

**Tres Palacios Total Maximum Daily Load (TMDL)
Low Dissolved Oxygen Project
Meeting Summary
March 23, 2006**

DRAFT Summary

ATTENDING STAKEHOLDERS:

Ed	Schulze	Matagorda Co. Environmental Health
John	O'Connell	Texas A & M Sea Grant College/Marine
Mayor John	Connor	City of Palacios
Richard	Gonzales	Gulf of Mexico Foundation
Steven	Diess	USDA-NRCS
Linda	Broach	TCEQ – Houston Region
Arthur	Priesmeyer	Wharton Co. Soil & Water Cons. Dist.
John	Wedig	Lower Colorado River Authority
Commissioner Joe	Morton	Palacios City Council
Commissioner Bert	West	Palacios City Council
Commissioner Beverly	Smith/Garcia	Palacios City Council
Terry	Mosier	Matagorda Co. Marine Advisory Subcom
Craig	Wallis	
Tony	Rigdon	Matagorda Co. Navigation District No. 1
Kurt	Waller	W&W Dock Seafood
Sue & Bob	Hubenak	Tidewater Oaks Owners Assoc.
Shane	Krenek	Business
Victor	Kahlich	
Comm. Chuck & Dolly	Hearn	City of Palacios
Gerardo	Arrambride	TCEQ – Corpus Christi Region
Ted	Bates	MCND # 1
Josh	Harper	TPWD
Rodney	Girndt	
Berta	Hernandez	
Nate	McDonald	
David & Marilyn	Sitz	Recreational User
Tomas	Dominguez	USDA
Raymond	Mitchell	
Loyce		

ATTENDING PROJECT STAFF:

Sandra	Alvarado	Texas Commission on Environmental Quality
Paul	Montagna	University of Texas – Marine Science Institute
Earlene	Lambeth	Texas Commission on Environmental Quality

**Stakeholder Meeting Agenda
for the
Tres Palacios Harbor – Dissolved Oxygen (DO)
Total Maximum Daily Load (TMDL) Project**

**SPONSORED BY THE
Texas Commission on Environmental Quality**

**Thursday, March 23, 2006
Palacios Recreation Center
2401 Perryman
Palacios, TX
6:30 PM – 8:30 PM**

The purpose of the meeting is to inform the public of the status of an on-going TMDL Project in Tres Palacios harbor. The TCEQ would like to provide an opportunity for stakeholder input on the project and continue to solicit the formation of a balanced Tres Palacios Harbor Advisory Group that is representative of the watershed stakeholders. This meeting will focus discussions only on the Tres Palacios dissolved oxygen (DO) TMDL project. If other issues arise that are not pertinent to this project, we will see that they are passed along to the appropriate individual(s).

- 6:30 Welcome and Discussion of Stakeholder Concerns
Sandra Alvarado, TCEQ Project Manager
- 7:00 Continuation of Dissolved Oxygen Monitoring Project in Palacios Harbor
Paul Montagna, University of Texas Marine Science Institute
- 7:45 Formation of Tres Palacios Harbor Advisory Group
Earlene Lambeth, TCEQ Outreach Coordinator
- 8:00 Open Discussion
- 8:30 Wrap-up and Next Steps
Adjourn

WELCOME & INTRODUCTIONS:

Sandra Alvarado, the Project Manager with the TCEQ opened the meeting with introductions and a thank you to the attendees. The stakeholders attending were a broad and diverse representation from the area. Sandra told the attendees that their input was welcomed and appreciated any comments or feedback regarding the TMDL project for low dissolved oxygen.

Continuation of Dissolved Oxygen Monitoring Project in Palacios Harbor – Dr. Paul Montagna, University of Texas Marine Science Institute (UTMSI)

Paul reported to the stakeholders on the monitoring and sampling results and future plans. He began by telling the group that humans are breathing 20% oxygen but for fish and shrimp, the water needs to contain 7% oxygen. If the oxygen level drops below 4%, the aquatic life is in serious trouble and could die.

He said that the water is monitored for a 24 hour period and averaged. He talked about the standards and variability. He reported as long as the data does not drop more than 10% out of the normal range it is OK and meets the QA/QC protocol established by EPA. Paul focused the discussion on 4 sampling sites in Tres Palacios Bay. He reported that it is not unusual for a harbor to have slightly lower dissolved oxygen (DO) values.

Paul said that UTMSI was contracted to continue sampling this summer and will begin looking for sources of nutrients in the harbor. DO is affected by nutrients. When nutrients are added to the system it causes the plant life to grow out of control and that can result in low DO. UTMSI will begin looking at the harbor and bay to see if there is a source of nutrients entering through un-permitted discharge or some activity in the area that might be adding some things that we do not know about. He would try to get a handle on what is going into the bay that might cause the low DO results.

Additional monitoring data would be gathered and a couple of extra monitoring stations would be added to make sure they understand where the problem is (to not categorize the entire bay as problematic). All the information would be collected and put into a model of the area. He assured the group that the stakeholders would be kept apprised of the results and very much needed their input. He asked the stakeholders to consider sharing information with him such as possible areas he might consider sampling, areas they may be concerned about the local environment and conditions.

Paul's presentation can be viewed at the following web page:

<http://www.tceq.state.tx.us/assets/public/implementation/water/tmdl/62-mar06-tpbay.pdf>

(Q) Question (A) Answer (C) Comment
(SA) Sandra Alvarado (LB) Linda Broach (TM) Terry Mosier

Q: Are you asking where we might think you should be monitoring?

A: Any ideas are helpful – if you have a concern about a certain area let us know.

C: From what I do know the sources of nitrogen and other things that cause the oxygen content to be low come from a few places. For example, the effluent of the City of

Palacios, the residences of people that live close to the bay and fertilizers that are put on the crops that run-off into the bay. I would not be surprised at all if you always find the DO in the harbor to be low. That is really not of great importance because what we are trying to do is grow shrimp and fish and they live on the grasslands around the edge of the bay. If you monitor anything – monitor around the edge of the bay. Once it gets beyond that it is taken care of.

Q: I was always under the impression that when you have a harbor or an area that “dead-ends” or there is no flow, you are always going to have low DO. Is that correct?

A: Yes, there is no mixing of the water and you can expect lower DO.

Q: Isn't the bottom line the “fish kills”?

A: There have been several documented fish kills.

C: Yes, but not a whole lot. You know, unless you see a whole lot of fish dying, I don't see the big concern.

Q: What are the criteria where you put your monitors?

A: We looked at the historical database at TCEQ that goes back to the late 1960s. We reviewed the data and if it looked like it may have a problem those are the spots we placed the data sondes. That was our first cut.

Q: So by doing that, you went looking for problem areas instead of being representative of the bay?

A: We are trying to find out if there is really a problem there. That is what I meant by “our first cut”. We are trying to pin point the area.

Q: If you omitted the sample from the harbor area, would Tres Palacios Bay meet its DO requirements?

A: I believe it will. The problem is we do not have enough samples in the Bay to meet the minimum criteria of 10 samples. That is why we need more bay samples.

Q: Do you conduct these samplings along the whole state of Texas coastline?

A: Yes, the regional staff will monitor quarterly all over the state.

C: There are at least 4 or 5 ports along the coast of Texas that are enclosed similar to ours. Have you tested those and what are there results?

A: Last year we did Conn Brown Harbor and it passed – found no problems. We also monitored the Alcoa dock and after we got detail data we found no problem.

C – SA: In 1998 we changed the way we looked at the DO data. We would take grab samples and it could be taken anytime during the 24-hour period. Depending on what time you took the sample, morning, noon, or in the evening, you always got a different measurement or found fluctuation. Using the new method of measuring over a 24-hour period and taking an average to account for the variability we are finding that many of the stations are not truly impaired.

Q: Do you find that the depth has anything to do with the kind of reading that you do get?

A: For the most part yes, you get better readings in the deeper water. But a funny thing happens when you get close to a channel or a ditch, like the intracoastal waterway.

Sometimes water can get trapped on the bottom and there can be zero oxygen. But the important thing here is that the standard is on the surface water only. Because of the wind here, it is rare to see that kind of stratification here.

C - LB: I wanted to say that when we monitor, we measure at various depths – getting the whole water column. We are not leaving an instrument at every single depth. Linda also said that many of the harbors are worse than Palacios.

TMDL Process and Goal:

Sandra explained that the goal of the TMDL is to restore water quality in water bodies that have been deemed impaired. She explained that every two years the TCEQ published what they call the, “Texas Water Quality Inventory” which is the result of the assessment performed by the Surface Water Quality Monitoring Program in Austin and a sub-set of that is called the 303(d) list.

(Note: You can access the assessment at:

<http://www.tceq.state.tx.us/implementation/water/tmdl/tmdlprogram.html>)

Tres Palacios Bay was on the 2004 303(d) list for not meeting the standard for DO to support the aquatic life use. Sandra said that the Tres Palacios harbor area would remain on the 2006 303(d) list since that is what the monitoring data reflects. She said this was based on some of the stakeholder comments received at the November meeting. Sandra said one thing she heard loud and clear at the November meeting was to distinguish the harbor impairment from the bay as a whole. The stigma that is associated with the impairment was of concern to some of the stakeholders who attended and this will be addressed on the 2006 303(d) list which will be out for public comment later this fall.

The next action item that Sandra heard at the last meeting that she addressed was for TCEQ to partner with other monitoring entities such as the LCRA or others that might be doing sampling. She explained that it is not always possible to do this because each has different monitoring objectives and many times they monitor based on different protocols. Sandra reassured the group that if it is possible to establish partnerships with other monitoring entities we definitely would.

The third item on the list from the November meeting was that there could be waste being released in the harbor from shrimping entities that could be contributing to the impairment and producing the low DO levels. Storm water run-off and trailer parks in the area were also a concern voiced at the first meeting.

Once the TMDL is completed we would then go into what we call the Implementation Phase of the TMDL. What is it that we need to do, what types of actions need to be taken, to reduce those nutrient loads? We need local input in this area. The stakeholders who live in the watershed need to give us that input.

Some of the things that have been done and options explored since the first meeting:

- Continue monitoring and looking for sources of the oxygen demanding substances that might be contributing to the low DO
- Explore some options to address the waste from the shrimping industry
- Explored a permit by rule (Texas Administrative Code) for the shrimping industry and packers

- Next steps discussed for addressing waste from shrimping industry include:
 - Option to reinstate permit by rule or individual permit
 - Option to facilitate the development of a voluntary waste reduction program for the shrimping industry
- Next steps for options for controlling non-point source pollution include education and outreach to local residents through Small Business and Environmental Assistance Division of the TCEQ
- Establish a stakeholder workgroup to guide development of allocation or implementation plan and
- Continue to receive feed back of monitoring sites

C – TM: In 1993, I filed a handful of those permit by rule applications for every facility on the harbor. Rusty Evelo with the TCEQ made a visit here and looked at the situation, and did not want to implement the permit by rule. We visited every facility.

Q: What happens to all the shrimp heads that come in on the boats?

C - SA: That seems to be one of the concerns.

C: Most of them do not bring their heads into the bay or harbor. The ones that do bring them in we haul to the landfill in Victoria. Most of the bay shrimp is shipped out with “head-on”. Now we have freezer boats – none of that happens anymore. It has all changed – no run-off. It is just a different process that is done on the boats now. I don’t see the need to have this permitted. I like this voluntary program – I like that a lot better. Also, the camper site is on city sewer.

Sandra’s presentation can be viewed at the following web address:

<http://www.tceq.state.tx.us/assets/public/implementation/water/tmdl/62-mar06-tmdlupdate.pdf>

Stakeholder Advisory Group

Earlene Lambeth told the attendees that there is still room on the 24-member stakeholder advisory group that is being formed. This balanced representation of the area group will assist in developing the consensus-based implementation plan for the harbor. If you are interested in serving on this advisory group to help restore the water quality in the Tres Palacios Bay please send Earlene and e-mail at elambeth@tceq.state.tx.us or call her at (512) 239-3129.

ACTION ITEMS:

1. Linda Broach will speak with Rusty Evelo about permit by rule.
2. Create 2 Work Groups – Shrimping Industry and Non-point Source Pollution

The meeting was adjourned.