



**Stormwater & Land Development and Construction Work Groups
DRAFT Meeting Notes
Thursday, February 21, 2013
2:00 pm to 4:00 pm
H-GAC Conference Room A, Second Floor**

Attendees

Bill Carter on phone (TCEQ), Richard Chapin (City of Houston), Lawrence Childress (City of Houston), Danielle Cioce (Harris County), John Conciene (Caroll & Blackman, Inc.), Justin Cox on phone (Storm Water Solutions), Adrian Gengo (Caroll & Blackman, Inc.), Teague Harris (HCMUD 22), Bruce Heiberg (Bayou Preservation Association), Jonathan Holley (Harris County FCD), Craig Maske (Dodson/WPM), Rick Masters (Caroll & Blackman, Inc.), Alisa Max (Harris County), John Moss (Eco Services), Rachel Powers (H-GAC), Mary Purzer (AECOM), Jim Robertson on phone (Cypress Creek Flood Control Coalition),

Call to Order/Welcome/Introductions

Rachel called the meeting to order and initiated self-introductions.

Presentation (by phone) by TCEQ on status of construction and MS4 general permit renewals—Rebecca Villalba, Stormwater and Pretreatment team leader, and Hanna Neilsen, stormwater permit writer

Notable highlights from their presentation:

- Construction General Permit
 - The Construction General Permit was adopted February 13, 2013, and will become effective March 5, 2013. The permit includes narrative limits for turbidity, but does not include a numerical limit.
 - Notice will be sent to all entities with authorization with instructions on how to submit an NOI. In general, once the permit is approved, there is a 90-day limit to submit an NOI or no termination. Electronic NOIs are being encouraged.
- MS4 General Permit (TXR040000)
 - The MS4 General Permit has been administratively continued.
 - TCEQ responded to 267 comments during the comment period in early fall. They have sent the revised draft to EPA. EPA review could take another 30 days.
 - Most significant issues to be resolved have to do with impaired waterbodies, TMDLs, and I-Plans. Other discussion points include rearranging some sections, adding definitions, and adding examples.
 - Louisiana recently issued their permit, which is similar to what the Texas permit may look like.
[\[http://www.deq.louisiana.gov/portal/Portals/0/permits/lpdes/pdf/LAR04_2012_FI_NAL.pdf\]](http://www.deq.louisiana.gov/portal/Portals/0/permits/lpdes/pdf/LAR04_2012_FI_NAL.pdf)
 - Until the MS4 permit is renewed, new MS4s cannot be added to the permit. Currently there are about 500 permit holders. Based on an analysis of 2010

census data, they have identified 200 entities that may need to become covered under the permit. The EPA sent TCEQ a list of 172 entities that may be need to become covered under the permit. TCEQ intends to send notices to the entities that they anticipate will need coverage. TCEQ staff recommended viewing the EPA Webinar once it has been archived.

[\[http://cfpub1.epa.gov/npdes/courses.cfm?program_id=0&outreach_id=670&otype=1\]](http://cfpub1.epa.gov/npdes/courses.cfm?program_id=0&outreach_id=670&otype=1)

- In the event that the permit is not renewed by August, MS4 operators may need to submit an annual report based on the extended permit and SWMP.
- The draft for public notice from fall 2012 is the most recent version that is publicly available.

[\[http://www.tceq.texas.gov/permitting/stormwater/WQ_ms4_small_TXRO4.html\]](http://www.tceq.texas.gov/permitting/stormwater/WQ_ms4_small_TXRO4.html)

Review Notes from Last Year

Rachel provided the notes from last year in case they were needed for reference.

Update on I-Plan Approval Process

The TCEQ unanimously approved the BIG I-Plan on January 30, 2013. The approved version included the changes to the I-Plan that had been discussed at previous BIG meetings. None of the changes were in the references sections.

Review Annual Report format

Rachel explained that the conceptual format for the annual report was developed in collaboration by the BIG and agreed to at the BIG mid-year meeting in October 2012. The report will consist of three main components:

- 1) At-a-Glance: The At-a-Glance section will be one 11x17 paper that includes cover page with a photo; a table of implementation activities, proposed milestones, and an evaluation of progress; and a sheet with background information, a map, and high-level review of progress overall.
- 2) A printed report: In addition to a narrative overview, the printed report will include information about progress and goals for each of the strategies in the plan. Each strategy will be described by a narrative description preceded by a tabular summary sheet, which will include recommendations from the workgroup to the BIG regarding progress, achievements, focus for the coming year, and revisions to the I-Plan.
- 3) Web-based support documents: If additional information, such as lengthy tables, are necessary, these will be provided in an on-line format.

Review Implementation Progress-- The workgroup reviewed progress for each of the implementation activities, as follows.

Implementation Strategy 4.0: Stormwater and Land Development

- 4.1: Continue Existing Programs—Interim Milestones: 80 programs will continue

- 80 programs have been administratively continued.
- 4.2: Model Best Practices—Interim Milestones: Five local programs highlighted on H-GAC or other appropriate website each year; four to six networking meetings each year.
 - H-GAC has posted MS4 Phase II annual reports on its website: <http://www.h-gac.com/community/water/stormwater.aspx>.
 - 23 MS4 communities have provided their 2011 Year 4 annual reports, all posted on H-GAC website. The following are in the BIG project area and provided their year 4 reports:
 - City of Bunker Hill Village
 - City of Humble
 - City of League City
 - City of Missouri City (represents multiple MS4s)
 - City of Oak Ridge North
 - Montgomery County
 - Montgomery County Drainage District 6
 - North Mission Glen MUD
 - Rayford Road MUD
 - Southern Montgomery County MUD
 - Spring Creek Utility District
 - West Keegans Bayou Improvement District
 - The Woodlands JPA
 - [The JTF, not a Phase II MS4, has continued its program and provides annual reports.]
 - 5 MS4 communities have provided their 2012 Year 5 annual reports, all posted on H-GAC website. Deer Park, Kemah, and UTMB are all outside of the BIG project area. These MS4s provided their annual reports in addition to the year 4 reports that H-GAC requested.
 - City of Deer Park
 - City of League City
 - North Mission Glen MUD
 - UTMB
 - West Keegans Bayou Improvement District
 - [City of Kemah year 5 report was received after the meeting]
 - H-GAC has continued its annual series of workshops focusing on the six minimum control measures. The series also included a “Welcome to the MS4 Program” workshop in November 2012.
 - Successful MS4 program elements are being identified by looking at annual reports. Representatives from these MS4s are being asked to share information at the CWI workshops: www.h-gac.com/cwi.
- 4.3: Encourage Expansion of Storm Water Management Programs—Interim Milestones: By year five, all permit holders shall expand or focus their existing storm water programs as appropriate; by year five, 30 previously unpermitted entities shall develop new programs

- On May 22, 2012, about five months ahead of schedule, the Bureau of the Census released its maps of urban areas based on the 2010 Census. A preliminary review suggests that 13 cities and 124 special purpose districts may qualify for coverage as a result of the 2010 census, although many of these may qualify for waivers and not all are inside the BIG project area.
 - No other progress was reported by the group.
- 4.4: Promote Recognition Programs for Developments that Voluntarily Incorporate Bacteria Reduction Measures—Interim Milestones: Within five years, develop a recognition program; Upon completion of the program development, recognize at least one community each year for five years and an increasing number of communities/projects thereafter, or as specified as part of the program development process; Two communities each year analyze regulations and programs to accommodate participation in existing programs.
 - Green Built Gulf Coast: The Greater Houston Builders Association has developed a certification based on the National Green Building Standard ICC 700-2008, with specifications for the Gulf Coast’s unique climate. Whether the program incorporates bacteria reduction is unclear.
 - H-GAC has received funding from the TCEQ to develop an awards program, and hopes to form an ad hoc group to develop the program. Harris County (Alisa Max) and City of Houston (Richard Chapin) both volunteered. The group recommended that BPA, AWBD, and GHBA be encouraged to participate.
- 4.5: Provide a Circuit Rider Program—Interim Measureable Milestones: Each year, contact 50 stakeholders and provide five in-depth community consultations.
 - H-GAC has received funding from TCEQ to compile and examine local codes that may present an impediment to implementing low impact development. Bill Carter recommended looking at the documents from the LID project undertaken by the National Wildflower Center: <http://www.tceq.texas.gov/waterquality/nonpoint-source/projects/statewide-low-impact-development-workshops>.
 - Note: North Central Texas COG was just beginning a peer-to-peer site visit and information exchange program.
- 4.6: Petition the TCEQ to Facilitate Reimbursement of Bacteria Reduction Measures—Interim Milestone: Letter of commitment (or similar) from TCEQ within three years.
 - Conversations with TCEQ have been ongoing and show progress. Various BIG stakeholders have been working with TCEQ to develop guidance for allowing water quality infrastructure.

Implementation Strategy 5.0: Construction

- 5.1: Increase Compliance with and Enforcement of Stormwater Management Plans—
 - Rachel indicated that she has looked at MS4 annual reports to determine what sort of activity MS4 phase II communities have undertaken relating to construction activities within the MS4. Even within the JTF report, the information is difficult to find and reported in different formats by the members of the JTF. The TCEQ annual report format makes it difficult to find such information. Rachel

indicated that the EPA's Small MS4 report form might make it easier to track construction activities by MS4 operators.

- The MS4 Phase II annual reports do include information about educational material. Rachel will try to pull this information together to post on the website.
- Recent training programs were offered by H-GAC (through the CWI workshops), the Houston Chapter of the Association of General Contractors. Stakeholders indicated that Larmin (?) and Half Moon (?) also provide training. Other appropriate venues/audiences might be the Houston Contractors Association, the American Subcontractors Association—Houston Chapter, and Associated Builders and Contractors—Greater Houston Chapter.
- Harris County indicated that the draft for last year's report contained an inaccuracy, and the following text should be deleted "the territory assigned to each inspector, thereby decreasing".

Confirm Recommendations to the BIG for Annual Report

The work group reviewed the draft Implementation Strategy Cover Sheets for the two strategies: Stormwater & Land Development and Construction.

There were 16 attendees including 4 BIG members and 4 alternates.

Stormwater & Land Development

For the At-a-glance table, the group recommended that the yellow squares be changed to green, and changed to read "Started, on schedule."

The wording for Progress was appropriate.

For achievements, the group recommended adding the following:

- The first LID Roadways in the region were built.
- H-GAC has collected and shared annual reports on the website.
- TCEQ has been meeting with stakeholders regarding reimbursement.

For focus, the group recommended adding the following:

- Highlighting five local programs on website.
- Developing an awards program.
- Developing a more useful annual report form.
- Preparing the report on regulations that might prevent implementation of LID.

The group did not recommend revisions to the I-Plan.

Construction

For the At-a-glance table, the group did not recommend changes.

For progress, the group asked that the language for the stormwater and land development strategy be removed.

For achievements, the group recommended adding the following:

- H-GAC started looking at the annual reports and compiling the number of construction site actions reported in MS4 Phase II annual reports.
- The Construction General Permit was renewed.

For focus, the group recommended adding the following:

- Providing education to contractors.
- Quantifying inspections and enforcement reported in annual reports.

The group did not recommend revisions to the I-Plan.

Adjourn

BIG Annual Meeting: Tuesday, May 14, 2013