collected through the Texas Watch Program.

Q: An intensive survey would be 5-6 samples per event?
A: Yes

Q: Will a survey of contact recreation activity be done?
A: No, that would be part of a UAA, and a UAA is not being done.

Q: Will the survey to identify discharges of storm water outfalls be looking for a particular size outfall?
A: Samplers will look for anything coming from a pipe

Q: Will there be sludge testing?
A: No, but if anyone has data please give it to TCEQ.

Q: Will a Bacteria Source Tracking investigation be conducted?
A. A BST investigation is not planned for this project.

PUBLIC PARTICIPATION

Mr. Stein talked next about stakeholders – who they are – and forming a TMDL Advisory Group AG). The group size is limited by legislation (HB 2912) to a maximum of 24 members. The TMDL AG needs to have balanced representation within the watershed and commitment has to be formalized. TCEQ approved the formation of a Clear Creek TMDL AG and will approve the membership. The AG will have ground rules and H-GAC will maintain a membership roster, a roster of interested parties and will have a web page dedicated to the Clear Creek TMDL project. It will be the responsibility of the stakeholders to communicate project information to others being represented and will provide personal/organization perspective on all issues; knowledge of the watershed; comments and suggestions during the project; and solicit input from others. Regular meetings will be held and TCEQ will solicit stakeholder comment at each project milestone; and assist stakeholders with communications. H-GAC will be assisting TCEQ with the public participation and will provide a facilitator (M.J. Naquin). The contact person for H-GAC will be Carl Masterson (cmasterson@h-gac.com).

FORMATION OF THE TMDL ADVISORY GROUP

At this point the stakeholders listed various types of groups and specific groups that should be considered for membership on the Clear Creek Bacteria TMDL AG. TCEQ and H-GAC will review the suggested entities listed below and have a recommendation for the Advisory Group Membership and distribute that recommendation and discuss it at the next meeting and arrive at consensus with the stakeholders on AG membership. The suggested entities are:

Local Governments:
- Pearland
- Clear Lake Shores
- Friendswood
- League City
- Webster
- Nassau Bay
- Houston
- Alvin
- Brookside Village
- Harris County
- Galveston County
- Brazoria County
- Fort Bend County

Gulf Coast Water Authority
Gulf Coast Waste Disposal Authority
Developers (Greater Houston Builders Association?)
Soil & Water Conservation Districts
Texas Parks & Wildlife Dept.

Harris County Flood Control District
Harris Count Storm Water Quality
Galveston County Health District
Corps of Engineers
Harris County Pct 1 Parks
Churches
Schools
Industry (concrete, mulch)
Recreation (Rowing club, Houston Outriggers, Canoe Club, Clear Lake Rowing Club)
Harris County Public Health Engineering Services (Environmental Public Health)
SPCA
Animal Control
Homeowners (HOA)
Land Owners
Businesses (Chambers of Commerce)
Galveston Bay Foundation
Clear Creek Watershed Partnership
Audubon
Clear Creek Environmental Foundation
Clear Creek Nature and Tourism Council
College of the Mainland
UHCL – EIH

NEXT MEETING
It is anticipated that the next meeting will be held sometime this summer.

ADJOURN
The meeting was adjourned at approximately 8:35 PM.