

TEXAS GROUNDWATER PROTECTION COMMITTEE

RECORD OF MEETING

Emergency Meeting, Second Quarter, FY 95

Meeting Date: December 7, 1994

Place: Pickle Research Center, Bldg. 130 (BEG) Room: 1.202

Meeting No.: 21

Committee Members Affiliation

Mary Ambrose	TNRCC
Phil Nordstrom	TWDB
Alan Dutton	BEG
Dr. Wayne Jordan	TAES
Mel Davis	TSSWCB
Steve Bearden	TDA
Richard Ginn	RCT

Agency Staff Affiliation Program

Kitty Malus	TNRCC	Ground-Water Assessment
Kelly Mills	TNRCC	Ground-Water Assessment
Doretta Conrad	TNRCC	Occupational Certification

Interested Parties

None

ITEM I. Call to Order and Introductions

The Chairman called the Emergency Meeting, Second Quarter FY 95, meeting of the Texas Groundwater Protection Committee to order in Room 1.202, Building 130, Bureau of Economic Geology, Pickle Research Campus. Mel Davis represented the Texas State Soil and Water Conservation Board for James Moore. The Texas Alliance of Groundwater Districts and the Texas Department of Health were not represented.

ITEM II. Business - Discussion and Action - Committee Report and Recommendations to the 74th Legislature

Five handouts were provided to the Committee members as follows:

Handout 1, the Texas Groundwater Protection Committee Educational Brochure;

Handout 2, the initial draft of the minutes from the First Quarter Meeting, FY 1995, discussing the legislative recommendations;

Handout 3, the copy of the draft recommendations FAXed to the Committee members on November 18;

Handout 4, comments on the draft recommendations from Richard Bowers, North Plains Ground Water Conservation District; and,

Handout 5, comments on the draft recommendations from Wayne Kelley, Texas Department of Agriculture.

The Chair asked for general comments from the Committee concerning the draft recommendations dated November 18, 1994.

- Phil Nordstrom, TWDB, provided Handout #6 expressing the TWDB's suggestions for changes to the text, most of which referred to Topic 3 (Ground-Water Data Management). Mr. Nordstrom stated the TWDB, being non-regulatory, wanted to distance itself from any proposed taxes or fees in the recommendations.
- Richard Ginn, RCT, asked Mr. Nordstrom if the suggested recommendations mentioning taxes and fees were to be sponsored, where would funding be allocated from.
- Mr. Nordstrom said he and the TWDB did not feel it was the purpose of the Committee to identify sources of funding unless it was approached by the legislature to do so.

A consensus of the Committee was reached (without a motion) for the removal of providing funding options as listed in Topic 3 (Ground-Water Data Management) and Topic 4 (Critical Ground-Water Area Program) of the draft recommendations dated November 18.

- Doretta Conrad, TNRCC/Occupational Certification, stated the Water Well Drillers Program had been trying to have the legislature pass a well log filing fee for ten years.

Mary Ambrose, TNRCC, brought Topic 2 (Texas Groundwater Protection Committee - Addition of U.S. Geological Survey, Texas District) to the table.

- Steve Bearden, TDA, said they had some reservations but would support the recommendation only if USGS serves as a non-voting member.
- Mel Davis, TSSWCB, stated they felt the Committee should stand as is, and felt allowing the USGS to become a member would be opening the door for other federal agencies to seek membership.
- Alan Dutton, BEG, said that in sight of historic federal/state relations, the legislature would probably not want to set this type of precedent.

- Mary Ambrose noted the USGS is allowed input to the Committee through the subcommittee process and the public discussion process.
- Phil Nordstrom noted that several federal agencies are represented at the subcommittee level. He also noted that USGS provides valuable ground-water data to the agencies serving on the Committee.
- Richard Ginn said the RCT had no objection to the recommendation for USGS membership as a non-voting member. In addition, He also noted that USGS provides valuable ground-water data to the agencies serving on the Committee.
- Dr. Jordan, TAES, stated that if USGS was allowed membership, it may feel a greater obligation to share resources and data. He noted the USGS had stated their reasons for seeking membership and that the USGS and the Committee have some overlapping responsibilities. Dr. Jordan stated TAES had no objection to USGS serving as a non-voting member. He said this was only a recommendation, and that the legislature's action on the recommendation will reflect their opinion on federal agencies serving on the Committee.
- Mary Ambrose asked if there was a consensus on the recommendation.
- Steve Bearden motioned to delete Topic 2 from the recommendations.
- Mel Davis seconded the motion.
- Alan Dutton noted that there was very little precedence on how the Committee's membership is selected and noted the Committee had no bi-laws to follow.
- Steve Bearden felt other state agencies would have a more vested interest as members of the Committee.
- Mary Ambrose offered an amendment to the motion to take up the issue of Committee membership with the next legislative session.
- Steve Bearden seconded the amendment.
- Richard Ginn noted several agencies have indicated an interest for serving on the Committee and noted the GLO, TXDOT, and the Texas National Guard.
- Phil Nordstrom commented the TWDB works extensively with the USGS and asked who really makes up the Committee and what are the requirements to serve on the Committee. He also noted the appropriateness of agencies currently serving on the Committee, who through reorganizations, no longer have direct responsibilities concerning ground water.
- Steve Bearden offered a second amendment to rewrite the recommendation stating the Committee was approached by the USGS for membership and ask the Legislature for

comments and guidance.

- Phil Nordstrom asked if the USGS really need to serve on the Committee.
- Mel Davis asked if the Committee was historically tied to the Clean Water Act.
- Mary Ambrose said the Committee was formed to open dialog between the state agencies in regard to ground water. Much of the Committee's work is funded through Section 106 of the Clean Water Act. Other federal legislation affecting the Committee included FIFRA, SDWA, and others.
- Richard Ginn noted the RCT was affected by the CWA and SDWA and that as the Committee has evolved it has changed character. He noted there was always some communication between the state agencies, but the Committee was formed to broaden and formalize the communication.
- Phil Nordstrom noted the TWDB, being non-regulatory, had no ties to the CWA or other regulatory federal legislation. He stated the Committee was also formed as an information sharing vehicle.
- Mary Ambrose restated the original motion: To remove Topic 2 from the recommendations.
- Mel Davis seconded the original motion.
- A vote was taken and the original motion failed.
- Mary Ambrose restated the first and second amendments: for the Committee to discuss as a recommendation to the next legislative session and/or to leave in the discussion of USGS approaching the Committee for membership to the Committee.
- Steve Bearden made the motion to rework the recommendation stating the Committee was approached by the USGS for membership and ask the legislature to establish guidelines for membership and review of current member standing of the agencies currently serving on the Committee, for future additions and deletions to the Committee.
- Phil Nordstrom seconded the current motion.
- Mary Ambrose restated the first and second amendments: for the Committee to discuss as a recommendation to the next legislative session and/or to leave in the discussion of USGS approaching the Committee for membership to the Committee.
- Steve Bearden made the motion to rework the recommendation stating the Committee was approached by the USGS for membership and ask the legislature to establish guidelines for membership and review of current member standing of the agencies currently serving on the Committee, for future additions and deletions to the Committee.

- Phil Nordstrom seconded the current motion.

A vote was taken and passed to make the legislature aware of USGS's approach to the Committee for membership, and to ask the legislature for guidance on the issue of Committee membership.

- Steve Bearden added that if there was no action on the recommendation by the legislature, the Committee needs to bring the issue back up internally.
- Alan Dutton asked the Chair to contact the USGS and relate the Committee's decision and reasoning on the issue. Mary Ambrose brought Topic 1 (Pesticide Specific State Management Plans) to the table.

Mary Ambrose brought Topic 1 (Pesticide Specific State Management Plans) to the table.

- Steve Bearden, referring to Handout #5, asked to substitute the paragraph offered by TDA in place of the legislative solution offered in the recommendation. Basically he felt we needed to make the legislature aware of the SMP's, the lack of funding, and personally noted that he did not think EPA would have its program established until the next legislative session in 1997.
- Mary Ambrose noted EPA has to go through the special review process and risk analysis, which could mean up to four years.
- Steve Bearden noted that even though EPA was planning to go forward with the implementation dates already established, it was his experience they would not require anything until the legislature had a chance to act on the funding issue, unless it was already fully funded federally. He said he did feel this legislature needed to be made aware of the issue. He said we could take issue with EPA on the implementation dates when the program and process were final at EPA's level.
- Alan Dutton made the motion to replace the legislative solution offered in the recommendation with TDA's submittal paragraph.
- Dr. Jordan seconded the motion.

A vote was taken and the motion to replace the original verbiage in the Pesticide Specific State Management Plan recommendation with the paragraph supplied by TDA was passed.

- Dr. Jordan noted that as a whole, the Committee was offering very little for the legislature to act upon.
- Mary Ambrose stated that generally everyone was seeing a lack of general revenue for new programs and the new legislature has essentially promised no new taxes or fees. She noted the Committee now had two topics to examine over the next year and a half. She

said the floor was open for suggestions on how to improve the process of recommendations in the future.

- Dr. Jordan said to start the process earlier and be very proactive.

Mary Ambrose opened the floor on a discussion of the reports distribution. She noted it was legislatively required to be submitted to the Governor, Lt. Governor, and the Speaker of the House.

- Phil Nordstrom noted that it should be delivered to the House and Senate Natural Resources Committees. Mr. Nordstrom made a motion to deliver the report to these committees.
- Richard Ginn seconded the motion.

A vote was taken and passed on the motion to distribute the report to the Senate and House Natural Resources Committees.

ITEM III. Adjourn

There being no other business, the Chair adjourned the emergency meeting at 2:15 pm.

Compiled by Kelly Mills, TNRCC