

Presentation to the Stakeholder Committee on Draft #2 of the Regional Water Quality Protection Plan

**Development of a Regional Water Quality Protection
Plan for the Barton Springs Segment of the Edwards
Aquifer and its Contributing Zone**

Oak Hill United Methodist Church
December 15, 2004

Comments Received on Draft #2 Prior to the Meeting

- Stakeholder Committee
 - Concerned Citizens
 - Property Owners
 - Development Interests
- Technical Review Group
 - Mike Lyday (Local Environmental, et al)

On-going Work - General

➤ Attachments

- Not included in draft, but existing documents available on project website

➤ Footnotes

- Added to identify specific studies/references tied to applicable section

➤ Graphics

- Many in draft are placeholders
- Most graphics being done through in-kind contributions – incorporated as available

On-going Work - Background/Goals Objectives

➤ Background

- Add discussions on Climate and Demographics [SHC]
- Expand description of Stakeholder Process

➤ Goals and Objectives

- Revise to match final adoption by SHC

➤ Guiding Principals

- Conform to final adoption by SHC

On-Going Work - What does the Regional Plan Protect?

- Surface Water
 - Address Lakes/Reservoirs/Surface Water Bodies
- Geologic Description
 - Expanded discussion of RZ geology
 - Groundwater withdrawal - other aquifers & implications in Planning Region [SHC]
- Critical Environmental Features
- Threatened/Endangered Species

On-Going Work – Existing Regulatory Programs

- State Federal Programs
 - Clarify/Expand - TCEQ Programs [SHC]
- Local Programs
 - Summary of existing local government WQ regulations within the Planning Region
 - Examples of existing local government WQ regulations, outside the Planning Region, but within the local area.

On-Going Work - Water Quality Threats

- Threats Listed in Draft
 - Expansion of Domestic Wastewater [SHC]
 - Expansion of Improper Management of Undeveloped Land [SHC]
 - Expansion of Groundwater Withdrawal Exceeding Recharge to address additional water supply sources [SHC]
- Addition of “Lack of WQ Controls on Existing Development” [SHC]

On-Going Work – Critical Water Quality Parameters

➤ Definition

- Revisions to “indicative of a pollutant”

➤ Addition of Preferred Measurement methods for each Critical Parameter

- Tie to existing test methods used under existing programs and ordinances

On-Going Work – Strategy for Selection

- Provide Scientific Basis for “No Net Increase in CP Discharges” Approach [SHC]
- Non-structural measures generally cost less than structural measures [SHC]
- Justify Need for Site Specific Evaluation [SHC]

On-Going Work – Description of Measures

- Natural Area/Open Space Conservation
 - Conservation Easements as mitigation for existing development [SHC]
 - Why net 10% IC when base IC is 15% [SHC]
- Stream Offsets/Buffer Zones
 - Centerline vs. Stream Bank [SHC]
 - Practical minimums for BZs [SHC]
 - Justify rationale for BZs where there are existing BMPs/Measures [SHC]
 - Construction (utilities, etc.) in BZ [SHC]

On-Going Work – Description of Measures (Continuation 1)

➤ Density of Development

- Net Site Area vs. Gross Site Area [SHC]
- Elaborate on “Cited Studies” consideration of BMPs [SHC]
- Focus on CP loadings rather than IC limits [SHC]
- Applicable to Local Govt. projects [SHC]

➤ Nature of Development

- Characteristics of each type of development
- Corresponding infrastructure [SHC]

On-Going Work – Description of Measures (Continuation 2)

- Restrictions on Harmful Materials
 - Sales/availability controls
 - Use/disposal restrictions
 - Integrated pest/nutrient management
- Public Education
 - Specific local recommendations
- Alternate Water Sources/Uses
 - Replacement of consumptive uses

On-Going Work – Description of Measures (Continuation 3)

- Management of Undeveloped Land
 - Applicable to changes in use [SHC]
 - Address Invasive Plants (e.g. cedar) [SHC]

On-Going Work – Implementation

- Legal Authority of Existing
 - Expand for “Authorities”
- Implementation Strategy
 - Tie strategies to Objectives
 - Define procedures for “overlaps”
 - Develop procedures for “gaps”
- Regulatory Takings/Property Rights
 - Address obligations of development
 - Expand to cover impact of “pollution” [SHC]

On-Going Work – Implementation (Continuation 1)

- Available Implementation Mechanisms
 - Outline of ordinances for municipal entities and special districts with pattern ordinances as attachments
 - Outline of ordinances and procedures for County governments with pattern ordinances and agreements
 - Mechanisms for local enforcement of state/federal requirements

On-Going Work – Implementation (Continuation 2)

- Proposed Implementation Mechanisms
 - Recommended changes to existing programs under existing authority
 - Recommendations for new programs, expanded authority
 - Bridging mechanisms – until new, expanded authority in-place

- Implementation Schedule
 - Short term – changes under existing authority
 - Long term – new authority required

On-Going Work – Economic Implications

- Funding/Financial Assurance for initial implementation
- Funding/Financial Assurance for O&M
- Enforcement/Oversight
- Impacts of Failure to Protect
- Impacts on private property
- Impacts on public property

Contentious Issues – General/Philosophical

- Standard for Selection of Measures
 - No Net Increase v. % Reduction
 - Mandatory Measures – maintain
 - Voluntary Measures - enhance
- Level of Detail for Implementation Plan

Contentious Issues – Water Quality Protection Measures

- Conservation Easements/Mitigation
 - Voluntary or Mandatory
 - Transfer of development rights
- Buffer Zones/Offsets
 - Too high, too low or just right
- Impervious Cover Limits
 - Net site area vs. gross site area
 - Too high, too low or just right

Contentious Issues – Implementation

- Role of the TCEQ
 - Primary vs. Secondary
 - Relation of TCEQ rules to local ordinances
- Entities - Existing or new
- Financial/Funding Issues
 - Sustainable funding for O&M & enforcement (split between private/public & which “public”)
 - Cost burdens for developers vs. public
 - Long term financial assurance mechanisms

Contentious Issues – Others

- If closely related to an already identified contentious issue, please combine
- Identify the section of the Plan it would fall under
- Be Brief

Discussion Procedures for Contentious Issues

- Time Allocations
 - General/Philosophical – 40 minutes
 - Water Quality Protection Measures – 20 minutes
 - Implementation – 20 minutes
 - Other – 15 minutes
- Sign-up on rip chart to speak on that issue
- Time limit – 3 minutes per person or total time divided by number of speakers

Questions/Comments on the Draft Plan



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