

ACM UPDATE

AGENDA DATE: October 3, 2016

DEPARTMENT: Environmental Services and Sustainability

UTILITIES ACM: Howard Martin, 349-8232



The City of Denton received notification from the Texas Commission on Environmental Quality (TCEQ) that Denton's Hickory Creek Watershed Protection Plan (WPP) was accepted by the United States Environmental Protection Agency (USEPA) on August 23, 2016. The Hickory Creek WPP was developed as part of a "319h" grant received by the City of Denton from the TCEQ. Prior to the City of Denton obtaining this grant, watershed protection plan development via TCEQ 319h grant funding had been exclusively for water bodies that were not meeting designated uses and were thus listed as "impaired". Denton's watershed protection plan was the first plan submitted in Texas for a water body that was meeting designated uses (currently "unimpaired"), but that was expected to become impaired in the absence of action. This type of plan has since become known as a "proactive" watershed protection plan, and the Hickory Creek WPP appears to be one of only a few proactive plans that currently exist nationally. Although an exhaustive review was not conducted, the USEPA staff indicated at the time of submittal that the Hickory Creek WPP appeared to be the first proactive WPP in the nation that was seeking USEPA approval.

The TCEQ recommended approval of the Hickory Creek WPP and submitted the plan to the USEPA for final approval in 2009. Upon review, the USEPA was very complimentary of the Hickory Creek WPP, but stated that it could not be approved because the plan did not establish numerical water quality targets to demonstrate progress towards the goals of the WPP. Briefly, numerical water quality targets are one of the requirements of the USEPA's Nonpoint Source Clean Water Act grant guidance for watershed-based plans that are developed and implemented with section 319 funds. For impaired water bodies, these targets can be relatively easily established because they are based on the water quality improvements needed for the water body to once again meet designated uses and therefore move from "impaired" to "unimpaired" status. Since the Hickory Creek WPP was put together for a water body that was currently unimpaired, but that modeling showed would become impaired over time in the absence of action, a framework for established water quality targets did not exist.

The USEPA's decision resulted in numerous discussions between the TCEQ, USEPA, and the City of Denton over the course of the next several years. During that time, the USEPA became more amenable to the idea of balancing restoration (in other words "reactive") WPPs and protection (in other words "proactive") WPPs. Ultimately, these discussions resulted in the USEPA establishing a group of staff members at the Region 6 office in Dallas to help develop a framework for establishing water quality targets for proactive WPPs. Initial discussions between the USEPA, TCEQ, and the City of Denton in 2014 resulted in the creation of a team comprised of staff members from the three organizations to accomplish this goal. Through the collective efforts of this team, a framework was developed for establishing water quality targets for

proactive WPPs. This framework was used to obtain final acceptance of the Hickory Creek WPP by the USEPA, (Exhibit 1).

Denton staff members are very grateful for the time and expertise provided by the TCEQ and USEPA staff members to help resolve the issue of established water quality targets for proactive watershed protection plans. It is also gratifying to see other proactive WPPs that are being developed in the USEPA Region 6 area using approaches similar to those developed for the Hickory Creek WPP. A recent communication from the USEPA to Denton staff stated “the Hickory Creek WPP stands as one of the best, most comprehensive WPPs in EPA Region 6, and EPA has referred to it many times as an example of a WPP that thoroughly addresses the nine elements in EPA guidance. The Denton Hickory Creek WPP has accelerated WPP development in Texas by example, and we expect it to continue to serve as model at the State and national levels”.

After the acceptance letter from the USEPA was released, staff was contacted by Texas A&M University’s Agrilife group about hosting a Watershed Protection Workshop in Denton. Denton’s Watershed Protection Department has hosted two of these workshops in the past, and has agreed to host another in partnership with Texas A&M. The date and time for this workshop has been tentatively set for Wednesday, March 8th, 2017 at 1:00 to 5:00 pm.

EXHIBITS

1. Acceptance letter from the United States Environmental Protection Agency

Respectfully prepared and submitted by,
Kenneth Banks,
Director of Environmental Services



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

RECEIVED

Mr. Kyle Girten
NPS Chief
Texas Commission on Environmental Quality
12100 Park 35 Circle, Bldg. F (MC-203)

SEP 08 2016

Austin, Texas 78753

Dear Mr. Girten:

We have completed our review of the revised final draft for the Hickory Creek Watershed Protection Plan (WPP), dated August 23, 2016. This WPP covers an area of 125,000 acres which is approximately 195 square miles. It is located in the southwest portion of the City of Denton and feeds into Lake Lewisville. The addendum provided by the City of Denton on August 23, 2016, provides the targeting information we had request. Therefore, we are pleased to notify you that the WPP is being accepted as of August 31, 2016.

This is a protective WPP in that neither Hickory Creek nor its tributaries are listed as impaired. However, the City of Denton and its stakeholders are being proactive by developing this WPP and promoting the implementation of best management practices to ensure in-stream levels for ammonia-nitrogen, nitrate/nitrite-nitrogen, orthophosphorous, total phosphorus, Chlorophyll-a, total nitrogen, and total suspended solids do not increase to the point where the water quality standard is exceeded.

As stated in our previous review, we agree with TCEQ that the City of Denton has done an outstanding job of establishing a targeted water quality monitoring network, analyzing data, and protecting water quality through planning for land use changes in the watershed and implementing BMPs.

If you or your staff have any questions regarding our review, please contact me at 214-665-6644, or you can contact Randall Rush of my staff at 214-665-7107.

Sincerely,

A handwritten signature in black ink that reads "Philip A. Crocker".

Philip A. Crocker, Chief
Watershed Management Section