

Meeting Minutes  
Surface Water Quality Standards Advisory Workgroup Meeting  
March 31, 2016

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Location: Building F, Second Floor, Room 2210

Time: 1:00 pm – 4:00 pm

**1:00 p.m. Welcome and Workgroup Introductions, presented by Debbie Miller**

- Call to order.
- This is the last planned meeting of the SWQSAWG for this revision cycle. If another meeting or any additional information needs to be shared with the group, it will be done via the listserv.
- General welcome and introduction; housekeeping (restroom locations, etc.). Introduction of Water Quality Standards Group staff and workgroup members.

**1:15 p.m. UAA Updates, presented by Jason Godeaux**

*Handout:* Site-Specific Criteria Changes

- Mr. Godeaux gave a slide show presentation regarding site-specific criteria for appendices C and D. Please see slide show entitled “Site-Specific Criteria Changes” for details.
- Jason Godeaux’s contact information: [jason.godeaux@tceq.texas.gov](mailto:jason.godeaux@tceq.texas.gov); 512-239-2495.

***General Discussion***

**QUESTION:** For Elm and Sandies Creek, do the stats and graphs you presented for dissolved oxygen and biological data include data collected in 2002 and 2003?

**ANSWER:** The dissolved oxygen data did include what was collected in 2002 and 2003, but the biological data presented does not include that timeframe. In general, the data collected in both the 2002-2003 study and the 2013-2014 study were comparable and representative of normal conditions.

*QUESTION:* What was the trigger for conducting a use-attainability analysis (UAA) on Garcitas Creek? Did Texas Parks and Wildlife Department (TPWD) collect the data?

*ANSWER:* A dissolved oxygen listing was the trigger for the UAA, and TPWD did the data collection.

*QUESTION:* In regards to Table 3 of the Texas Surface Water Quality Standards (regarding presumed dissolved oxygen criteria based on assigned aquatic life use and waterbody type), do the results for Garcitas Creek indicate that we should reconsider the presumed dissolved oxygen criteria for all tidally influenced streams? There are other studies along with this one that seem to support lowering those presumptions.

*ANSWER:* Maybe, but we don't intend to try that during this revision. We need to gather more information first.

*QUESTION:* What prompted the UAA for Elm and Sandies Creek, and what does the land use look like in the drainage basin? Isn't this an area with lots of poultry farming?

*ANSWER:* Elm and Sandies were both on the 303(d) list for dissolved oxygen impairments. The first study in 2002 was initiated by our TMDL program in order to establish the correct standards for the creeks. This study recorded very low dissolved oxygen concentrations, so a second study was recently completed to further study both streams. Both studies yielded comparable data. There are a few municipalities that discharge there, but they are small. The fish and benthic data match those of nearby creeks without dischargers. There are poultry farms in the area.

*COMMENT:* It was a small data set from a poultry study that first listed the streams.

*QUESTION:* Are you comfortable that the data collected for Elm and Sandies were above 7Q2? Might a TMDL be able to make flow improvements which would in turn raise the aquatic life use of the streams?

*ANSWER:* The flows were very low during the second study. Both creeks have a 7Q2 of 0.1 cfs, and the data was collected above those flows. Low flows are a natural condition of these creeks, so it seems appropriate to lower the aquatic life use from a high to an intermediate use.

*QUESTION:* Were nutrient data collected for this study? Is that data available?

*ANSWER:* Yes, and the data are available in the report.

*QUESTION:* Will lowering the criteria for Elm and Sandies result in a delisting?

*ANSWER:* No.

*QUESTION:* Will information gathered on Garcitas Creek result in changes to the dissolved oxygen model used in permitting?

*ANSWER:* I can't say for sure, but it's unlikely. Our modeling team will have to make that decision.

*QUESTION:* For Elm, Sandies and Garcitas creeks, how much data was required? How are these studies impacted by drought?

*ANSWER:* All UAA studies cover a minimum of a two year period. They target the summer during low flows, and a total of three biological collections (two in one year and one in the other) and ten 24-hour dissolved oxygen events (five per year) must occur. The idea of these studies is to capture typical low flows, so studies may be put on hold for either drought or floods.

*QUESTION:* Did you apply any of the lessons learned from the drought affects work SWQM did to the Elm and Sandies UAA? Was the drought index applied to Elm and Sandies?

*ANSWER:* We have not, but can look to see if that changes any results.

*QUESTION:* Do the aquatic UAA recommendations have an informal comments period like the recreational UAAs?

*ANSWER:* No, but we welcome your comments at any time. All changes to the rule will undergo a formal comment period of 45 days once the commissioners give us permission to formally propose the changes.

## **1:45 p.m. RUAA Updates, presented by Kate Lavelle**

*Handout:* Recommendations for Recreational Use Changes

- Ms. Lavelle discussed possible revisions to Appendix G of the TSWQS based on recent recreational use-attainability studies. The above referenced handout was discussed with the group. Please see slide show entitled "Recommendations for Recreational Use Changes" for details.
- Kate Lavelle's contact information: [katherine.lavelle@tceq.texas.gov](mailto:katherine.lavelle@tceq.texas.gov); 512-239-6011.

### ***General Discussion***

*QUESTION:* Can EPA give us an update on their progress of reviewing the primary contact recreation 2 category that was added during the 2014 revision?

*ANSWER:* The EPA is still actively reviewing this issue, but they will not release another action letter until they have also finished their review on site-specific changes to Oso Bay. The TCEQ has recently asked for Oso Bay to be moved to the top of EPA's priority list for review. The EPA does not have a definitive timeline for the next action letter.

## **2:00 p.m. Texas General Land Office Beach Watch Program, presented by Craig Davis of the General Land Office**

- Mr. Davis gave an overview of the state's Beach Watch Program which is administered by the General Land Office. Please see slide show entitled "Texas Beach Watch" for details.
- Craig Davis's contact information: [craig.davis@glo.texas.gov](mailto:craig.davis@glo.texas.gov); 512-463-8126.

### ***General Discussion***

*QUESTION:* Your slide show had a list of labs you use. Are these the only labs used in the Beach Watch program?

*ANSWER:* Yes.

*QUESTION:* Does posting signs for advisories and closures really work? Does the public at large pay attention to signs?

*ANSWER:* Signage does not always work in all cases.

*QUESTION:* Are you not using qPCR method because of funding issues? Or is it because the data provided by this analysis are so scattered?

*ANSWER:* It's primarily a funding issue. qPCR has a high startup cost, and no funds available for that without dropping monitoring sites. There are also some warm water issues that Joe Martin will talk about next.

*QUESTION:* Once you've issued an advisory, daily sampling begins. How many sample results do you need to get at or below the standard before the advisory is lifted?

*ANSWER:* As soon as the first result shows an acceptable number, the advisory is lifted. This could be as soon as the next day, or could take many days.

*QUESTION:* Do you sample in the morning, and what is your lag time from collection to analysis results?

*ANSWER:* We begin in the morning and depending on how many sites are sampled in any given day or location, finish in the early afternoon. We have the results in 24 hours.

*QUESTION:* Have you ever performed any type of source tracking?

*ANSWER:* Corpus Christi has done some, and much of the source comes from storm water runoff. Sources could easily be from birds, pets, etc. However, some of it is also lives in situ.

*QUESTION:* Do advisory days tend to follow a large rain event? Has the Beach Watch Program done any outreach to notify citizens there is a higher risk after large rain events?

*ANSWER:* No, because most of our advisories are for bays and estuaries as opposed to beaches. There isn't much runoff on the beaches themselves.

*QUESTION:* If you have a sampling location that consistently doesn't get any hits, have you ever considered changing sampling locations?

*ANSWER:* No, but we might consider less monitoring at those sites if we have to scale back monitoring.

*QUESTION:* Do you have authority to close a beach or stop people from swimming during an advisory?

*ANSWER:* No. The GLO cannot close beaches, but they can post advisories. Local governments have the authority to close beaches. There was resistance to that idea as it could negatively impact the local economies. It's up to the local authority to close beaches or post signage.

## **2:30 p.m. BEACH Act and the EPA 2012 Recreational Criteria for Coastal Waters, presented by Joe Martin**

- Mr. Martin gave a presentation regarding EPA's 2012 revision to recreational criteria and options for how to apply these revised criteria to coastal waters. Please see slide show entitled "BEACH Act and the EPA 2012 Recreational Criteria for Coastal Waters" for details.
- Joe Martin's contact information: [joe.martin@tceq.texas.gov](mailto:joe.martin@tceq.texas.gov); 512-239-3163.

### ***General Discussion***

*QUESTION:* Of the two recommendations you presented, which do you prefer?

*ANSWER:* The first recommendation sticks pretty well with what we are currently doing.

*COMMENT:* Averaging multiple standard deviations the way EPA did in the 2012 Rec Criteria document is wrong. There are acceptable statistical methods to do what they did, but they didn't use them. The EPA's approach was wrong. The TCEQ should take a strong position on this and hire a statistician to help bolster a defense.

*COMMENT:* EPA's process is concerning. We need a better indicator instead of more justification for their 1986 criteria.

*COMMENT:* The Puerto Rico and South Carolina studies had great water quality. It seems crazy that they threw these study results out in their final analysis.

*QUESTION:* How are other gulf coast states dealing with this issue?

*ANSWER:* Louisiana adopted with a 90 day duration. Mississippi and North Carolina are using the same BAV justification approach as the TCEQ, and they are requesting to keep using 104 cfu. Florida and Region 3 states have not adopted the recommended criteria. Florida is still using fecal coliform.

*QUESTION:* If the risk ratios for illness are basically the same from EPA's 1986 and 2012 criteria, what's the risk illness rate for non-swimmers?

*ANSWER:* I don't believe that information was published in this format.

*QUESTION:* What's the percentage of people getting a GI illness from swimming versus eating?

*ANSWER:* This has always been a difficult question to answer. Different illnesses have different incubation periods, many people don't report illnesses to any authority, and your doctor will rarely test you to see what specific bacteria caused the problem.

*COMMENT:* Craig mentioned in his presentation that they use entero alert. Splits often give very different answers, and you may want to be aware of when they started using this method when evaluating their data for TCEQ's standards development.

*COMMENT:* Values can always be vastly different from sample to sample. This type of data collection is highly variable.

*QUESTION:* Does the TCEQ have any plans to apply any of this to freshwater systems?

*ANSWER:* No, this will apply to coastal waters only.

**4:00 p.m. Adjourn**