



# TEXAS STATE SOIL AND WATER CONSERVATION BOARD

## Monthly Program News and Activities

311 North 5<sup>th</sup> Street, Temple, Texas (254) 773-2250

<http://www.tsswcb.state.tx.us>

October 2007

The TSSWCB produces this monthly update of the agency's activities as an informational service to local soil and water conservation district directors. I hope you find this information helpful, and if you have any questions please don't hesitate to call your local Field Representative or our State Headquarters.

**REX ISOM, Executive Director**

### September 30th was the deadline for FY 2007:

- 4th quarter Director Mileage and Per Diem claims
- Return of any unused Director Mileage & Per Diem advance payments
- Supplemental Technical Assistance Claims
- Audit Notification Forms

## CONTENTS

State Board Work Sessions and Meetings	Page 01
Budget and Accounting	Page 04
Human Resources	Page 04
Special Projects	Page 05
Public Information and Education	Page 05
Water Quality Management Plan Program	Page 06
Poultry Water Quality Management Plans	Page 06
Clean Water Act, §319(h) Grants	Page 07
Total Maximum Daily Loads and Watershed Planning	Page 08
Coastal Nonpoint Source Pollution Control	Page 14
Texas Brush Control Program	Page 14
Flood Control Dams	Page 15
Texas Groundwater Protection Committee Activities	Page 15

## STATE BOARD WORK SESSIONS AND MEETINGS

### Scheduled Work Sessions and Meetings

The State Board has tentatively scheduled a Board Work Session for 2:30 p.m., **Wednesday, November 28, 2007**, in the Hearings Room at the agency's state headquarters in Temple. A formal State Board Meeting is tentatively scheduled for 8:00 a.m. on **Thursday, November 29, 2007**, at the same location. For more information on State Board Work Sessions and Meetings, visit the agency's website at

<http://www.tsswcb.state.tx.us/boardmeetings>.

### Adopted Minutes

Minutes from the June 29, 2007, joint work session regarding Bacteria Total Maximum Daily Loads (TMDLs) between the State Board and the Texas Commission on Environmental Quality (TCEQ) were approved on September 20, 2007. Minutes from the July 19, 2007, State Board Meeting were approved on September 20, 2007, and are available on the agency website at

<http://www.tsswcb.state.tx.us/boardmeetings/minutes/2000-2007#2007>. Minutes from the September 20, 2007, State Board Meeting will be considered

for approval at the meeting tentatively scheduled for November 29, 2007.

For more information on past and pending State Board Work Sessions and Meetings, please visit the agency's website at <http://www.tsswcb.state.tx.us/boardmeetings>, or contact Vicki Davis at (254) 773-2250, ext. 253.

## Rule Proposals

At their September 20, 2007, meeting, the State Board proposed the following amendment to Rule 31TAC519. The rule amendment was published for public comment in the October 5, 2007, edition of the Texas Register. The earliest possible date of adoption is November 4, 2007.

TITLE 31. NATURAL RESOURCES AND CONSERVATION  
Part 17. TEXAS STATE SOIL AND WATER CONSERVATION BOARD

Chapter 519 TECHNICAL ASSISTANCE

Subchapter A TECHNICAL ASSISTANCE PROGRAM

31 TAC §519.8

The Texas State Soil and Water Conservation Board (State Board) proposes an amendment to 31 TAC, Part XVII, Chapter 519, Subchapter A, Technical Assistance Program, Section 519.8, Eligible Pay rates, concerning the rate of pay that may be reimbursed to districts for technical assistance provided by their personnel. Specifically, this proposed amendment establishes an increased pay rate, from \$10.00 per hour to \$15.00 per hour, as a maximum that may be reimbursed to a soil and water conservation district for technical assistance and eliminates the yearly cap that had been imposed on total earnings. The amendment maintains the maximum of 40 hours that may be worked per week, but rewords the limitation. The amendment is made so that districts may provide a pay rate that is competitive with the general work force.

Mr. Kenny Zajcek, Fiscal Officer, State Board has determined that for the first five year period there will be no fiscal implications for state or local government as a result of administering this amended rule.

Mr. Zajcek has also determined that for the first five year period this amended rule is in effect, the public benefit anticipated as a result of administering this rule will be the ability of districts to hire an adequately skilled work force necessary to provide technical assistance to agricultural landowners and operators.

There are no anticipated costs to small businesses or individuals resulting from this amended rule.

Comments on the proposed amendment may be submitted in writing to Rex Isom, Executive Director, Texas State Soil and Water Conservation Board, P.O. Box 658, Temple, Texas 76503, (254)773-2250 ext.231.

The amendment is proposed under the Agriculture Code of Texas, Title 7, Chapter 201, §201.020, which authorizes the State Board to adopt rules that are necessary for the performance of its functions under the Agriculture Code.

No other statutes, articles, or codes are affected by this amendment.

### §519.8 Eligible Pay Rates

The State Board hereby establishes a maximum pay rates of \$15.00 to \$10.00 per hour not to exceed a or \$20,773 per year and maximum hours per week of 40 hours per week. With the prior approval of the State Board a district may exceed the maximum pay rate or maximum hours per week. Expenditures for wages or salaries that are above the maximum pay rate or expenditures for hours over the maximum hours per week will not otherwise be eligible for reimbursement.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on September 21, 2007.

Mel Davis  
Special Projects Coordinator  
Texas State Soil and Water Conservation Board  
Earliest possible date of adoption: September 16, 2007  
For further information, please call: (254) 773-2250, x252

## Rule Adoptions

The State Board adopted a new rule to enhance its ability to individually consider alternative resource treatment plans as an acceptable brush control plan.

The rule was published in the August 17, 2007, edition of the Texas Register and was adopted by the State Board in their September 20, 2007 meeting. The new rule became effective October 11, 2007.

Notice of the final adopted rule was published in the October 5, 2007, edition of the Texas Register, as follows:

TITLE 31. NATURAL RESOURCES AND  
CONSERVATION

PART 17. TEXAS STATE SOIL AND  
WATER CONSERVATION BOARD

CHAPTER 517. FINANCIAL ASSISTANCE

SUBCHAPTER B. COST-SHARE ASSISTANCE FOR BRUSH  
CONTROL

31 TAC §517.30

The Texas State Soil and water Conservation Board (State Board) adopts new §517.30(h), concerning the agency's ability to individually consider alternative resource treatment plans as an acceptable brush control plan. The new rule is adopted without changes to the proposed text as published in the August 17, 2007, issue of the *Texas Register (32TexReg 5155)* and will not be republished. Specifically, the new rule provides the agency some flexibility in accepting an alternative brush control plan that may better suit landowner management plans.

No comments were received regarding adoption of the new rule. The new rule is adopted under the Agriculture Code of Texas, title 7, Chapter 201, §201.020, which authorizes the State board to adopt rules that are necessary for the performance of its functions under the Agriculture Code and under §203.012, which authorizes the board to adopt reasonable rules to carry out the chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Section 517.30 Eligibility for Cost-share Assistance

(a) Eligible person.

(1) Any individual, partnership, administrator for a trust or estate, family-owned corporation, or other legal entity who as an owner, lessee, tenant, or sharecropper participates in an agricultural or wildlife operation within a brush control area and is a cooperater with the local SWCD shall be eligible for cost-share assistance.

(2) A political subdivision is eligible for cost sharing under the brush control program, provided that the state's share may not exceed 50% of the total cost of a single project.

(b) Ineligible person.

(1) A person is not eligible to participate in the state brush control program or to receive money from the state brush control program if the person is simultaneously receiving any cost-share money for brush control on the same acreage from a federal government program.

(2) The State Board may grant an exception if the State Board finds that joint participation of the state brush control program and any federal brush control program will enhance the efficiency and effectiveness of a project, lessen the state's financial commitment to the project, and not exceed 80% of the total cost of the project.

(c) Eligible land. To be eligible for cost-share assistance, the land must be within a brush control area and fall into any of the following categories:

(1) land within the state that is privately owned by an eligible person;

(2) land leased by an eligible person over which the applicant has adequate control extending through the term of the contract period and written permission of the landowner; or

(3) land owned by the state, a political subdivision of the state, or a nonprofit organization that holds land in trust for the state.

(d) Ineligible lands. Allocated funds shall not be used on land outside of a brush control area or land not used for agricultural or wildlife production.

(e) Eligible purposes. Cost-share assistance shall be available only for brush control included in an approved brush control plan and contract and determined to be needed by SWCDs to conserve water.

(f) Eligible practices. Brush control methods, which the State Board has approved and which are included in the applicant's approved brush control plan and contract, shall be eligible for cost-share assistance. The brush control area working group shall designate their list of eligible methods from those approved by the State Board.

(g) Requirement to file an application. In order to qualify for cost-share assistance, an eligible person, including political subdivisions, shall file an the RMS requirement if it finds an alternate plan adequate.

(i) Persons authorized to sign applications and contracts. All applications, contracts, and performance certifications shall be signed by:

(1) the eligible person;

(2) any person designated to represent the eligible person, provided an appropriate notarized durable power of attorney has been filed with the SWCD office; or

(3) the responsible person or administrator, in cases of trusts or estates, provided that letters of administration or letters of testamentary have been submitted to the SWCD in lieu of a power of attorney application with the local SWCD.

(h) Requirement to develop a brush control plan. In order to qualify for cost-share assistance, an eligible person, including political subdivisions, shall develop a brush control plan. Brush control plans shall meet resource management system requirements on acres

planned, as set forth in the FOTG. The State Board may grant an exception to the RMS requirement if it finds an alternate plan adequate.

(i) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on September 21, 2007.

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## BUDGET AND ACCOUNTING

### Director and Officer's Liability Insurance

On September 1st the Texas State Soil and Water Conservation Board purchased a blanket Director and Officers Liability Insurance Policy for all Districts and Directors of Districts. This policy provides a level of indemnity protection for actions of Directors while serving within the scope and authority of their office. This insurance coverage is in addition to any existing insurance coverage a District may already have. There is no action required by a District to begin coverage. Each individual SWCD should do its own policy evaluation prior to dropping any current insurance coverage. The Texas State Soil and Water Conservation Board has already paid the premium. A copy of the policy will be forthcoming to the central mailing address of each District.

### September 30<sup>th</sup> was the deadline for FY 2007:

- 4<sup>th</sup> quarter Director Mileage and Per Diem claims
- Return of any unused Director Mileage & Per Diem advance payments
- Supplemental Technical Assistance Claims
- Audit Notification Forms

### Director Mileage and Per Diem

On September 21<sup>st</sup> advance payment of Director Mileage and Per Diem allocations for FY 2008 were made to Districts that have claimed or returned all advance payments provided in FY 2007. Districts that did not receive an advance payment on

September 21<sup>st</sup> still need to claim or return advance payments for FY 2007.

### Agricultural Water Conservation

Agricultural Water Conservation claims and performance reports for FY 2007 must have been received by **October 31<sup>st</sup>**. **The Texas State Soil and Water Conservation Board cannot ensure payment for Agricultural Water Conservation claims and performance reports received after October 31<sup>st</sup>.**

### Annual Financial Statements

The deadline for submission of FY 2007 Annual Financial Statements was **October 31<sup>st</sup>**.

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## HUMAN RESOURCES

### Current Job Openings

- Information Specialist I  
Class No. 1830/B06  
Starting Annual Salary: \$30,202  
Required Travel: As Needed  
Location: Temple, Texas

### New Hires

- Justin Berney started October 1, 2007 as the Natural resource Specialist IV position in Nacogdoches.
- Shari Johnson started October 15, 2007 as the Natural Resource Specialist IV in Gonzales.

### Resignation

Irene Perez resigned October 5, 2007 as the Information specialist I position in Temple.

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## SPECIAL PROJECTS

### Program Overview

Special Projects is a department within the TSSWCB that provides coordination for the Annual State Meeting of Soil and Water Conservation Directors, facilitates open government functions required by the Texas Administrative Procedures Act, and directs the completion of other mandatory agency responsibilities such as compiling the agency's Semi-Annual Report and rule making.

### Annual State Meeting of Soil and Water Conservation District Directors

The Annual State Meeting for 2007 was held October 22 – 24, 2007 in Waco. Approximately 650 district directors, spouses and other interested individuals registered for the meeting.

The State Meeting for next year is scheduled for September 29-30 and October 1, 2008 in Galveston. Please mark this date and make plans to attend. Everyone's support is needed and welcomed.

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## PUBLIC INFORMATION AND EDUCATION

### Soil Stewardship Public Speaking Contest—

NACD' Stewardship and Education Committee announced that "Water is Life" will be the theme of the 2008 Stewardship Week. According to NACD, the materials will be available for purchase in November. As a result, preparations are now underway for developing the 2008 Soil Stewardship Public Speaking Contest packet which is targeted to be sent to SWCDS and Ag Science teachers in January-February.

**Wildlife Alliance for Youth**—Area IV held their regional wildlife contest on October 31, at the Plant Materials Center near Nacogdoches. Details and announced winners in the contest will be available in the November Update.

### SWCD Director Training Conference—

A training conference for district directors is scheduled for January 29-30, 2008 at the TSSWCB's state headquarters in Temple. Correspondence announcing the workshop along with a registration form will be sent to all districts the first week in November.

### Informational Brochure for New Directors—

A letter introducing the new pamphlet for newly elected/appointed directors along with a request form was sent to all districts on September 25. In addition, the new pamphlet will be included with the appointment or election papers sent to a district that has a new director or directors coming on board.

### Pocket Calendars—

1,000 pocket planners for 2008 were purchased through the Association's Public Information/Education Program for distribution to SWCD directors at the state meeting. Surplus copies will be used in conjunction with exhibits at upcoming trade shows.

### Cast Conference—

The TSSWCB will have an exhibit at the Science Teachers Association of Texas (STAT) annual conference November 15-16 in Austin. CAST has the largest state science conference in the country! A record crowd of over 6,000 Texas science educators and administrators are expected to attend the conference.

### SWCD Director Training Resource Project—

(Formerly referred to as the NASCA project) All agency training materials such as PowerPoint presentations, and other documents used as resources in District Director Training workshops are being consolidated into a specific TSSWCB website link. The purpose of organizing this material into a Training Resources file will enable field staff to conduct director training on a localized basis as well as provide SWCDS to more easily access materials of specific interest on a as need basis following workshop training.

## TSSWCB Conservation Video Library

### About The Catalog

There are over 190 conservation-related videos available; the catalog can be downloaded from the TSSWCB's website at [http://www.tsswcb.state.tx.us/files/contentimages/vi\\_dcat05-06.pdf](http://www.tsswcb.state.tx.us/files/contentimages/vi_dcat05-06.pdf). No rental fees are assessed to those wishing to borrow the videos from the library. Borrowing privileges are for a length of two weeks and must be returned upon date specified by the librarian. Videos can be ordered through your local soil and water conservation district or by contacting the Public Information/Education department of the TSSWCB.

### How Shipping Works

This resource is available at no charge to the borrower. The Association of Texas Soil and Water Conservation Districts' Public Information/Education Committee will pay first transit postage costs to mail the video(s) to the requester. Postage for returning will be the responsibility of the borrower. All videos must be insured upon return.

### Ordering a Video

Select a video from the [TSSWCB Conservation Video Catalog](#). Request a video, contact Loren Henley at [lhenley@tsswcb.state.tx.us](mailto:lhenley@tsswcb.state.tx.us).

### PI&E Activity

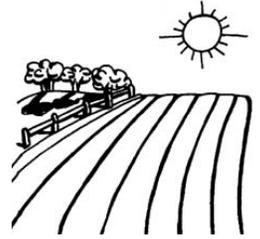
The agency participated in the following meetings and trade shows during the month of October:

- October 3 ~ Chamber of Commerce Meeting in Waco
- October 4-6 ~ Guadalupe County Fair
- October 11-12 ~ Landowners Association of Texas State Meeting
- October 22-24 ~ Annual State Meeting
- October 24-26 ~ Victoria Farm and Ranch Show

## WATER QUALITY MANAGEMENT PLAN PROGRAM

### Program Overview

The passage of Texas Senate Bill 503 (1993) directed the Texas State Soil and Water Conservation Board to implement water quality management plans (WQMPs) in Texas. A WQMP is a site-specific plan developed through and approved by soil and water conservation districts for agricultural or silvicultural lands. The agency has been implementing WQMPs since the mid 1990s and has completed over 10,000 plans in the State of Texas.



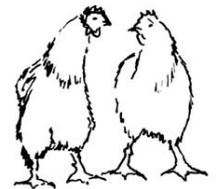
### Program News

Between September 1, 2007 and April 30, 2008, districts in priority areas will be busy developing water quality management plans and obligating cost-share funds to these plans. Another priority will be to ensure that FY-06 funds are utilized prior to August 31, 2008 after which they will be cancelled. For more information on the Water Quality Management Program, please visit the agency's website at <http://www.tsswcb.state.tx.us/wqmp>.

## POULTRY WATER QUALITY MANAGEMENT PLANS

### Overview

In 2001, the 77th Legislature amended the Texas Water Code to require all persons who own or operate a poultry facility to implement and maintain a Water Quality Management Plan that is certified by the State Soil and Water Conservation Board. For more information on Poultry WQMPs, please visit <http://www.tsswcb.state.tx.us/poultry>.



## **Program News**

The TSSWCB has filled four Poultry Program positions (Natural Resource Specialist IVs) appropriated to the TSSWCB during the 80<sup>th</sup> Regular Texas Legislative Session in 2007. The positions are headquartered in Center, Centerville, Nacogdoches, and Gonzales. These positions will continue the TSSWCB's duty to assist poultry producers in meeting state water quality standards through the successful implementation of a Water Quality Management Plan certified by the TSSWCB under §201.026, Agriculture Code.

## **Program Activities**

On November 13, 2007, the TSSWCB will host a staff meeting in Nacogdoches with the Texas Commission on Environmental Quality, the Texas Cooperative Extension, and the Natural Resource Conservation Service to review rules and requirements that apply to poultry producers defined as concentrated animal feeding operations (CAFO). TSSWCB is also preparing to conduct six poultry producer meetings in January and February 2008 in cooperation with the Texas Commission on Environmental Quality and Texas Cooperative Extension. The purpose of the meetings is to familiarize poultry producers that meet the federal and state definition of a CAFO with water and air quality requirements that are in addition to their Water Quality Management Plan. The TSSWCB has prepared a new guidance document that should make these additional requirements as unobtrusive as possible. Final meeting dates and locations will be provided to SWCDs and poultry producers in future editions of this publication.

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## **CLEAN WATER ACT, §319(h) GRANTS**

### **Background**

Congress enacted §319(h) of the Clean Water Act (CWA) in 1987, establishing a national program to control nonpoint sources (NPS) of water pollution. Through §319(h), federal funds are provided through the Environmental Protection Agency (EPA) to states for the development and

implementation of each state's nonpoint source management program. The §319(h) funding in Texas is divided evenly between the Texas Commission on Environmental Quality (TCEQ) and the Texas State Soil and Water Conservation Board (TSSWCB). The following report provides an overview of TSSWCB's §319(h) program status and major ongoing activities.

### **FY2001 – FY2006 CWA §319(h) Grant Status**

There are currently 77 ongoing §319(h) grant-funded projects addressing a wide array of agricultural and silvicultural NPS issues. Federal funds totaling \$15 million are primarily being used to address NPS pollution from animal feeding operations, prevent atrazine runoff, provide technical assistance, implement best management practices, support various NPS outreach/education programs, develop and implement Watershed Protection Plans (WPPs), and implement the nonpoint source portion of TMDL Implementation Plans.

### **FY2007 CWA §319(h) Grant Application**

As a result of past exemplary grant management, the EPA has awarded the TSSWCB an additional \$856,769 federal §319(h) funds for FY2007. This additional allocation increases the TSSWCB's Fiscal Year 2007 §319(h) program allocation to \$5,544,292.

### **Targeted Brush Control in the E.V. Spence Reservoir Watershed**

The TSSWCB initiated this effort to aid in implementing the TMDLs for Sulfate and Total Dissolved Solids in the E.V. Spence Reservoir by chemically treating saltcedar brush in riparian areas along the Colorado River and its tributaries in an effort to reduce nonpoint source pollution loadings. During 2004, saltcedar scheduled to be treated was not sprayed due to undesirable leaf canopy conditions for absorption and translocation of the herbicide to the roots. Therefore, 2004 scheduled acreage was combined with 2005 scheduled acreage. In 2005, 2,416 acres were treated and

1,500 acres were treated in 2006. For 2007, aerial application began August 16 and was completed September 22. During this time 7,475 acres were treated on the E.V. Spence Lake Basin and some riparian areas upstream. Through this 319(h) project a total 11,391 acres were treated in support of the *Implementation Plan for Sulfate and Total Dissolved Solids TMDLs in the E.V. Spence Reservoir*.

## **EPA Region VI – 17<sup>th</sup> Annual Quality Assurance Conference**

The U.S. Environmental Protection Agency Region 6 hosted their 17<sup>th</sup> Annual Quality Assurance Conference from October 15-19, at the Dallas Headquarters Building. This conference was developed to bring environmental professionals together for continuing education in the fields of air, water, and policy. Conference topics are geared toward new technologies, emerging contaminants, laboratory protocols, and upcoming policy changes. Next year's conference is scheduled for October 20-25, 2008.

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## **TOTAL MAXIMUM DAILY LOADS & WATERSHED PLANNING**

### **Total Maximum Daily Load Program Overview**

The federal Clean Water Act (CWA) requires Texas to identify lakes, rivers, streams and estuaries failing to meet or not expected to meet water quality standards and not supporting their designated uses (swimming, drinking, aquatic life, etc.). This list of impaired waterbodies is known as the *Texas 303(d) List* and must be submitted to the U.S.

Environmental Protection Agency (EPA) for review and approval every two years. The State must then establish a Total Maximum Daily Load (TMDL) for certain waterbodies identified on the *303(d) List*. A TMDL defines the maximum amount of a pollutant that a waterbody can assimilate on a daily basis and still meet water quality standards. Based on the environmental target of the TMDL, an

Implementation Plan (I-Plan) is then developed that prescribes the measures necessary to mitigate anthropogenic (human-caused) sources of that pollutant in that waterbody. Together, the TMDL and the I-Plan serve as the mechanism to reduce the pollutant, restore the full use of the waterbody and remove it from the *303(d) List*. Responsibility to develop and implement TMDLs is shared between the TSSWCB and the Texas Commission on Environmental Quality (TCEQ). More information on the TSSWCB TMDL Program is available at <http://www.tsswcb.state.tx.us/tmdl>.

### **Watershed Protection Plan Program Overview**

A Watershed Protection Plan (WPP) is a coordinated framework for voluntarily implementing prioritized and integrated water quality protection and restoration strategies driven by environmental objectives. Through the WPP process, TSSWCB encourages stakeholders to holistically address all of the sources and causes of impairments and threats to both surface and ground water resources within a watershed. Developed and implemented through diverse, well integrated partnerships, a WPP assures the long-term health of a watershed with strategies for protecting unimpaired waters and restoring impaired waters. WPPs have a variety of ingredients and can take many forms. TSSWCB-sponsored WPPs are consistent with guidelines promulgated by EPA that describe nine elements fundamental to a potentially successful plan. More information on the TSSWCB WPP Program is available at <http://www.tsswcb.state.tx.us/wpp>.

### **MOA Coordination with TCEQ**

On September 27, 2006, at a joint TSSWCB/TCEQ work session, a new *Memorandum of Agreement (MOA) on TMDLs, I-Plans, and WPPs* was approved by the Board and Commission. This framework for collaboration between the two agencies describes the programmatic mechanisms employed to develop and implement TMDLs and WPPs. TSSWCB staff continue to work with TCEQ staff to implement the *MOA*. Specifically, on October 17, John Foster, TJ Helton and Aaron

Wendt met with TCEQ staff to discuss how the State can better provide guidance to local stakeholder groups on developing WPPs. Additionally, TSSWCB staff have discussed with TCEQ TMDL staff a short list of waterbodies that have been on the *303(d) List* for some time and are priority waterbodies for resource allocation to develop TMDLs.

### **Bacteria TMDL Task Force**

On June 29, at a joint TSSWCB/TCEQ meeting in Austin, the Board and Commission approved the recommendations from the joint Bacteria TMDL Task Force. The Board directed TSSWCB staff to work with the staff of the TCEQ to move diligently to expedite the development of bacteria TMDLs that were paused during the work of the Task Force. TSSWCB staff are currently working with TCEQ staff to implement this directive. Over the past month, TSSWCB staff have provided peer review comments to TCEQ staff on a draft of the TMDL document for the Lower San Antonio River and have worked with TCEQ staff to move forward with resuming public stakeholder meetings for TMDL projects paused during the work of the Task Force, including Leon River, Peach Creek and Copano Bay.

### **TCEQ Water Quality Advisory Work Group**

On October 9, Donna Long attended the TCEQ Water Quality Advisory Work Group meeting in Austin. The meeting began with a presentation on the development of water reclamation facilities in the City of Midland and the obstacles involved with an undertaking of this nature. Updates were provided by TCEQ's Storm Water and Pretreatment Team on new permitting and pretreatment rulings and the last half of the meeting was dedicated to the Water Quality Standards revision process. TCEQ's Water Quality Standards Team reported that advisory committee members provided extensive comments concerning nutrients standards at the most recent stakeholder meeting, which the team was now acting on. The Standards Team is considering the number of years to use in the assessment process and is looking into a surrogate

for total nitrogen, i.e., ammonia or nitrate+nitrite. They are also working in conjunction with the TCEQ TMDL and Surface Water Quality Monitoring Teams in order to resolve issues such as low flow exemptions, use of surface samples vs. profile samples, consideration of the current geometric mean for bacteria, and an acceptable definition of "representative sample". More information on this work group is available at [http://www.tceq.state.tx.us/permitting/water\\_quality/stakeholders/WQ\\_advisory\\_group.html](http://www.tceq.state.tx.us/permitting/water_quality/stakeholders/WQ_advisory_group.html).

### **Bacteria in Our Bayous Symposium**

On October 15-16, Brian Koch attended the *Bacteria in Our Bayous Symposium* in Houston. The symposium focused on the continuing and growing problem of bacterial pollution in the Houston area. It was noted that the bayous around Houston have had a long history of water quality problems, dating back to the Texas Revolution, due in part to the poor drainage that plagues the area. The Houston-Galveston Area Council is TCEQ's Clean Rivers Program partner that monitors 124 stream segments in the area. And of those segments, 94 have impaired contact recreation due to excessive *E. coli* bacteria. Other discussion topics included: regrowth and re-suspension of bacteria, both related to the nature of the bayous, and how the bayous are basically drainage for the entire city. Potential solutions included changes in water quality standards by conducting Use Attainability Analyses (UAAs), which would assess the risk to human health associated with contact recreation in these waterbodies. More information on the symposium, including links to presentations, is available at <http://events.bayoupreservation.org/index.cfm/MenuItemID/181/MenuSubID/23.htm>.

### **Galveston Bay Estuary Program**

On October 24, Brian Koch attended the Galveston Bay Estuary Program Galveston Bay Council meeting in Pasadena. Galveston Bay is an estuary of national importance and, through the federal Clean Water Act §320, is included in the National Estuary Program administered by the EPA. This was a regular quarterly meeting of the Council, and

included updates on GBEP's newsletter and new guidance on evaluation of the National Estuary Programs in general. The use of high resolution spatial mapping to estimate plankton response to freshwater inflows in Galveston Bay was presented. And an update on TMDLs in the Galveston Bay area was provided. More information is available at <http://www.gbep.state.tx.us/>. The Galveston Bay Plan, a comprehensive conservation and management plan, impacts agricultural and silvicultural operations in watersheds that drain to Galveston Bay in Brazoria, Chambers, Galveston, Harris and Liberty counties.

### **Adams and Cow Bayous**

On October 2, Joel Clark and Brian Koch attended an Adams and Cow Bayous TMDL I-Plan meeting in West Orange. Stakeholders assessed the different areas where BMP implementation could reduce pollutants from entering the bayous. In order to achieve water quality standards for dissolved oxygen, cBOD and NH<sub>3</sub>N must be reduced between 27% and 69% in various areas throughout the watershed. In order to achieve water quality standards for bacteria, *E. coli* must be reduced between 15% and 83% in various areas throughout the watershed. According to the TMDL model, regionalization and conversion of septic systems to centralized wastewater treatment will reduce the bulk of the loading. For agricultural operations, continued development and implementation of WQMPs with SB-503 and EQIP cost-share funding was suggested. More information on this TMDL project is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/37-orangecounty.html>. These TMDLs will have limited impacts on livestock and forestry operations in the Adams and Cow Bayous watershed in Orange, Jasper and Newton Counties.

### **Arroyo Colorado**

On October 25, Ronnie Ramirez attended the Arroyo Colorado Watershed Partnership Steering Committee meeting in Weslaco. Discussion centered on the long-term sustainability of the partnership and future funding needs. A special task group of steering committee members has been

formed to research the possibilities of moving under the umbrella of an existing organization or establishing a new Arroyo Colorado 501(c)(3) organization. Currently, the Partnership has three funding proposals submitted for 1) an Education and Outreach Center in Rio Hondo, 2) pesticide BMP/IPM education, and 3) a wetland site suitability study. The Partnership will look into grant funding from NAWCA, a Regional Facility Planning Grant through the Texas Water Development Board, and Wetlands Mitigation Banking. The Partnership will continue to work with lead organizations on grants until the Partnership is a stand-alone entity. More information on this WPP is available at <http://www.arroyocolorado.org/>. This WPP impacts farming operations in the Arroyo Colorado watershed in Cameron, Hidalgo and Willacy Counties.

### **Bastrop Bayou**

On October 23, Brian Koch attended a Bastrop Bayou WPP meeting in Angleton. This was the first public meeting to announce the WPP and begin building stakeholder participation. The biggest concern from stakeholders was failing septic systems and the projected population growth and urban development in the watershed over the next few years. This WPP has the potential to affect livestock and farming operations in the Bastrop Bayou watershed in Brazoria County.

### **Cedar Creek**

On October 23, Donna Long attended a Cedar Creek WPP stakeholder meeting in Kaufman. The meeting began with an overview of the nine elements needed for a successful WPP. A series of urban and agricultural NPS BMPs were illustrated and stakeholders were asked to select the methods that would be most beneficial to the watershed. After selecting likely BMPs, committee members were tasked with prioritization of practices from most to least efficient in the removal of targeted pollutants. Results of this selection and prioritization process will be presented at the next meeting. In addition, potential reduction percentages for sediment and nutrients were

suggested for consideration by stakeholders and will also be discussed further at the next scheduled meeting. More information on this WPP is available at <http://nctx-water.tamu.edu/>. This WPP will impact agricultural operations in the Cedar Creek watershed in Henderson, Kaufman, Rockwall and Van Zandt Counties.

### **Colorado River below E.V. Spence**

On October 10, the TCEQ approved the *Implementation Plan for Two TMDLs for Chloride and Total Dissolved Solids in the Colorado River Below E.V. Spence Reservoir, For Segment 1426*. Analysis of allocation scenarios indicates that releases from E.V. Spence Reservoir must be at or below certain concentrations in order to meet water quality standards in the Colorado River below E.V. Spence Reservoir. Additionally, the TMDL identifies saltcedar as contributing only 0.30% of salinity loadings to the River. As such, TSSWCB is committed to supporting this I-Plan through continued implementation support of the I-Plan for E.V. Spence Reservoir approved by the Board in 2001. More information on this I-Plan is available at [http://www.tceq.state.tx.us/implementation/water/tmdl/32-colorado\\_petronila.html](http://www.tceq.state.tx.us/implementation/water/tmdl/32-colorado_petronila.html).

### **Copano Bay and Mission and Aransas Rivers**

On October 11, Brian Koch attended a symposium sponsored by Texas Cooperative Extension on management and control of feral hogs held at the Welder Wildlife Refuge near Sinton. The workshop was targeted to landowners in San Patricio, Refugio, Nueces, Kleberg, Bee, Live Oak, and Duval Counties. Feral hogs have the potential to negatively affect water quality, and have impact on water quality improvement projects, such as the Copano Bay TMDL. Also, billions of dollars annually are lost due to crop damage and disease transmission to livestock by feral hogs. Presentations included information on basic feral hog biology including life history, diet, range, habitat preference, and breeding; management strategies including hunting, trapping, and snaring; strategies for landowners to profit from selling

hunts and the meat from feral hogs; and studies on disease transmission to livestock, including swine brucellosis and pseudorabies. More information on coping with feral hogs is available at <http://feralhogs.tamu.edu/>.

### **Dickinson Bayou**

On October 24, Brian Koch attended the Dickinson Bayou WPP Land Use Workgroup meeting in Dickinson. A presentation on the Dickinson Bayou Watershed Ordinance Compilation was given. This information was compiled to track all of the city and county ordinances that protect water quality in order to create a gap analysis using GIS. Also, the workgroup discussed what their portion of the WPP should include for the state of the watershed and where to go from this point. This WPP is proceeding in tandem with the on-going Dickinson Bayou bacteria and dissolved oxygen TMDLs. More information on this WPP is available at <http://www.dickinsonbayou.org/>. Both this WPP and the TMDL have the potential to impact agricultural operations in the Dickinson Bayou watershed in Galveston and Brazoria Counties.

### **Lake Houston**

On October 15, Jeff Cerny, Lawrence Brown, and Brian Koch attended a stakeholder meeting in Kingwood, for the Lake Houston TMDL for bacteria. This meeting was the first of seven public meetings throughout the Lake Houston watershed to introduce stakeholders to the project. This meeting focused on Cypress Creek, a tributary to Lake Houston. An open house was held before the meeting to answer questions from stakeholders, and to introduce them to the responsibilities each entity has in developing the TMDL. The technical portion of the meeting included an overview of the TMDL process and the *Texas Water Quality Inventory and 303(d) List*, designated uses, data review and the monitoring plan. Analysis of historic data did not show a trend as far as increases or decreases in bacteria concentrations. Load Duration Curves (LDC) were developed for the single sample maximum criterion, and showed regular bacteria exceedances throughout the watershed. Potential sources include nonpoint source runoff into smaller

tributaries and point source discharges on the main stem. There are over 100 TCEQ-permitted dischargers contributing 100% of the flow at base flow (80 cfs). Also, a targeted sampling plan was described that will examine bacteria/sediment re-suspension, regrowth and die-off, wet weather point sources, and library-independent Bacterial Source Tracking. More information on this TMDL project is available at <http://www.tceq.state.tx.us/implementation/water/tmdl/82-lakehouston.html>. This TMDL project has the potential to impact livestock operations in the Lake Houston watershed in Grimes, Harris, Liberty, Montgomery, San Jacinto, Walker and Waller Counties.

### **Leon River**

On October 10, Don Brandenberger, Charlie Upchurch, Steve Jones, John Foster, TJ Helton, Pamela Casebolt, Mitch Conine, Loren Henley and Aaron Wendt attended the Leon River TMDL stakeholder meeting in Hamilton. Discussion focused on outcomes from the Bacteria TMDL Task Force report; how the Leon River TMDL will address wildlife contributions, septic systems and wastewater treatment facilities; and whether or not to incorporate several tributaries as separate TMDLs. TSSWCB staff provided stakeholders with information on various TSSWCB-funded projects including the Leon River WPP; BMP effectiveness studies on dairies and grazing cattle operations; studies on bacteria survival and regrowth in water and stream sediment; and studies on re-suspension of bacteria in streams under rainfall events. The next step in the process will be for TCEQ to publish for public comment the TMDL document. Stakeholders recommended another meeting to develop a coordinated set of comments to submit to TCEQ. More information on this TMDL project is available at [http://www.tceq.state.tx.us/implementation/water/tmdl/34-leon\\_group.html](http://www.tceq.state.tx.us/implementation/water/tmdl/34-leon_group.html). This TMDL will impact livestock operations in the Leon River watershed in Comanche, Coryell, Mills, Erath and Hamilton Counties.

### **Peach Creek**

On October 8, Kendria Ray, Lawrence Brown, Brian Koch, Pamela Casebolt, Mitch Conine, Loren Henley and Aaron Wendt attended the Peach Creek TMDL stakeholder meeting in Waelder. Discussion focused on outcomes from the Bacteria TMDL Task Force report and how the Peach Creek TMDL will address wildlife contributions, septic systems and wastewater treatment facilities. TSSWCB staff provided stakeholders with information on various TSSWCB-funded projects including BMP effectiveness studies on grazing cattle operations and cost-share funding to implement BMPs through a WQMP. The next step in the process will be for TCEQ to publish for public comment the TMDL document. More information on this TMDL project is available at [http://www.tceq.state.tx.us/implementation/water/tmdl/34-peachcreek\\_group.html](http://www.tceq.state.tx.us/implementation/water/tmdl/34-peachcreek_group.html). This TMDL will impact livestock operations in the Peach Creek watershed in Gonzales, Bastrop, Fayette and Caldwell Counties.

### **Pecos River**

During the first week of October, Ben Wilde, John Foster and Aaron Wendt attended several public meetings regarding the Pecos River WPP. These meetings were held in Mentone (October 2), Pecos (October 2), Imperial (October 3), Iraan (October 4) and Del Rio (October 5) to receive public comment on the first draft of the Pecos River WPP. The WPP lays out a proposed voluntary plan of action to improve water quality in the Pecos River. Saltcedar brush control is a critical component of the plan. The comment period on this draft extends through December 17 after which a revised draft will be released that incorporates comments received. Landowners are encouraged to provide comments on the draft plan and to attend additional public meetings to be hosted by the local SWCDs in the upcoming weeks. More information is available at <http://pecosbasin.tamu.edu/>. This WPP will impact agricultural operations in the Pecos River watershed in Andrews, Brewster, Crane, Crockett, Culberson, Ector, Jeff Davis, Loving, Pecos, Presidio, Reagan, Reeves, Terrell, Upton, Val Verde, Ward and Winkler Counties.

## **Petronila Creek**

On October 10, the TCEQ approved the *Implementation Plan for Three TMDLs for Chloride, Sulfate and Total Dissolved Solids in Petronila Creek Above Tidal, For Segment 2204*. Analysis of pollutant sources indicates permitted domestic wastewater discharges and oil industry activities are the major contributors to the impairment. This I-Plan prescribes implementation activities associated with abating salinity from oil and gas production activities. More information on this I-Plan is available at [http://www.tceq.state.tx.us/implementation/water/tmdl/32-colorado\\_petronila.html](http://www.tceq.state.tx.us/implementation/water/tmdl/32-colorado_petronila.html).

## **West Galveston Bay**

On October 18, Brian Koch attended a West Galveston Bay Habitat Conservation Initiative advisory group meeting in La Marque. This initiative, sponsored by the Galveston Bay Estuary Program, is focused on protecting habitat along Chocolate and Halls Bayous, in order to protect water quality in West Galveston Bay. The target areas are located in Brazoria and Galveston Counties, on two waterbodies that are considered pristine and currently have few issues with water quality or habitat degradation. However, growth predictions indicate three million people are coming to the Houston area by 2035. This explosive growth suggests a need to protect habitat. Land use analysis, performed by researchers from the River Systems Institute at Texas State University, has identified many areas that have virtually undisturbed native habitat and beneficial agricultural land along both bayous. Brian Koch reported on the TSSWCB WQMP and WPP Programs, stressed the benefit of developing a nine element WPP, and emphasized the need to establish contact with the local SWCD and County Extension agent to provide inroads to the agricultural community. Options discussed for protecting habitat included locating avenues for land acquisition for protection and implementing conservation BMPs to protect water quality on agricultural lands. This project has the potential to impact agricultural operations in the Chocolate and

Halls Bayous watersheds in Brazoria and Galveston Counties.

## **Upcoming Public Meetings**

- October 29 – Lake Houston (Cypress Creek) TMDL Public Meeting (Cypress)
- October 30 – Lake Houston (Spring Creek) TMDL Public Meeting (Tomball)
- November 1 – Lake Houston (Caney and Peach Creeks) TMDL Public Meeting (New Caney)
- November 5 – Pecos River WPP Public Meeting hosted by SWCD 231 (Fort Stockton)
- November 6 – Plum Creek WPP Outreach and Education Work Group (Luling)
- November 6 – Caddo Lake WPP Stakeholder Meeting (TBA)
- November 6 – Pecos River WPP Public Meeting hosted by SWCD 213 (Pecos)
- November 6 – Lake Houston (Spring Creek) TMDL Public Meeting (Spring)
- November 6 – Pecos River WPP Public Meeting hosted by SWCD 237 (Sanderson)
- November 6 – Plum Creek WPP Agricultural NPS Work Group (Lockhart)
- November 7 – Lake Houston (West Fork San Jacinto River) TMDL Public Meeting (Conroe)
- November 7 – Leon River TMDL stakeholder meeting hosted by Hamilton County (Hamilton)
- November 8 – Lake Houston (East Fork San Jacinto River) TMDL Public Meeting (Cleveland)
- November 8 – 7<sup>th</sup> Annual Bell County Water Symposium (Belton)
- November 8 – Brady Creek WPP stakeholder meeting (Brady)
- November 8 – Plum Creek WPP Urban NPS Work Group (Kyle)
- November 8 – Plum Creek WPP Wastewater and Industry Work Group (Kyle)
- November 10 – Texas Watch Training in Adams and Cow Bayous watershed (Orange)
- November 10 – Texas Watch Training in Oso Creek watershed (Corpus Christi)
- November 14 – North Bosque River TMDL Model Refinement Advisory Group (Waco)

- November 15 – 13<sup>th</sup> Annual Red River Valley Regional Water Resource Conference (Wichita Falls)
- November 15 – Plum Creek WPP Habitat and Water Quality Work Group (Lockhart)
- November 15 – Clear Creek TMDL Public Meeting (Houston)
- November 16 – Pecos River WPP Public Meeting hosted by SWCD 224 (Del Rio)
- November 19 – Pecos River WPP Public Meeting hosted by SWCD 241 (Odessa)
- November 20 – Pecos River WPP Public Meeting hosted by SWCD 235 (Ozona)
- December 3-7 – *Essential Elements for Successful Watershed Planning* (Fayetteville, Arkansas)
- December 3 – Copano Bay TMDL Public Meeting (Refugio)
- December 4 – Texas Watershed Steward Program in Plum Creek (Kyle)
- December 5 – Dickinson Bayou Watershed Partnership (Dickinson)
- December 6 – TSSWCB WRO WCSC (Columbus)

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## COASTAL NONPOINT SOURCE POLLUTION CONTROL

### Program Overview

The Texas State Soil and Water Conservation Board (TSSWCB) is a member of Texas' Coastal Coordination Council, which administers the Texas Coastal Nonpoint Source Pollution Control Program. The TSSWCB manages the agricultural and silvicultural portions of this program. The Texas Coastal Management Program was approved by the National Oceanic and Atmospheric Administration (NOAA) on January 10, 1997. The Texas Coastal



Management Program is administered by the Texas Coastal Coordination Council and staff of the Texas General Land Office. Section 6217 of the Coastal Zone Act Reauthorization Amendments requires each state with an approved Coastal Management Program to develop a federally approvable program to control coastal nonpoint source (NPS) pollution. The program must be submitted within 30 months of Coastal Management Program approval. As a result, the Texas Coastal Nonpoint Source Pollution Control Program was submitted in December 1998 by the Coastal Coordination Council. The Coastal Management Program recognizes the TSSWCB and the Texas Commission on Environmental Quality (TCEQ) as holding primary responsibility over the development and implementation of the NPS program. More information is available at <http://www.tsswcb.state.tx.us/coastalnps>.

### Program Activities

The Executive Committee of the Coastal Coordination Council met in Austin on October 25, 2007. The TSSWCB was represented by Mr. Richard Egg. Minutes of the meeting are available for viewing on the General Land Office website at: <http://www.glo.state.tx.us/coastal/cc/2007/102507e/c/agenda.html>.

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## TEXAS BRUSH CONTROL PROGRAM

### Program Overview

In 1985, Senate Bill 1083, Acts of the 69th Legislature, Regular Session created the Texas Brush Control Program. The goal of this legislation is to enhance the State's water resources through selective control of brush species. The Texas State Soil and Water Conservation Board (TSSWCB) is designated as the agency responsible for administering the program and is given authority to delegate responsibility for administering certain portions of the program to local soil and water conservation districts. More information is available at <http://www.tsswcb.state.tx.us/brushcontrol>.

## Program News

The 79th Legislature continued funding for the State Brush Control Program by providing \$1,874,176.00 in General Revenue Funds in FY07. These funds were directed to be used for continuation of brush control projects designated by the Soil and Water Conservation Board.

## Program Activities

Watershed	2007 Allocated Funds	Unobligated Funds (\$)	Treated Acres
<i>North Concho</i>	\$50,000.00	\$20.00	328,802.14
<i>Pedernales</i>	\$218,168.95	\$25,355.55	73,594.08
<i>Twin Buttes</i>	\$527,528.60	\$0.20	277,845.57
<i>Lake Ballinger</i>	\$0	\$0	8314.7
<i>Oak Creek Lake</i>	\$12,831.00	\$0	16,404
<i>Pecos (Saltcedar)</i>	\$155,276.20	\$19,950.22	7,274.15
<i>Upper Colorado(Saltcedar)</i>	Combined w/Pecos	Combined w/Pecos	824.32
<i>Hubbard Creek(SaltCedar)</i>	\$78,195.25	\$ 65,617.88	0
<i>Lake Arrowhead</i>	\$100,000.00	\$100,000.00	0
<i>*Nueces River</i>	\$100,000.00	\$20,002.50	0

\* The table above represents General Revenue 07 money in the unobligated funds column

\* Total acres treated represents treated acres since the beginning of each project

## FLOOD CONTROL DAMS

### Program News

Texas Association of Watershed Sponsors met in Waco in conjunction with the Annual Meeting of Texas Soil and Water Conservation Districts on October 22, 2007.

USDA-NRCS has been developing information on flood control dams in Texas and making it available

on the NRCS website:

<http://www.tx.nrcs.usda.gov/Programs/watersheds/index.html>

Information includes cost and benefit information, press releases on the dams effects on recent flooding in Texas, and fact sheets by Congressional district.

## TEXAS GROUNDWATER PROTECTION COMMITTEE

Section 26.403 of the Texas Water Code established the Texas Groundwater Protection Committee (TGPC), and mandated that the Executive Director (or a designee) of the TSSWCB be a permanent member. The TGPC bridges the gap between state groundwater programs, improves coordination between member agencies and works to protect groundwater as a vital resource.

The Texas Groundwater Protection Committee:

- Improves coordination between State and Federal agencies to protect groundwater.
- Reports on its activities and recommends new protection programs to the Legislature.
- Publishes numerous reports.
- Advises the Texas Commission on Environmental Quality on the development of agricultural chemical plans for groundwater.
- Develops, implements and updates a comprehensive *State Groundwater Protection Strategy* and an annual *Joint Groundwater Monitoring and Contamination Report*.

The TGPC will meet next on November 6, 2007, at the offices of the TCEQ. This meeting is a work session for the Committee members and their staff to discuss the revision of the *Texas Groundwater Protection Strategy*. Meeting information is available on the TGPC website at:

<http://www.tgpc.state.tx.us/meetings/Meetings.htm>

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*Monthly Program News and Activities* is produced by the Texas State Soil and Water Conservation Board (TSSWCB) for use by Texas soil and water conservation district directors. If you have any questions regarding its contents, or have information you would like to see in a future issue, please contact Loren Henley (254) 773-2250 or [lhenley@tsswcb.state.tx.us](mailto:lhenley@tsswcb.state.tx.us).

The Texas State Soil and Water Conservation Board (TSSWCB) is a state agency that administers Texas' soil and water conservation law and coordinates conservation and pollution abatement programs throughout the State. Headquartered in Temple, Texas, the TSSWCB offers technical assistance to the state's 217 soil and water conservation districts (SWCDs). The TSSWCB is the lead state agency for the planning, management, and abatement of agricultural and silvicultural (forestry) nonpoint source pollution, and administers the Texas Brush Control Program. The TSSWCB maintains regional offices in strategic locations in the State to help carry out the agency's responsibilities.



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