TEXAS NATURAL RESOURCE CONSERVATION COMMISSION ANNUAL CLEAN RIVERS PROGRAM/NON-POINT SOURCE STAKEHOLDER MEETING MINUTES
May 14, 2002, 8:30 a.m.- 4:30 p.m.

Welcome (Morning Session)
Linda Brookins, Team Leader, Watershed Management Team, TNRCC

One of the strategies of both the Clean Rivers and Non-Point Source (NPS) Programs is to provide an opportunity for stakeholders to contribute their ideas and give direction thereby fostering a sense of ownership in the program and water quality issues in general. The Stakeholder Meeting provides the forum for this dialogue. This year's meeting was held at the University of Texas J.J. Pickle Center and was hosted by the Texas Natural Resource Conservation Commission (TNRCC) Watershed Management Team. The meeting focused on the connection between the Clean Rivers and the Non-point Source Programs and how they can be effectively coordinated to identify non-point source water quality problems and implement strategies to correct those problems. The morning and the afternoon sessions were split between CRP and NPS issues. The meeting was designed to be interactive with the intent of soliciting valuable input from the stakeholders. Approximately 65 stakeholders attended the meeting representing private citizens, state and local governments, councils of governments, municipalities, river authorities, advocacy groups, and state and federal agencies.

Opening Remarks
Robert Huston, Chairman, TNRCC

Chairman Robert Huston of the TNRCC gave the opening comments. He acknowledged that the CRP planning agencies provide high quality data fundamental to decisions regarding water quality standards, assessments, permits and total maximum daily loads (TMDL). He said the effective partnerships that have been developed within the program have been the cornerstone of the program and very instrumental in leveraging limited assets. He said there are still issues to be resolved, however, primarily having to do with the intersection of the Clean Rivers and the NPS programs. He noted there will always be a conflict between "when we have enough data" and "when we should act to implement solutions." The answer to these questions, he said, will lead to better results and help us to maximize the resources, and this is what we are here today to talk about.

Chairman Huston also spoke briefly about the consolidation of the wastewater inspection fee and the water quality assessment fee. He stated that the intent was not to undermine the funding structure of the program. The allocation methodology will continue generally "as is" for the short term. Further, he thought we should spend the next couple of years trying to figure out opportunities to make short term allocation changes which will target NPS problem areas in specific watersheds. He encouraged people to be open-mined about looking at short term changes which could create long term gains.

Cost Accounting Report
Linda Brookins, Team Leader, Watershed Management Team, TNRCC

Ms. Brookins presented the Clean Rivers Program (CRP) FY 00-01Cost Accounting report. The CRP cost accounting report was mandated in 1997 by the 75th legislature when the program was

reauthorized. The report was designed to give the program a measure of accountability and to give fee payers and stakeholders confidence that the money was spent as it was intended. The report compares revenue to expenditures. The current report for the FY 2000/2001 biennium is due to the legislature on December 1, 2002, and is currently undergoing management review at the Agency. Legislation effective during FY01 allowed for the billing of $5,000,000 annually to fund the Clean Rivers Program. The money is allocated through contracts with the planning agencies (e.g., River Authorities, Houston Galveston Area Council, International Boundary and Water Commission, and Northeast Texas Municipal Water District) to conduct the program work. There has been a continuing effort through the years to reduce carry-forward funds. During FY 00-01, the program goal has been to fully utilize available funds to meet program objectives. In FY 00-01, 99% of allocated funds were successfully spent. The report also details the allocations to the various planning agencies. There were a few questions from the stakeholders in regard to costs. One stakeholder asked what the agency was doing to address collection violations. Ms. Brookins explained that some of the discrepancy between billing and collection could be accounted for by billing errors. The fact that water rights bills are mailed later in the year with payments being applied to the fiscal year in which they are received could account for some of the discrepancy. A small number of collection violations are being pursued by the Agency. Although the TNRCC Sunset Legislation passed by the legislature in 2001 resulted in the removal of the cost accounting report, the TNRCC program staff will continue to issue a report to stakeholders which accounts for the allocation and expenditure of funds recognizing that the report will change based on the consolidation of fees. Chairman Huston reiterated this statement. Both Ms. Brookins and Chairman Huston agreed that data collected by the river authorities and through in-kind contributions yielded a very good return on the dollar.

Water Quality Monitoring
Linda Brookins, Team Leader, Watershed Management Team, TNRCC

The presentation was given to show stakeholders how much data the planning agencies have provided since the program's inception in 1991 and to highlight what is still lacking due to resource constraints. The main focus of the CRP is water quality data collection for the purpose of assessing water quality for the Clean Water Act Water Quality Inventory. There has been a 287% increase in overall measurements from the CRP planning agencies for this purpose between 1992 and 2001. The program currently collects data from more than 1,000 stations. A big increase in data collection occurred after 1997 following legislative reauthorization of the program with an emphasis on data collection and quality assurance. Collectively, staff as a whole, gained an understanding of data comparability and the program began to seek data from entities (e.g., municipalities, health districts, USGS, etc.) who were willing to comply with the quality assurance requirements of the program and contribute these data at no cost to the TNRCC. All these data have been acquired and managed through the CRP partners. Due to the ability of the program to leverage these "in kind" funds, there has been an increase in data submittals despite the constraints of a static funding level. Approximately 51% of the CRP data submitted in 2000 can be attributed to in-kind data contributions. The in-kind data have been collected under a CRP Quality Assurance Project Plan (QAPP) and have been used by the Agency in their assessments and water quality management decisions.

Ms. Brookins also discussed monitoring shortcomings such as incomplete spatial coverage and a

lack of specific data tied to human health or aquatic toxicity such as metals and organics in sediment and fish tissue. These data, although very important, are prohibitively expensive. A number of issues are on the horizon: costs associated with new lab accreditation requirements (National Environmental Laboratory Accreditation Conference [NELAC]); Total Maximum Daily Load/Nonpoint Source (TMDL/NPS) implementation monitoring; source identification; research monitoring; and, real time monitoring. It will be difficult to address these issues and still maintain the current effort in regard to routine monitoring.

There were a number of questions associated with the cost of monitoring. The lab accreditation rules (NELAC) were in the public comment period at the time of the meeting. These are posted on the TNRCC Web Site at http://home.tnrcc.state.tx.us/oprd/rules/propadop.html. A number of questions were raised regarding the possible rise in laboratory costs and the impact on the program. The concerns centered around in-kind data and the potential loss of that data when NELAC is implemented. Although the meeting was not designed to address specific issues of NELAC implementation, TNRCC staff determined that there was enough concern to ask Agency Quality Assurance staff to come speak and answer questions during the afternoon break.

Other questions centered around the diversion of funds from the long term routine data collection for short term focused efforts, what those short term efforts would be based on, how they would be funded, and whether there would be a fee increase. Chairman Huston addressed most of these questions, noting that the CWA 303(d) List of Impaired Waters, plus any other information we have at our disposal, will be used to focus efforts. He said money should be prioritized toward the biggest problems, recognizing that water quality represents a continuum and not simply good or bad which is the implication of the 303(d). He said he does not envision any fee increase at this time. The consolidation of the wastewater inspection fee and the water quality assessment fee was intended to be fee neutral. The intent was to give the TNRCC the flexibility to prioritize funding. He said at least for the short run, the only increases would be through flexibility and the reallocation of funding. He encouraged the stakeholders to be open-minded in the next couple of years as we begin to look at targeting money to NPS problems.

Fee Consolidation Methodology
Cory Horan, Fee Coordinator, Watershed Management Team, TNRCC

Cory Horan presented an overview of the fee consolidation methodology and the current status of rule-making. He specifically discussed changes in the billing based on comments received from the public. He also addressed performance-based billing. A number of comments have been generated suggesting that the TNRCC bill permittees based on compliance history or actual performance to provide environmentally responsible incentives. This type of billing could not be instituted by 9/1/02 which is the required timeframe. However, the future inclusion of performance-based billing will be considered. The rule making process and the effect on existing rules were discussed. As far as fee-payers are concerned, most changes are specific to the fee assessment methodology and whether the information currently exists to calculate what the fee will be. Some permittees will pay more under the new methodology and some will pay less. The consolidation of water fees removed the dedicated fee structure for CRP with subsequent potential ramifications.

Linda Brookins spoke briefly on CRP allocations to the various planning agencies. The current methodology returns 70% of the money generated to the basin where it was generated with a $100,000 minimum annual return. This cannot be applied to the new fee collection methodology. A workgroup was solicited to investigate options for future allocation methodologies. For more information of the fee consolidation methodology, contact Cory Horan with the TNRCC Clean Rivers Program at (512)239-4627.

Stakeholder Involvement (Afternoon Session)
Kathleen Hartnett-White, Commissioner, TNRCC

In her opening remarks, Commissioner Hartnett-White outlined her prior experience working with various issues including the Clean Water Act, wetlands, and non-point source issues. She also worked on the Cattlemen's Commission, and has extensive background working with the EPA in Washington. She's worked on ozone chemicals and onsite wastewater rights, and has expressed interest in being active in current water quality issues. Commissioner Hartnett-White is very interested in stakeholder input, and she expressed pleasure that Texas has constructed a "process" for water quality that depends on stakeholder input. Further, she believes that we need to move through monitoring and assessment to TMDL implementation. Success of NPS will depend on watershed activities and stakeholder involvement.

Coordinating the Clean Rivers Program with the Nonpoint Source Program
Linda Brookins, Team Leader, Watershed Management Team, TNRCC

Ms. Brookins opened her remarks by stating that the Nonpoint Source Program is the implementation program for water quality improvements. She placed emphasis on using CRP assessment information to "feed" NPS implementation projects. CRP planning agencies and stakeholders need to help set priorities for the NPS program. Input is needed from Steering Committees not only to look at impairments and discuss how to address problems but also to look at endangered areas before they become impaired. Help is needed to draft proposals for implementation projects and perform best management practice (BMP) monitoring. Planning Agencies, stakeholders and the TNRCC need to work with the Texas State Soil and Water Conservation Board as partners to jointly solve problems. Ms. Brookins stressed the need to integrate the NPS program with CRP stakeholders.

EPA's Commitment to Future Nonpoint Source Management
Randy Rush, Section 319(h) NPS Project Officer, Environmental Protection Agency

Mr. Rush stated that the Environmental Protection Agency (EPA) administers Nonpoint Source funds through the TNRCC and the Texas State Soil & Water Conservation Board (TSSWCB). Involving stakeholders using the watershed approach has been very successful. He made note of the 30th anniversary of the Clean Water Act, saying that it is easier to work on point source pollution but nonpoint source pollution proves to be a greater challenge. Mr. Rush said that he was encouraged to see the diversity of interest. Nonpoint source is a complex issue concerning land activity. Forty percent of all assessed waters do not meet standards, and 21,000 waterbodies are listed as impaired nationwide. Section 319(h) of the Clean Water Act was established to manage nonpoint source pollution. There is a strong commitment from upper management at EPA to support nonpoint source initiatives and dollar allocations have increased dramatically.

The General Land Office (GLO) also serves as a lead agency for nonpoint source management strategies and the United States Department of Agriculture (USDA) is actively working on farm runoff issues. The "EQIP" program is essential to nonpoint source activities. Mr. Rush concluded by stating that the Nonpoint Source Management Plan is the "road map" to sound nonpoint source management.

Reports on Nonpoint Source Projects

Leon Creek Restoration
Eric Hobson, Planner, San Antonio Water System

Mr. Hobson has been working on a Leon Creek water quality implementation project in Bexar County for four years. Segment 1906 on Leon Creek does not support designated uses. Erosion and vehicular traffic from the surrounding neighborhood are causing the problem. The goals of the project are to improve water quality by 30%, reduce erosion from pollutant loadings, and restore vegetation and animal habitat. The project has four best management practices (BMP): structural, vegetative, education, and awareness activities which are being evaluated with the use of automatic water quality samplers and chemical analysis. Erosion control measures such as vegetative swales and boulders have been installed to remediate the problems. Education and awareness activities include public information about illegal dumping and erosion control for new homeowners. Stakeholder meetings, school presentations, volunteer monitoring, homeowner association meetings, trash cleanups, and storm drain stenciling are also conducted as outreach activities. At one cleanup, 35 tires, 1 ton of trash, and ½ ton of metal from car bodies were collected. San Antonio Water Supply (SAWS) has partnered with Texas Parks and Wildlife naturalists to conduct bird, mammal and vegetative studies. Outreach recreation methods include signage, blocking motorized access, trail mapping and walking paths, and brochures. Future funding from stakeholders is assured after their 319 project is complete.

Central Market Wetpond
John Gleason, Landscape Architect, City of Austin

Mr. Gleason, a landscape architect with the City of Austin, used a multi-solutions approach including regulations, programs, and capital improvement projects. Pest management information sheets are distributed to nurseries around Austin to demonstrate the most environmentally sound ways to fertilize and deal with pest management. A sedimentation filtration basin is the standard run-off pond in Austin. This slows down and minimizes flow, and hence erosion (horizontal sand filter). One example is the Central Market Wetpond which is aesthetically pleasing and scenic to the extent that an adjacent apartment complex charges more for units that have a view of the pond and surrounding park area.

Constructed Wetlands for Secondary Treatment of Effluent
Richard Weaver, Ph.D., Texas A&M University

Dr. Weaver from Texas A&M University gave a presentation on constructed wetlands. Texas has more than 1.3 million on-site systems treating domestic wastewater. Failing systems and improperly designed systems may be causing bacterial contamination of lakes and streams. The Texas A&M project was undertaken to demonstrate the effectiveness of subsurface flow

constructed wetlands in improving the quality of wastewater. Twenty wetlands have been installed at sites in East Texas having failing systems. Ten more will be installed in the next few months. The wetlands have reduced the organic loading in the effluent by approximately 80 % and fecal coliform bacteria by more than 99%. In cases where the effluent is surface applied, chlorinators have been installed for disinfection. One problem is when the residents do not maintain the tablet chlorinators, non-disinfected water is sprayed onto the land. Liquid chlorinators using household bleach are being investigated as effective substitutes that may be more manageable to the resident. In addition, ultraviolet light disinfection units are being evaluated as low maintenance systems. Gravel media in the wetland may be substituted with re-cycled rubber tire chips. The tire chips have been just as effective as gravel in reducing populations of fecal coliforms and more effective than gravel in reducing phosphorus concentrations. A video has been developed that compares different on-site treatment systems to help consumers choose the system that best suits their situation. Future efforts will be on monitoring the twenty installed systems and in installing ten additional systems.

Bosque Watershed Implementation Strategies
John Foster, Project Manager, Texas State Soil & Water Conservation Board

The Texas State Soil and Water Conservation Board (TSSWCB) developed an implementation project for the North Bosque River Watershed funded by Clean Water Act, Section 319 money. The center piece of the project was making approximately $130,000 available for cost-share assistance, good only toward the development of Water Quality Management Plans (WQMPs). WQMPs are site-specific plans, authorized under state law, that are designed to control NPS pollution from agricultural and silvicultural activities. WQMPs are traditional conservation plans that meet the resource management system criteria in the United States Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Field Office Technical Guide, and contain measures to address all potential sources of NPS pollution. WQMPs are developed through soil and water conservation districts (SWCDs) with assistance from the USDA-NRCS and the TSSWCB staff, and are certified by the TSSWCB. Other facets of the project were an information/education program and a water quality monitoring program that focused the sampling on a microwatershed level. Because many of the dairy operations in the watershed are permitted, they are not considered NPS, and are therefore currently not accepted in the program. There is currently no equivalent program for “point source” operations. The TSSWCB, in conjunction with the Texas NRCS, is currently collaborating with the Texas Institute for Applied Environmental Research (TIAER), knowledgeable personnel from the National NRCS, Texas Cooperative Extension, the Texas Association of Dairymen, the TNRCC, and other private organizations with experience in comprehensive nutrient management planning (CNMP), to bring a CNMP process to Texas for point source agricultural operations. The program should be available for producers during the summer of 2002. It is anticipated that this program will compliment the WQMP Program and become a part of the above referenced TSSWCB 319 Project.

North Central Texas Atrazine Project

Donna Long, Project Manager, Texas State Soil & Water Conservation Board

Donna Long spoke on the Atrazine Total Maximum Daily Load in Aquilla Reservoir. Atrazine is a selective herbicide that was first marketed to U.S. farmers in 1959. It is an economical and effective herbicide commonly used in corn and sorghum production. The maximum contaminant limit (MCL) for atrazine in drinking water is 0.003 mg/L (3ppb). The annual average of atrazine in 1997 and 1998 was 0.004 mg/L and was therefore put on the 1998 303(d) list as a high priority. The TMDL strategy includes additional treatment by the Aquilla Water Supply District, an extensive educational outreach campaign, and on-going monitoring. The Aquilla TMDL has been approved by the TSSWCB and TNRCC. It was submitted to the EPA in March, 2001.

<u>The Texas Nonpoint Source Program</u>
Brandi Reeves, Project Manager, Nonpoint Source Program, TNRCC

Ms. Reeves reported on the implementation of the State's Nonpoint Source Pollution Assessment Report and Management Program as required by the Federal Clean Water Act, Section 319. This document plan outlines the State's approach to addressing NPS pollution in Texas and the coordinated efforts of the TNRCC and the TSSWCB.

Ms. Reeves discussed the requirements of the Nonpoint Source Pollution Assessment Report and Management Program as well as the goals and objectives listed in the current document. She also discussed the need for an update to the document and established a workgroup to assist in this task. One of the key items that needs to be addressed in an update to the document is the use of the 305(b) report as the assessment versus the 303(d) list. The current management program's assessment is based on the 1998 303(d) list. That list addressed impaired as well as threatened water bodies. The current draft 303(d) list no longer includes threatened waters. One of the goals of the nonpoint source program is to be proactive versus reactive. The 319 grant program is a voluntary program and funding for 319 projects is directly affected by the management program. Projects selected for 319 funding must achieve the goals of the management program and address a waterbody listed in the assessment section of the management program.

The objectives of NPS Management Program Workgroup will be: address the need for a short term addendum to the current Management Program while the revision is being completed; develop short term goals and objectives; develop milestones to indicate Management Program goal achievement; and review the current list of BMPs and revise as necessary.

<u>Funding Plan for FY 2004</u>
Carol Whittington, Project Manager, Nonpoint Source Program, TNRCC, and
Jay Bragg, Project Manager, Texas State Soil & Water Conservation Board

The last session gave a brief overview of the 319 grant program, described what project activities are eligible and explained the process for applying for federal funds through the TNRCC. The NPS Program is supported through grant funding awarded annually from the EPA and authorized under Section 319(h) of the Clean Water Act. Participation in the TNRCC grant program is voluntary. Approximately 75% of the agency's annual 319 grant funds are awarded to

external organizations for water quality protection and restoration projects at the local level.

Eligible grant beneficiaries include river authorities, cities, counties, councils of government, universities, special districts and other political subdivisions of the state. Costs are reimbursed by the grant at a 60% level and are subject to a minimum 40 percent non-federal match. The TNRCC 319 grant program addresses projects that are related to urban and non-agricultural, non-forestry nonpoint source issues. Texas receives approximately 11 million each year which is divided evenly between the TNRCC and the TSSWCB. Most implementation projects encompass a range of eligible activities ranging from BMP implementation to public education. EPA guidance allows a 20% set aside to support nonpoint source assessment and monitoring activities. The TNRCC awards its Section 319 funds on a competitive basis to ensure the most appropriate projects are selected. Each proposer is required to complete a proposal which describes their project, how it will be done, who will do the work, when will it be done, approximately how much it will cost; and what will be the desired environmental result or outcome. The TNRCC has developed environmental and administrative ranking criteria so that all 319 project proposals are evaluated equally and meet the goals outlined in the State's Nonpoint Source Management Plan.