

**Meeting Minutes**  
**TEXAS STATE SOIL & WATER CONSERVATION BOARD**  
**September 27, 2006**

The Texas State Soil and Water Conservation Board and the Texas Commission on Environmental Quality held a joint meeting and work session September 27, 2006 at 10:00 a.m. in the Conference Room of Blackland Research and Extension Center, Texas Agricultural Experiment Station, 720 East Blackland Road, Temple, Texas.

TCEQ Commissioners

Chairman Kathleen White  
Commissioner Larry Soward  
Commissioner Martin Hubert

TSSWCB Board Members

Chairman Aubrey Russell  
Vice Chairman Jerry D Nichols  
Board Member José Dodier, Jr.  
Board Member Joe Ward  
Board Member Larry Jacobs  
Board Member Dub Crumley – Absent  
Board Member Reed Stewart - Absent

This is a joint meeting and work session for discussion between TCEQ (Texas Commission on Environmental Quality) Commissioners, TSSWCB (Texas State Soil & Water Conservation Board) Board Members and staff from both agencies. Public comment will be accepted at the discretion of the TCEQ Commissioners and TSSWCB Board Members. Action may be taken on items posted for consideration. Items may be considered in an order other than the order posted.

TCEQ Chairman Kathleen White marked the beginning of the joint meeting with a statement of the specific State mandates that bind the TSSWCB and TCEQ in a partnership that she envisioned as a fruitful relationship. Chairman White and TSSWCB Chairman Aubrey Russell both noted that an effective working partnership with open, productive communication was essential to the success of the TMDL program in Texas, in addition to being the “right thing to do”.

**1. Consideration of the existing TSSWCB / TCEQ (formerly Texas Natural Resource Conservation Commission) Memorandum of Agreement (MOA) relating to TMDLs (Total Maximum Daily Loads), including revisions to the MOA.**

This item was presented by Clyde E. Bohmfalk and Tom Weber of the Texas Commission on Environmental Quality and John Foster, Aaron Wendt, and T.J. Helton of the Texas State Soil and Water Conservation Board. The recommended revisions to the Memorandum of Agreement (MOA) were summarized by the staff with a recommendation that the Commission and the Board authorize the respective Executive Directors to sign the revised MOA.

Chairman White requested additional information about wording in §C4 on Page 4 of the draft MOA. After some discussion staff from both agencies suggested the word “prescribed” be changed to “recommended”.

Chairman Russell indicated that he was pleased with the revised MOA and the Board was in agreement with the revisions; however, he continued with a statement that the revisions were just words on a piece of paper without highly coordinated, effective communication between respective agency staff, Board Members, and Commissioners. Chairman White and the Commissioners

agreed following up with recommendations to promote successful communication. Final directives culminating from discussion were (1) TCEQ staff will report MOA implementation efforts to Commissioners in memo format on a quarterly basis and at Work Sessions bi-annually, (2) TSSWCB staff will report MOA coordination efforts to Board Members at each Board meeting (every other month), and (3) a joint meeting of the Commission and the Board should be held at least annually.

Chairman White made a motion for the Commission to authorize the Executive Director to sign the MOA with the recommended word change and the motion was approved unanimously. Chairman Russell made a motion for the Board to authorize the Executive Director to sign the MOA, seconded by Board Member José Dodier with the recommended word change, and the motion was approved unanimously.

A signed copy of the revised MOA is attached.

**2. Consideration of a TSSWCB / TCEQ partnership involving the selection of a task force to review the scientific methods and techniques used to develop bacteria TMDLs, which will provide alternatives and recommendations to the TSSWCB Board Members and the TCEQ Commissioners. This item will include the selection of task force members, objectives and scope of work, and timeframe of the task force.**

Chairman White indicated that nearly 50% of the water quality impairments on the Texas 303(d) List are for bacteria and that Texas needs the best science to keep Texas on track with developing and implementing credible bacteria TMDLs.

Dr. Allan Jones, Director of the Texas Water Resources Institute at the Texas Agricultural Experiment Station, defined five key steps essential to the task force scope of work as (1) examine and understand approaches other states use to develop and implement bacteria TMDLs, (2) make recommendations on cost- and time-effective TMDL development methodologies, (3) make recommendations on Implementation Plan development approaches, including modeling and bacterial source tracking (BST) methodologies, (4) evaluate the variety of models and BST methods and recommend conditions under which of the various approaches are more appropriate, and (5) describe a science and research roadmap to reduce uncertainty in what we know about how bacteria behave under water conditions in Texas.

Both the Commissioners and Board Members asked for a timeline to be set for the task force to provide a completed report. Dr. Jones indicated that the task force could have a final report for agencies' staff within the next 60 days. There were reservations noted that this timeframe might be too short, given the upcoming holidays, legislative session, and teaching responsibilities of proposed task force members. It was agreed that a first draft of the task force report would be made available within 60 days to agency staff and stakeholders for review and comment. The final report would then be completed within 120 days. The task force will conduct its business in an open format allowing for stakeholder input.

TSSWCB Executive Director Rex Isom suggested that Dr. Jones be allowed to add members in the event that a member was unable to fulfill their duties on the task force or additional members with specific expertise were needed. It was agreed that Dr. Jones could add members after concurrence by the Board and Commission.



The list of proposed task force members was read and approved by the Commissioners and Board Members. The task force will be chaired by Dr. Allan Jones, Director of the Texas Water Resources Institute. Members include Drs. George DiGiovanni with the Texas Agricultural Experiment Station at El Paso, Larry Hauck with the Texas Institute for Applied Environmental Research, Joanna Mott with Texas A&M University–Corpus Christi, Hanadi Rifai with the University of Houston, Raghavan Srinivasan with Texas A&M University, and George Ward with the University of Texas at Austin.

After significant discussion among Commissioners and Board Members, it was agreed that local, state, and federal agencies with jurisdictions and/or expertise impacting bacteria and water quality be afforded ex-officio status and provided adequate means of offering meaningful input and guidance to the task force members.

Chairman White made a motion for the Commission to establish a joint task force on bacteria TMDLs, with membership, scope, and timeline as agreed in discussion. The motion was approved unanimously. Mr. Nichols made an analogous motion for the Board to establish a joint task force on bacteria TMDLs, with membership, scope, and timeline as agreed in discussion. The motion was seconded by Mr. Dodier and the motion was approved unanimously.

It was agreed that the Board and Commission would re-convene upon submittal of the report from the task force.

Public comments were received from the following:

1. John Cowan of Grapevine, Texas representing the Texas Association of Dairymen
2. Judge Fred Cox of Hamilton, Texas representing Hamilton County
3. Alisa Max of Houston, Texas representing Harris County
4. Dr. Pat Radloff of Austin, Texas representing Texas Parks & Wildlife Department
5. Commissioner Dickie Clary of Hamilton, Texas representing Hamilton County

Meeting adjourned at 12:03 p.m.

**Meeting Minutes**  
**TEXAS STATE SOIL & WATER CONSERVATION BOARD**  
**September 27, 2006**

The Texas State Soil and Water Conservation Board met on September 27, 2006, at 8:00 a.m. in its Hearings Room at 311 North 5<sup>th</sup> Street, Temple, Texas.

Board Members present were:

Aubrey Russell, Chairman  
Jerry Nichols, Vice Chairman  
Larry Jacobs, Member  
Joe Ward, Member  
José Dodier, Member

Board Members absent were:

W. T. (Dub) Crumley, Member  
Reed Stewart, Member

Staff members present were:

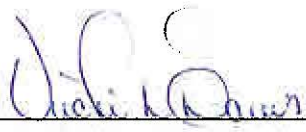
Rex Isom, Executive Director  
Andy Garza, Regional Office Coordinator  
Judy Albus, Program Supervisor  
Steve Jones, Program Supervisor  
Mark Cochran, Program Supervisor  
Jack Foote, Program Specialist  
Bob Gruner, Program Specialist  
Ben Wilde, Program Specialist  
Joe Freeman, Program Specialist  
Adrian Perez, Program Specialist  
Kendria Ray, Program Specialist  
David Powell, Program Specialist  
Joel Clark, Program Specialist  
Don Brandenberger, Program Specialist  
Charlie Upchurch, Program Specialist  
Kenny Zajicek, Fiscal Officer  
John Foster, NPS Team Leader  
Lee Munz, NPS SWCD Liaison  
T.J. Helton, NPS Grant Coordinator  
Aaron Wendt, NPS Watershed Coordinator  
Laurie Fleet, NPS Project Manager  
Donna Long, NPS Project Manager  
Clyde Gottschalk, Program Specialist  
Loren Henley, Administrative Assistant  
Vicki Davis, Administrative Coordinator

A work session was conducted which covered all agenda items in detail. Questions were taken and answered.

The meeting adjourned at 9:15 a.m.

  
Chairman

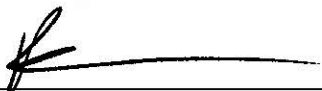
\_\_\_\_\_  
Date 11/16/06

  
Secretary

\_\_\_\_\_  
Date 11/16/06

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 September 27-28, 2006.

\_\_\_\_\_  
Date 11/16/06

  
Executive Director