

**Chairman Kathleen White
Commissioner Larry Soward
Commissioner H.S. Buddy Garcia**

**Chairman Jerry D. Nichols
Vice Chairman Reed Stewart
Board Members:
José Dodier, Jr.
Larry Jacobs
Barry Mahler
Aubrey Russell
Joe Ward - Absent**

**MARKED AGENDA
Friday, June 29, 2007
Texas Commission on Environmental Quality
Texas State Soil and Water Conservation Board
Joint Meeting and Work Session
9:30 A.M.,
12100 Park 35 Circle
Room 201S, Building E**

- Item 1. Consideration of the report from the joint task force established by the TCEQ and the TSSWCB regarding an examination of approaches that other states use to develop and implement bacteria TMDLs (Total Maximum Daily Loads), recommendations on cost-effective and time-efficient methods for developing TMDLs, recommendations on effective approaches for developing implementation plans, an evaluation of the variety of models and bacteria-source-tracking methods available for developing TMDLs and implementation plans, recommendations under what conditions certain methods are more appropriate, and the development of a roadmap for further scientific research needed to reduce uncertainty about how bacteria behave under different water conditions in Texas. The TCEQ and the TSSWCB may discuss and consider future actions to be taken as a result of the deliberations.**

Dr. Allan Jones, Director of the Texas Water Resources Institute, presented the Bacteria TMDL Task Force report with the recommendation that a three-tier approach be adopted for bacteria TMDL development. Dr. Jones additionally suggested that a multi-agency working group be established to meet periodically and discuss newly developed science and lessons learned, that the recommendations contained in the task force report should be incorporated into agency guidance documents, and that it is important to move forward with the TMDL program. Both the TCEQ commissioners and the TSSWCB board members commended Dr. Jones and the members of the task force for their outstanding work.

From the TCEQ Executive Director's staff, Tom Weber, Manager of Water Programs, Chief Engineer's Office, recommended that the TMDL program be afforded the flexibility to customize or adapt the recommended approach for a TMDL under development, that

implementation to address point sources and TCEQ jurisdiction non-point sources should begin after approval of TMDLs, and that TCEQ resume completion of 12 pending TMDLs.

A motion was made by TSSWCB board member Barry Mahler to adopt the principles and processes recommended by the task force, to incorporate those recommendations into an updated TMDL guidance document, to work with TCEQ staff to expeditiously complete the TMDLs currently on hold in a manner consistent with the task force recommendations, and to develop a multi-agency bacteria TMDL workgroup to examine the research and development needs identified in the task force report. The motion was seconded by board member José Dodier and unanimously adopted by the board.

A motion was made by TCEQ Chairman White to adopt the recommendations incorporated in the task force report, to incorporate the recommendations in a program guidance document, to work towards the completion of the TMDLs that were put on hold at the initiation of the task force, and to maintain a multi-agency working group to continue exploring research and program needs. Commissioner Soward asked whether the portion of the motion to develop a program guidance document would include the consideration of comments and recommendations made during the meeting by staff members and the public. Chairman White confirmed that the consideration of these comments was included in her motion. The motion was seconded by Commissioner Garcia with all commissioners agreeing to adopt the motion.

Commentors:

- Ned Meister representing the Texas Farm Bureau
- Alicia Reinmundt representing the Lower Colorado River Authority
- Alisa Max representing Harris County and the Harris County Flood Control District
- Michael Bloom representing the City of Sugar Land.
- Dickie Clary, Hamilton County Commissioner

Item 2. Closed Session:

a. Docket No. 2007-0001-EXE. The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commissioners did not meet in closed session.

b. Docket No. 2007-0002-EXE. The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified

as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matters considered in the closed meeting as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commissioners did not meet in closed session.

c. Docket No. 2007-0003-EXE. The Commission will conduct a closed session to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

The Commissioners did not meet in closed session.

PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ COMMISSIONERS' WORK SESSION AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE WORK SESSION SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ WORK SESSION ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE WORK SESSION SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

REGISTRATION FOR WORK SESSION STARTS AT 9:00 A.M. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: <http://www.texasadmin.com/cgi-bin/tnrcc.cgi>

I certify that the above is a true and correct copy of the minutes of the State Soil and Water Conservation Board meeting held on June 29, 2007.

Date 9/20/07


Executive Director

DRAFT