

TEXAS GROUNDWATER PROTECTION COMMITTEE

RECORD OF MEETING

First Quarter Meeting, FY 95 Meeting Date: November 2, 1994
Place: Building B, Park 35 Room: 201A
Meeting No.: 20

Committee Members

Affiliation

Mary Ambrose, Chair	TNRCC
Bill E. Couch	TAGD
Steve Bearden	TDA
Richard Ginn	RRC
Wayne Jordan	TAES
Charles Maddox	TDA
Phil Nordstrom, Vice Chair	TWDB
Beade Northcut, Alternate	TSSWCB

Guest Speaker

None

Agency Staff

Affiliation

Program

Dandre Bettis	GLO	
Barbara Beynon	TNRCC	IHW Div
Bob Blodgett	TNRCC	WU Div/Monitoring & Enf.
Wayne Kelly	TDA	
Kitty Malus	TNRCC	WSM Div/Ground-Water Assess.
Kelly Mills	TNRCC	WSM Div/Ground-Water Assess.
Steve Musick	TNRCC	WSM Div/Ground Water Assess.
Cecily Warren	TNRCC	L&RS Div/Administration
Steve Wiley	TNRCC	ET Div/Occupation. Certification

Interested Parties

Affiliation

Mary Arnold	League of Women Voters
Al Engelland	Texas Utilities Service
Clois Green	Alcoa
Hilary Hutchison	Brown McCarroll & Oaks Hartline
Kim Montgomery	Baker & Botts
Denise Rhodes	Consultant
Lloyd Woosley	U. S. Geological Society

ITEM I. Call to Order and Introductions

The Chairman called the FY 95, First Quarter meeting of the Texas Groundwater Protection Committee to order in Room 201A, Building B, Park 35, TNRCC. The Bureau of Economic Geology was not represented.

ITEM II. Subcommittee Reports

Agricultural Chemicals

The Chairman called on Steve Musick, Texas Natural Resource Conservation Committee (TNRCC), Chairman of the Agricultural Chemicals Subcommittee, who reported that the Subcommittee held its FY 95 First Quarter Meeting earlier on November 2, 1994. Mr. Musick provided Handout #1 discussing the Subcommittee meeting. The members were updated on: TNRCC reorganization, EPA draft rules regarding State Management Plans (SMP's), Site Selection (Monitoring) Task Force activities scheduled for Atrazine monitoring, Educational Task Force Activities, and the status of the update of the Generic State Management Plan.

The Subcommittee heard a presentation from Dr. Clyde Munster of Texas A&M University from the design, implementation, and preliminary results of a nitrate and Atrazine monitoring study in the Brazos River Alluvium. It is designed as a comprehensive study of nitrates and Atrazine applied to a controlled drainage with monitoring of surface and ground water.

The Subcommittee was briefed and discussed issues concerning possible legislative recommendations for funding of the implementation of SMP's. Funding is not currently sufficient from state and federal sources to meet the anticipated costs of the implementation of five chemical-specific management plans. The Subcommittee discussed the issues related to a fee imposed on pesticide registration or product sales to be used for SMP implementation. There was concern and discussion regarding whether EPA intent in the SMP approach was final and consistent enough to formulate a legislative proposal. There was also discussion and concern of the possible impact on producers. The consensus was reached that the Legislature should be advised through the full Committee of the SMP funding issue and the concerns regarding a possible fee-based funding approach.

Data Management

The Chairman called on Bob Blodgett, TNRCC, Chairman of the Data Management Subcommittee. Mr. Blodgett provided Handout #2 listing the reviewers and the comments received from the review of the Texas Ground-Water Data Dictionary. The draft dictionary was distributed to the Committee during the previous meeting. Mr. Blodgett reported the Subcommittee plans to meet within three weeks to discuss the proposed changes, to discuss the format for publication/distribution, and to prepare a final draft for approval by the Committee.

Legislative Recommendations

The Chair briefly discussed the Legislative Recommendations Subcommittee meeting held on September 16, 1994, the contents of the legislative report, and recommendations for discussion. The Chair moved for further discussion of the recommendations to be conducted later in the agenda.

ITEM III. Announcements and Information Exchange for Other Ground-Water Related Activities

Comprehensive State Ground-Water Protection Program (CSGWPP)

The Chair called on Steve Musick who briefed the Committee on CSGWPP activities. The Core Program Assessment was submitted to EPA in August-September 1993. The Committee received no response from EPA Region VI. In early 1994, EPA headquarters called for peer review for one state in each Region. EPA's criteria for assessment and method of approval/concurrence is still undecided and is being reviewed by EPA Headquarters Policy Committee and the Region VI Ground-Water Coordinating Advisory Board. In the spring of 1994 EPA committed to change in support of CSGWPP, which is still in draft. In the summer of 1994 EPA performed a rigorous review of the Wisconsin CSGWPP and reviews of Alabama's and Oklahoma's CSGWPP are almost finished. In August 1994 the TGWPC voiced concerns for flexibility and unfunded mandates for CSGWPP's. Recent indications from Region VI is renewing interest and looking at the Committee's assessment.

SFIREG Meeting Update

The Chair reported on the 9/29-30/94 meeting of the Water Quality and Pesticide Disposal Working Group. Of interest to the Committee was a discussion of the informal prereview of EPA's Proposed SMP Rules. Issues identified and discussed included the use of reference concentrations as action triggers, such as 10% below an MCL,HAL or ecologically-based concentration; a minimum level of monitoring, identified as 50 sites, for each of the SMP chemicals; regulations would apply not only to the pesticide but also to degradates; and the SMP would cover all uses of a pesticide not just agricultural uses. There was also discussion of the recent EPA release and stance regarding Tapwater Blues, the report of surface water drinking water sources by the five pesticides under consideration for SMP requirement.

Recent EPA Efforts Regarding Indicators of Ground-Water Quality

The Chair called on Steve Musick who briefed the Committee on current ground-water monitoring issues. Mr. Musick reported there were a number of concurrent efforts. The draft National Goals Project (May 1994) is addressing ambient ground-water quality and wellhead protection/source water protection. The Office of Water Indicators Report addressed public water supply wells and the reduced risk of hazardous waste disposal from Class V injection wells. The National Water Quality Inventory (Clean Water Act 305(b) report) has a consistency workgroup with a ground-water focus. Guidance should be developed by 1996. The Intergovernmental Task Force on Monitoring (ITFM) is in its third and final year of activity with its final report due soon. The report will be a guidance to a suggested monitoring framework related to the 305(b) report noted above. Two workshops, Ground-Water Indicators and

Wellhead Protection Indicators were held in September 1994. These workshops were meant to provide state input to the processes and reports described above. Much of this effort is intended to improve reporting to Congress on the status of water quality in the nation and serves to identify issues, new programs and areas of funding.

Mr. Musick noted, for the Committee's information, some of these activities as conducted in Texas. The TWDB conducts ambient ground-water monitoring for water levels and quality. The TNRCC conducts/tracks water quality monitoring of Public Water Supply Systems. TNRCC is also responsible for tracking WHP program implementation and for preparing the 305(b) Water Quality Inventory for Texas for submittal to EPA. The Committee is responsible for summarizing the tracking of ground-water monitoring and incidents of contamination from the various Texas agencies who maintain data.

Water Well Driller and Pump Installer Rules

The Chair called on Steve Wiley, TNRCC, to discuss the proposed Water Well Driller and Pump Installer Rules. The rules are virtually unchanged since initially proposed in 1992. Comments were taken by TNRCC Commissioner Peggy Garner in meetings in Amarillo and Brady. Mr. Wiley stated they hoped to have the rules published in the Texas Register within one month.

ITEM IV. Business Discussion - Committee Public Education Outreach Efforts

The Chair reported the Committee's Educational Brochure was finished and currently at the TNRCC Printshop. No action has been taken on the Committee's directory. The Chair provided the members a copy of the TNRCC Quick Reference Guide (Handout #4).

Discussion and Possible Action - Committee Report and Recommendations to the 74th Legislature

The Chair briefly discussed the recommendations brought forward during the Legislative Report Subcommittee meeting held on September 16, 1994 and other recommendations received since that time. The Chair called on Kelly Mills to discuss actions taken for the production of the legislative report. Mr. Mills provided a draft copy of Activities of the Texas Groundwater Protection Committee, Report to the 74th Legislature (Handout 5) and a draft copy of the recommendations which had been compiled to date (Handout 6). The contents of the report were discussed briefly with the Committee and the members were asked to review the document and provide comments within the next week. The full Committee discussed the recommendations individually (by Topic) as follows.

Topic 1 - Critical Ground-Water Areas

- Needs a discussions of the critical area (CA) process emphasizing the fact that the CA process is not final when the CA studies are completed.
- CA No. 16 study needs to be funded and finalized.
- CA study follow-up for the 15 (11?) studies needs to be implemented.
- Phil Nordstrom (TWDB) stated the Board has most all of the data available, funding is need for personnel (currently none to perform this duty).

- Wayne Jordan (TAES) stressed we must identify clearly why the funds are needed, and state what the funding will produce.
- Mary Ambrose (TNRCC) noted the proposed tax was on materials only, not on services.
- Mary Ambrose also stressed the importance of providing technical assistance to existing ground-water conservation districts when requested.
- It was recommended to make the proposal more equitable by imposing the proposed tax applicable to materials purchased by existing high-capacity water producers on their equipment and materials.
- The question of tax exempt status was brought to the table.
- Lloyd Woosley (USGS) stated that funds may be leverage through the USGS or the EPA (CWA Section 104B) for a match of some sort.
- No motion or second on Topic 1 was brought to the table, it was agreed the Topic needed a major overhaul and needed to be re-presented to the Committee via FAX in the very near future.

Topic 2 - Water Quality

- Richard Ginn (TRC) moved to drop this recommendation from consideration by the Committee.
- Wayne Jordan seconded the motion.
- Vote was taken and passed to remove the recommendation from consideration by the Committee.

Topic 3 - Addition of USGS to Membership to TGWPC

- Wayne Jordan move to accept the recommendation with the provision that the USGS serve as a non-voting member to the Committee.
- Richard Ginn seconded the motion.
- Vote was taken and passed to include the recommendation with the provision.
- Bill Couch (TAGD) suggested verbiage be added discussing the USGS's role on other similar state ground-water protection committees.

Topic 4 - Clarification of Chapter 52/Ground-Water Management Areas

- Steve Musick (TNRCC) discussed the recommendation on specific (technical) changes to Chapter 52, and commented that the recommendation would also probably be included in the TNRCC's UWCD Report to the 74th Legislature.
- Bill Couch commented the UWCD's were seeking to have the legislature move laws governing UWCD from Chapters 50 and 52 to new Chapters 31 and 33? to distance themselves from water utility and general utility district legislation. Moved that the Committee drop this recommendation, that it should be presented in a different forum.
- Phil Nordstrom seconded the motion.
- Vote was taken and the motion to remove the recommendation from consideration by the Committee was passed.

Topic 5 - Chapter 52 Water Districts/Users Fee Authority

- Continuation of discussion as per Topic 4. Bill Couch moved that the Committee drop the recommendation from consideration.
- Steve Bearden (TDA) seconded the motion.
- Vote was taken and motion passed to remove recommendation from consideration by the Committee.

Topic 6 - Chemical Specific State Management Plans

- There was a great deal of discussion on this topic, mainly on the uncertainty of what actions EPA is going to pursue and implement (mandate) to the states. The Time-line for this process, and EPA's uncertainty as to the time-line, are key factors to the timeliness of this proposed recommendation. In addition, the state, not knowing exactly what it is going to be mandated to implement, does not at this time have a firm understanding of the cost of the SMPs. Steve Musick estimated the cost to be from \$250,000 to \$500,000 per chemical per year for the TNRCC alone.
- The Agricultural Chemicals Subcommittee stated it was opposed to the recommendation at this time, and asked the Committee to identify in the report, in some detail, what the problem is, and recommend a solution.
- Wayne Jordan felt a specific recommendation was not appropriate at this time.
- Steve Bearden asked if it could be brought up in the hearing process.
- Charles Maddox (TDH) suggested it be proposed to the legislature to go to an Interim Legislative Study Committee to explore possible funding options.
- Steve Bearden moved to amend the recommendation, present the issue, and propose the Legislature forward the recommendation, as amended, to an Interim Legislative Study Committee.
- The Chair moved for a second amendment to the recommendation as previously amended.
- Wayne Jordan seconded the motion as amended by the Chair.
- Voted on and passed as modified by Committee.

Topic 7 - Ground-Water Data Management

- Wayne Jordan asked what levels of funding were needed and what would be accomplished by the funding during the next biennium.
- Phil Nordstrom responded that this effort had five to six years of backlogged data. There is currently no money or personnel available at the TWDB to perform these tasks. TWDB has tracked high-quantity production water wells during the five to six year period.
- Bob Blodgett (TNRCC, Water Utilities Division) added that they have been tracking public water supply wells during this period. Funding of this program would greatly enhance and benefit all of the state agencies as well as: the ground-water conservation district; private contractors and consultants; and various other involved in wellhead protection efforts.
- Wayne Jordan moved to accept recommendation with the provision of how much money was needed and what goals could be achieved during the next biennium with the funds.
- Bill Couch recommended funding be presented as a well log recording/filing fee of \$5.00 per well.
- Mary Ambrose commented with the current property rights movement in full swing, this might be wrongly perceived as the first step of the state's efforts to control ground water.

- Wayne Jordan amended his motion to make the changes suggested by Bill Couch.
- (?) seconded the motion and the amendment.
- Voted on and passed with amendment by Committee.

Topic 8 - Closure of Abandoned Water Wells

- Discussion of authority to enforce closure of abandoned wells. Ultimately the landowner is responsible, and can be enforced through court action.
- Wayne Jordan moved to exclude the recommendation from consideration by the Committee.
- Phil Nordstrom seconded the motion to exclude the recommendation from consideration by the Committee.
- Voted on and passed to exclude recommendation from consideration by the Committee.

Mr. Mills was tasked with preparing the recommendations per the Committee's decision and submitting them for further review in the immediate future.

ITEM V. Other Announcements

The Chair provided the Committee members copies of the Clean Rivers Brochure (Handout 7) and a current TNRCC Organizational Chart (Handout 8).

Wayne Jordan, TAES, announced the Modeling and Water Quality Management Conference to be hosted in Denver in March by the Great Plains Agricultural Council. A copy of the Stakeholders Ground-Water Conference was passed around for the members to review (Listen to tape).

Joint Groundwater Monitoring and Contamination Report - 1994

The Chair called on Kelly Mills, TNRCC to discuss upcoming efforts for the 1994 Joint Report. Mr. Mills gave the members a tentative schedule for production of the Joint Report (Handout #3). Diskettes will be sent to the members the week of December 12, 1994 containing the previous year's data. The deadline for submittal of member agencies program descriptions and data tables back to the TNRCC Ground-Water Assessment Section was moved forward approximately one month to January 31, 1995. This was done to aid in efforts to have the report prepared by its legislatively mandated deadline of April 1.

Public Comment - None

ITEM VI. Adjourn

There being no other business or discussion, the Chair adjourned the meeting at 4:10 p.m.
