



Clean Vessel Committee Meeting
Tuesday, December 3, 2013 1:00 – 3:00 PM
GBF Conference Room

I. Introductions

Representative	Organization
Bryan Brand	City of Seabrook Police Department
Dewayne Hollin	Clean Texas Marina Program /Marina Association of Texas
Frank Muraglia	Coast Guard Auxiliary
Patricia Muraglia	Coast Guard Auxiliary
Keith Naker	Coast Guard, Marine Safety Unit, Texas City
Kim Franklin	Coast Guard, Marine Safety Unit, Texas City
Christina White	Coast Guard, Marine Safety Unit, Texas City
Bob Stokes	Galveston Bay Foundation
Katie McCann	Galveston Bay Foundation
Charlene Bohanon	Galveston Bay Foundation
Lori FitzSimmons - Evans	Galveston County Health District
Rebecca Olson	GBF Volunteer/Citizen
Denise Hall	Harris County Pollution Control
Jennifer Wheeler	Harris County Pollution Control
Bob Stevenson	Houston Sail and Power Squadron
Helen Paige	Marina Bay Harbor/Marina Association of Texas
Amber Faubion	Marina Del Sol
Cassandra Derrick	TCEQ Clean Water Certification Program
Beth Sears	TCEQ Region 12 - Water Quality Team Leader
Kirk Wiles	Texas Department of State Health Services- Seafood and Aquatic Life Group
Lance Robinson	Texas Parks and Wildlife Department - Coastal Fisheries Division
Ross Sidman	Texas Parks and Wildlife Department - Game Warden, Harris County
Dale Moses	Texas Parks and Wildlife Department - Game Warden, Lake Texoma

II. Overview of GBF outreach efforts and status of local boat sewage issue

Ms. Bohanon presented slides regarding the Upper Gulf Coast Oyster Waters Implementation Plan, a description of where oyster waters are impaired for bacteria, the water quality standards they should be meeting, and the primary sources of concern that the stakeholder plan focuses on based on the TMDL study. Mr. Wiles added that aside from the TMDL, the Texas Department of State Health Services is very concerned with illicit discharges from recreational and commercial boats. He discussed the various

outbreaks that have taken place in our area that could be linked to oyster contamination, including salmonella, typhoid, shigella, and norovirus outbreaks. Hundreds of illnesses can be caused by one discharge over an oyster reef, but it is very difficult to track back to exact source (commercial vs. recreational boat, etc.). Bohanon also summarized the history and current efforts of the Boater Waste Workgroup on the Pump Don't Dump campaign, funded through the Texas GLO Coastal Management Program.

III. Discussion: What boat sewage outreach/enforcement activities are currently carried out by your organization and/or what are your current limitations?

- a. Coast Guard
 - i. Keith Naker - Federally mandated regulations require MSD checks on vessels they board – proper installation, maintenance, status of the equipment operation. Education through the Coast Guard Auxiliary vessel safety checks is important because their officers look for boats without a vessel safety certification sticker to inspect. Chief Naker suggested that it could be beneficial to coordinate something like the Houston Ship Channel Initiative (in Houston area) – all agencies get together and cooperate do vessel checks and they can partner together to catch violations of all types – TPWD, state, federal, etc. Based on 2012 data, they boarded 288 recreational boats, 5% had MSDs and had 1 violation. They receive an entire day of training on MSDs enforcement. Some stations carry dye tabs or non-sugar kool-aid (red and bright green are best colors to use). Chief Naker stated that if the tablets were provided by grant funds, they could be used by the Coast Guard during their vessel inspections.
- b. Texas Parks and Wildlife
 - i. Lance Robinson – Recommends Mary Carrier as a good TPWD contact (boater safety education).
 - ii. Ross Sidman (sitting in for Captain Ruiz) – main responsibility is getting out on the oyster boats and checking for compliance: not taking from restricted/prohibited areas, license requirements, etc. Only have 9 game wardens in Harris County. For recreational boaters they focus on safety enforcement on major holidays, not discharges. They do not have much MSD training. They have separate game wardens that focus on environmental issues, mostly investigating reports they receive. Ms. Bohanon mentioned that in the past, Dale Moses (Game Warden on Lake Texoma) and Maritime Sanitation have offered to provide this type of training. Chief Naker (Coast Guard) also offered to connect him with info on training resources offered annually through the Coast Guard.
 - iii. Dale Moses – Warden Moses has carried out education and enforcement on discharge regulations on Lake Texoma for several years. He explained that education is very important, but he saw compliance increase once he started issuing citations. He has shared a presentation that they use to train other enforcement officials on MSD inspections and Ms. Bohanon will share this with all of the committee members. Feel free to contact Warden Moses if you have any questions about the training.
- c. City of Seabrook Marine Safety Officer
 - i. Brian Brand – The city has a few boats, but don't get out on the water often (mostly holidays/events). The city receives some calls regarding moored boats that are always stationary and never appear to get pumped out. All officers are knowledgeable about what the laws are and what to do if they did find evidence of an illegal discharge.
- d. Texas Commission on Environmental Quality
 - i. Beth Sears – They inspect pump-out stations to ensure they are up-to-date on their certification. They direct any reports of illegal boat discharges to the appropriate enforcement agency.

- ii. Cassandra Derrick – As of 2013, there are over 1,000 MSDs registered through the Clean Water Certification Program in the Clear Lake area out of the potential 8,000 based on number of boats registered over 25 feet. The major benefit they have seen from this program is increased awareness and education efforts. The missing piece of the puzzle is still enforcement, which they are not authorized to do. Bob Stokes recommended a potential legislative fix to incorporate this program into the TPWD boater registration process so that the same entity that issues the certification is the one to enforce it. Ms. Derrick mentioned that TCEQ can establish delegated authorities to issue stickers (i.e. San Jacinto River Authority and Lake Texoma). They get the stickers for free and keep the resulting fees collected. Any enforcement money collected also remains local.
- e. Galveston Co. Health District
 - i. Lori Fitz Simmons-Evans – They issue warnings under Chapter 341 Texas Health and Safety Code and don't receive many calls about boat sewage discharges. They will investigate if they receive a call, but often there is no evidence by the time the report comes in and someone can respond.
- f. Harris Co. Pollution Control
 - i. Denise Hall and Jennifer Wheeler – Their activity regarding boat sewage discharges is driven by reported complaints, but in the last 10 years they have only received 2 complaints that warranted an investigation. Few reports come with usable evidence. They enforce the water code – have same regulatory status as TCEQ (up to \$50-25,000 per day), but generally don't issue Class C violations. They participate in water monitoring for the Clean Rivers Program and have been sampling for 30 years overall (since before CRP).
- g. Texas Department of State Health Services
 - i. Kirk Wiles – Their focus is on public health impacts resulting from boat sewage discharges. Outbreaks come with a cost of public health, as well as huge economic losses. They are required to close shellfish harvesting areas when there is an outbreak or when water quality data do not meet standards for harvesting. Dealers may also have to recall product for the last month. One example that Mr. Wiles shared was that Louisiana had between 700-1000 cases of norovirus because of ONE boat discharge. Through DNA testing, this case was traced back to a specific person on an oyster boat that had dumped waste overboard. The costs for the commercial industry are huge if they receive a violation, so they are motivated to be compliant if enforcement is there.
- h. Houston Sail and Power Squadron
 - i. Bob Stevenson – The squadron conducts many boating safety classes as well as vessel safety certifications, which includes info on MSDs. They can distribute education materials and emphasize importance of MSD compliance. If they are not in compliance then boat owners will not receive the vessel safety certification sticker. Boaters know that this sticker is used by the Coast Guard to help them focus their inspections, so people want to pass. Mr. Stevenson shared that they do collect data on number of vessel checks conducted and note those that are not compliant. This data can be shared with GBF for tracking purposes.
- i. Coast Guard Auxiliary
 - i. Frank and Patricia Muraglia – The Auxiliary conducts vessel checks based on state and federal regulations. They look to see if there is a y-valve and where the y-valve is situated. They find that many boaters don't know what a y-valve is and have their valves open because they've never bothered to look at it. The Muraglia's have a lot of experience with trying to address illegal discharges in California after living aboard their boat for many years. The Dockwalker program, water quality

monitoring, and people in uniforms walking the docks are all great strategies for putting pressure on boaters to do the right thing. In CA, the marinas all collaborated to enforce laws internally by kicking people out of the marina that were dumping. Dye tabs were also very successful in harbor near Catalina Island – when boat wanted to moor a dye tab was put in their tank. If they dumped they were escorted out of the harbor. There was a lot of dye in the water for a while, but it was well enforced and soon after the water became much clearer and dumping was less of a problem. Mr. Muraglia emphasized that the most important thing is to get everyone to agree on a plan of action and follow through.

- j. Marina Managers/Marina Association of Texas
 - i. Amber Faubion, Marina Manager, Marina Del Sol– Ms. Faubion explained that she puts dye tabs in boats when they first enter the marina and then goes down the docks flushing the tabs periodically. If a tenant is out of compliance they receive a warning and have 30 days to fix the problem. If they don't then they are kicked out of the marina. She believes all marinas should follow these same procedures, but it is not easy to get all marinas to agree to the same rules. Even if the management staff is on board, it is sometime difficult to get the owners to agree.
 - ii. Helen Paige, Marina Manager, Marina Bay Harbor – Ms. Paige explained that their main focus is on education about the laws, environmental impacts, and Clean Water Certification Program. The difficulties they have include knowing the best place to tell people to report discharges, getting them to collect the necessary evidence and call it in, and the general feeling that there isn't much enforcement taking place so it is hard to motivate people to change their behaviors.

IV. Examples of cost-effective enforcement carried out in other areas/stakeholder ideas

- a. Committee members received hand-outs with examples from various states.

V. Discussion:

- a. What sort of collaborative action plan should we take to address the issue of illegal boat sewage discharges? The CVC recommended a collaborative effort that includes marina managers distributing information to their tenants on applicable codes and upcoming enforcement, following that up by providing opportunities for courtesy inspections and Clean Water Certification sign ups at the marina, and then coordinating with enforcement to follow up by walking docks and issuing citations, as needed. The emphasis will be on providing every means possible to allow the tenants to get in compliance and then follow up with presence of enforcement at the marina.
- b. What resources are needed (financial, training, etc.)? Free education materials and dye tabs, more training for the TPWD game wardens on MSDs, inspections to accompany Clean Water Certification
- c. What are the benefits and concerns of establishing a federal NDZ for Galveston Bay?
 - i. From Coast Guard perspective, it will be easier to enforce with a federal NDZ. If there is any possibility that sewage could be discharged, then they will be written up (civil penalty instead of an educational warning).
 - ii. Concerns included that older vessels will likely be out of compliance and that there will be the need for an increased level of enforcement as a result of the NDZ.
 - iii. Commercial operation will need a grace period to get vessels up to compliance before the NDZ can be enforced.

VI. Next steps and wrap-up

- a. Ms. Bohanon will create a Clean Vessel Committee (CVC) internal directory. She will organize a marina manager meeting to discuss the action plan proposed by the CVC and work to get them all on board. She will speak to various members of the committee to see if they can represent the group at this meeting. She will draft a summary of the CVC action plan to

be reviewed by the CVC, a one page summary of the applicable codes and fines, and a letter template for marina managers. She will follow up with individuals from the CVC on specific parts of the plan that are applicable to them, as well as how they can work together to gather pertinent data to help track progress on this issue.

- b. The CVC has agreed to reconvene in 6 months or so in order to discuss progress on the proposed action items.

VII. Adjourn