

Patrick Bayou Total Maximum Daily Load (TMDL) Community Participation Panel

Minutes of Tuesday, June 11, 2002 Meeting

The Patrick Bayou Total Maximum Daily Load (TMDL) Community Participation Panel met on Tuesday, June 11, 2002 from 2:00 – 5:00 p.m. The meeting was held at the Rohm and Haas Engineering Building at 6519 Hwy. 225 in Deer Park, Texas. Attendees are listed below. The meeting had two main purposes: to discuss the lead organization's comments on the TNRCC Draft 305(b) Water Quality Inventory for 2002 and 303(d) listing issues and to see results of the modeling conducted for the Temperature TMDL.

TNRCC plans to submit a report to EPA this fall integrating two previously separate reports: the 305(b) assessment of water quality and the 303(d) listing of impaired waters. Each water segment would be put into one of five categories. Category 5 is the 303(d) list. During the public comment period opening in mid-June, the lead organization will submit comments asking that Patrick Bayou not be included in Category 5 for sediment toxicity. Because the source of the toxicity has not been found in the TMDL work, the lead organization is recommending that its members conduct further evaluation and make periodic reports to the agency. Discussion revealed contrasting views on the applicability of general criteria for the waters of the state and water quality standards for aquatic life use. Patrick Bayou's designated uses are navigation and industrial water supply, but it was listed as impaired for not meeting standards for aquatic life use. Designation of Patrick Bayou as Category 4 (d) in the integrated assessment and listing report would acknowledge it is impaired or threatened but not require a TMDL because additional information is needed about the sources of toxicity in the sediment.

The lead organization will also ask that Patrick Bayou not be placed in Category 5 for temperature. The industry and city participants believe the 95-degree temperature criterion is not the proper test to apply when the Clean Water Act speaks of a standard based on temperatures supporting a balanced, indigenous population of fish, shellfish, and wildlife. Modeling of Patrick Bayou during critical summer conditions has shown the temperature in the bayou would exceed 95 degrees even if the point source discharges were eliminated. The group thus believes the standard needs to be reviewed, which could occur if the bayou is designated Category 4. A presentation of the temperature modeling results provided details on various scenarios.

The community panel also discussed the assessment of Patrick Bayou and the Houston Ship Channel as not supporting use for fish consumption because of PCB and pesticide levels in fish and crab tissue. TNRCC based this and other listings on fish consumption advisories issued by the Texas Department of Health, not on water quality standards. The lead organization will make comments disputing the basis for the listing. The group will also provide data in their comments showing that barium, which was named as a concern in the January draft assessment, is naturally occurring.

The Patrick Bayou TMDL Community Participation Panel will meet again on August 29, 2002 from 2:00 – 5:00 p.m. A meeting agenda will be posted on the website when details are finalized. The tentative agenda will include a summary of work on the four Patrick Bayou TMDLs. For more information about the meeting, contact panel facilitator Diane Sheridan at **DBSheridan@aol.com**. For information about the TMDL, contact TNRCC TMDL Project Manager Larry Koenig at **lkoenig@tnrcc.state.tx.us** or Patrick Bayou TMDL Lead Organization coordinator Louis Brzuzy of Shell Chemical at **Louis.Brzuzy@shell.com**

Attendance

Panel Members (* = *in attendance*)

Buddy Bishop, Deer Park CAC*
Rosalinda Bryan, Rohm and Haas Texas*
Louis Brzuzy, Shell Chemical*
Ben Connelley, City of Deer Park*
Phil Dorn, Shell Global Solutions*
Scott Jones, Galv. Bay Estuary Program
Larry Koenig, TNRCC TMDL Manager*
Om Chawla for Carl Masterson, Houston – Galveston Area Council*
Karen McCarroll, Deer Park CAC*
Vernon Mensch, Deer Park CAC
Norman Mollard, Lubrizol*
Pat Pembroke, Praxair
Michelle Precourt, Deer Park CAC
Tina Proctor, Galveston Bay Foundation *
Lamoin Scott, Office of Sen. Mike Jackson, DPCAC*
Mary Ellen Whitworth, Bayou Preservation Ass'n.*
Mark Woodall, Oxy Vinyls *

Observers, Resources*

Fred Andes, Barnes and Thornburg
Linda Broach, TNRCC, Region 12, Houston
Roxana Herrera, Port of Houston Authority
Tracy Hester, Bracewell & Patterson
Jim Horne, PBS&J
John Jacobi, PBS&J
Ken Kromka, Rohm and Haas
Ed Matuszak, URS; La Porte CAC
Randy Palachek, Parsons Engineering Science
Joe Phillips, Shell Deer Park Refining Company
Carly Rees, URS Corporation
Ximena Simmons, Port of Houston Authority
Dennis Wilson, Rohm and Haas

Facilitator*

Diane Sheridan