

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
Fourth Quarter Meeting, Fiscal Year 2000

Meeting Date: August 24, 2000
Meeting No.: 44

Place: TNRCC, Building F
Room: 2210

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MEETING ATTENDANCE

TGPC Members

	<u>Affiliation</u>
Mary Ambrose	TNRCC
Leslie Savage	RCT
Stefan Schuster	TWDB
Wayne Jordan	TAES
Donnie Dippel	TDA
Lee Parham	TDLR
Alan Dutton	BEG
Barry Miller	TAGD
John Jacobi	TDH
Kevin Wagner	TSSWCB

Agency Staff

	<u>Affiliation</u>	<u>Program</u>
Cary Betz	TNRCC	Technical Analysis Division
Frank Fuller	TNRCC	Policy and Regulatory Division
Alan Cherepon	TNRCC	Technical Analysis Division
Steve Musick	TNRCC	Technical Analysis Division
Tom Weber	TNRCC	Technical Analysis Division
Steve Minick	TNRCC	Intergovernmental Relations
Bruce Lesikar	TAEX	
Deborah Danford	TDA	
Jeanette O'Hare	TDA	
Hugh Bender	TWDB	
Stovy Bowlin	BS/EACD	

Interested Parties

	<u>Affiliation</u>
Jim O'Connor	SAWS
J. A. Lazarus	Senate Natural Resources Committee Staff
Terri Morgan	CLC/BGCT

(12 in audience)

MEETING HANDOUTS

1. Agenda
2. ACS Subcommittee Report
 - Amended Rule Review Plan
 - TGPC Legislative Subcommittee - Draft Issue Summaries for Potential Report Topics
 - Analysis: TGPC Legislative Recommendation and Legislative Action
 - Draft Table of Contents for Recommendation and Legislative Action Report
 - *State of Texas Water Quality Inventory - Selected Texas Aquifers - Draft*
 - Federal Register/ Vol. 65, No. 147 pages 46711 and 46712 - *Environmental Protection Agency [FRL-6843-2] Notice of Public Meeting on Drinking Water Source Contamination Prevention*
 - TNRCC Rules Tracking Log
 - *Comprehensive State Groundwater Protection Program Core Assessment - Draft*
 - Stratmap - Texas Strategic Mapping Program (folder)

MEETING RECORD OF AUGUST 24, 2000

I. Call to Order and Introductions

Mary Ambrose, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the FY2000, Fourth Quarter Meeting to order at 1:13 p.m. All members present.

II. Subcommittee Reports -

Agricultural Chemicals - Steve Musick, TNRCC, Chair. The Agricultural Chemicals Subcommittee held its FY 2000 Fourth Quarter Meeting on August 24, 2000, at 10:15 a.m. The members were updated on Task Force activities:

Site Selection - TWDB reported on the status of their FY 2000 groundwater sampling/monitoring in the Texas Panhandle. Over 600 wells have been sampled to date with over 400 collected by the TWDB and the remainder by the High Plains UWCD. TNRCC staff have coordinated atrazine analysis with the TWDB well sampling effort. Preliminary results show a small percentage of the samples with low level detections. There has been no lab confirmation or resampling of wells with detects. A round of atrazine IA sampling by TNRCC staff took place in June as a followup investigation on atrazine detects in a number of Panhandle area PWS wells.

The subcommittee members heard a presentation on water well construction technology. The members were briefed on the investigation of Panhandle area PWS. Of the four sites investigated, TNRCC staff recommended contamination response investigation for two sites, the cities of Tulia and Dimmit. Investigations for these two sites were completed and reports were referred to the Data Evaluation and Interpretation TF for review and recommendations for further action.

TNRCC staff announced the receipt of a letter of concurrence from EPA Region 6 for the Texas Generic PMP. TNRCC staff also announced that the Generic PMP document would be published and placed on the Website. Approval for publication is expected to take about two months. TNRCC plans to prepare a press release on the concurrence and the PMP. This effort will be coordinated with the participating agencies. Members agreed to this process and working with TNRCC staff. There were no public comments or other business.

Data Management - Cary Betz, TNRCC, representative. Subcommittee has not met, and has no clear charge at this time. TNRCC staff has been preparing the Joint Groundwater Monitoring and Contamination Report and Water Quality Inventory (305(b)) Report (Groundwater portion) for the subcommittee. Groundwater portion of the 305(b) report has been drafted, and included in the initial draft of the final report for agency and peer review. A copy of the material submitted is included with the handout packets for Committee members. Betz requested that the Committee formally consider restructuring the Data Management Subcommittee at the next meeting, before the next round of reporting is undertaken, to address current issues of data management. TNRCC staff will prepare a list of problems or deficiencies encountered in the present collection/reporting process.

Non-Point Source - Kevin Wagner, TSSWCB, Chair. Subcommittee did not meet and chair had nothing to report.

Abandoned Water Well Closure Task Force - Bruce Lesikar, TAEX, Chair. Subcommittee has not formally met this quarter. The May 17 Well Closure Field Day in Harker Heights was discussed briefly.

Legislative Report Subcommittee - Frank Fuller, TNRCC. Subcommittee has met three times and produced draft issue summaries for the Committee's consideration. Depending on the outcome of this Committee meeting, the Legislative Report Subcommittee will likely need to meet one more time. At this time, Mr. Fuller is asking that participating agencies to review and return draft Legislative Report recommendations to him in a marked-up hard copy form, and he will then produce a draft final recommendation report.

III. Presentation

Hugh Bender, TWDB, Director of the Texas Natural Resource Information System (TNRIS), spoke on the changing role of TNRIS and the Stratmap program.

TNRIS is moving to use their website as the primary mechanism for disseminating materials to client agencies and the public. Aerial photographs, infra-red and other satellite photography, historical maps and photos, and other material is being placed in digital format, as funding and technology allow.

The Strategic Mapping Program (Stratmap) was authorized by Senate Bill 1 during the 75th Legislature. The legislation authorized the creation of seven digital base maps intended to

be the official, comprehensive base maps for the State of Texas. Based on digital ortho-quads derived from the old 7.5 minute quadrangle maps, the maps will provide a common standard for the addition of specific data by other agencies.

Other layers include a contour layer, scheduled to be completed this year; a soils which will be 70% complete, but won't be finished for 8 more years, as the NRCS must complete their work on the remainder; a water layer, which has been revised to a higher standard is complete; a transportation layer done in partnership with TxDOT is also complete; and a political boundary layer is in the pilot phase. A Digital Elevation Model, under development, will complete the layers.

Baseline maintenance on these maps, for revision of 550 quads a year, has already been authorized by the Legislature. Much of the data is readily available, contact TNRIS to relate to them your specific needs.

IV. Business - Discussion & Possible Action

Texas Comprehensive State Groundwater Protection Program Process: Frank Fuller and Steve Musick, TNRCC - Background information, including the need for a Comprehensive State Groundwater Protection Program Process Core Program Assessment, has been provided in discussions during previous meetings. This discussion marks the beginning of the formal review process both by the Committee and the TNRCC. A schedule for the final review and approval by the Committee will be provided at one of our future meetings.

The draft Core Assessment document is included here as a handout. Staff needs specific input from participating agencies on two primary points. First, review the draft document looking at the overall groundwater protection program. The EPA guidance sets out six strategic activities, and there is a "linkage" between the program descriptions and each of the activities. The document needs to be reviewed to make certain that the way that the "linkages" and relationships work are clearly established and conveyed, and that they make sense as a comprehensive groundwater protection program. Second, TNRCC staff has worked in isolation to some extent, and has not worked in any detail with participating agencies, consequently members are asked to look at how the presentation of the core assessment is put together, or any problems or conflicts that may be present with each member agency's regulatory and enforcement programs. This document was put together as a "big picture" or "umbrella" process, and staff wants to insure that we have no conflicts with agencies' existing processes.

The EPA criteria requires the state to not only describe the Comprehensive Groundwater Program but to illustrate the implementation of the overall program in one specific example environmental program in the state. The Petroleum Storage Tank program of the TNRCC was selected for the Core Program Assessment because it has been long established and well implemented. The PST program is also characteristic of a state and federal cooperative effort with significant contribution by both, guidance and standards set forth by EPA, and clear implementation by the state. The program as a whole also contains all of

the major elements of an environmental program, including prevention, compliance, corrective action and enforcement, without any one component being more heavily weighted than another. Finally, the PST program has a priority dynamic setting mechanism for addressing sites, especially in corrective action, that has shown an “evolution” in that priority setting mechanism.

TGPC Amended Rules Review Plan - Required Under the Texas Government Code

Mary Ambrose, TNRCC - In the last Legislative session, all state agencies were asked to provide a revised Rule Review Plan. The plan proposed by TNRCC staff for the Committee is included as a handout. In September of 1998, the Committee did review its rules, determining that they were still necessary. At the same time, some revisions were adopted. The statute requires that this analysis be repeated every four years. What is required is a promise that the Committee will repeat its rule review within the four years of having completed the review in the past, and reserving the right to complete this sooner if we enter into rulemaking for other reasons. We would be committing to begin our next rule review on January of 2006.

Motion to adopt this Rules Review Plan by TDH representative

Second by TWDB

Motion Passed without dissent

TGPC Legislative Report - Discussion/Approval of Legislative Recommendation and Report Table of Contents

Frank Fuller, TNRCC - (Chair emphasizes that the report is in a “very draft” form, and that a full discussion and approval of actual recommendations will be held at the October 26 meeting.) The first issue in last sessions report dealt with funding issues for the State Management Plan for the Prevention of Pesticide Contamination of Groundwater (PMP), and there has been little change in the content of this statement. The second issue deals with abandoned water well closure funding, the TDLR representative has changed the recommendation to include two options, and decision of/discussion of the preferred option is in order. The third issue is a new item, Groundwater Conservation Education by the TAEX. Fourth, Water Education Program needs with two sub-items from the last report, Water Reclamation and Reuse and the WET program.

The next item was dealt with in the last report, but has been modified slightly, the Groundwater Conservation Districts Exemptions, Exceptions and Limitations on pumpage from wells - specifically, removal of all references and allowing the local Groundwater Conservation Districts establish these through their processes. Creation of Groundwater Conservation Districts is a new recommendation coming from TAGD, saying that either multi-county or single county districts should be acceptable if they are viable - both through funding and through regulation of similar groundwater conditions. Somewhat related to this, the next recommendation deals with the ratification of the Senate Bill 1911 districts, this basically lays out some criteria that the Legislature may want to consider before ratifying the districts. Another new recommendation is groundwater permitting and transport fees, also coming from TAGD, which basically proposes some criteria for transport that was not included in SB 1.

The next recommendation is also new item, related to the acquisition of groundwater quality protection zones, defining buffer zones near recharge areas, and stating that the state should support funding to Groundwater Conservation Districts to acquire land over sensitive water areas in a “willing seller/willing buyer” situation. This would be a landowner incentive issue and the language is the result of a negotiated process through TAGD.

The next issue is the Priority Groundwater Management Area Simplification Process, which was dealt with in the prior report. While there have been no significant change in the recommendation, there is a stakeholder effort coordinated by the Senate Natural Resource Committee that will probably address this issue, so we decided not to get into any new concepts, but rather state the administrative problems in accomplishing that particular legislation.

In issue titled General Funding for Data Collection of Groundwater Research, the issue statement is incorrect, and should start with “support for Legislative Appropriation Request” - this basically asks for new funding for groundwater data collection. Final item is brush control to increase water yield, a recommendation to support funding for TSSWCB efforts in watersheds to increase groundwater recharge.

The Committee has a draft table of contents for approval that did not print out as expected. Changes to the handout include Report to the 77th Legislature and under recommendations section, recommendations approved by the Committee will be those included in the report. The Water Well Driller’s Program / TDLR will be included under introduction of TGPC membership section. Most of the appropriate date changes have been made to the handout.

Motion by TDH to approve Draft Table of Contents with changes as noted

Second by TWDB

Discussion - are dates associated with table 5 correct? Yes.

Motion Passed without dissent

Next meeting date: Thursday, October 26, 2000 at 1:00 p.m.

77th Session Texas Legislature starts January 9. Fy 2001 Second Quarter meeting is tentatively scheduled for Thursday, January 4, 2001, at 1:00 p.m.

V. Information Exchange for Groundwater Related Activities/Status Update

1999 Joint Report to Publications Process in mid to late October.

Concurrence status of Texas’ Generic PMP - copy of concurrence letter and PMP sent out to member agencies in early August. PMP will be posted on Committee web site. TNRCC media relations is also putting together a press release and will be coordinating with other participating agencies.

VI. Announcements

TNRCC Rules Tracking log:

- Amendments to 30 TAC Chapter 285 proposal package possible in October.
- TNRCC Adopted Surface Water Drinking Rules on August 23, 2000 Commission Agenda.
- Question/comment over the residential and commercial air conditioners - rebuttal written by a/c and refrigeration institute on the rule proposed to reduce ambient ozone level, encasing a/c condenser coils in some type of “slurry/catalyst” that could slough off and cause groundwater contamination, was referred to TDLR, as they also regulate a/c installers (heat return wells).

Federal Register copy - announcement of a public meeting on drinking water source contamination prevention, a new initiative by EPA. Copies of background information is available from the Chair.

Association of State Drinking Water Administrators meeting October 2-5, 2000, Portland OR.

TGPC website is currently up to date

GWPC semi-annual Technical Forum, September 26 and 27, Fort Walton Beach Florida.

Texas Water Monitoring Congress, September 18-20, Pickle Center, Austin Texas.

TAGD hosting “*Groundwater Districts: Roadmap for Local Control*” October 5 & 6, Thompson Convention Center. Details available at website: www.bseacd.org

VII. Public Comment

None

VIII. Adjourn

Chair Mary Ambrose adjourned meeting at approximately 3:04 p.m., CST.

Respectfully submitted,